

ZONING ORDINANCE



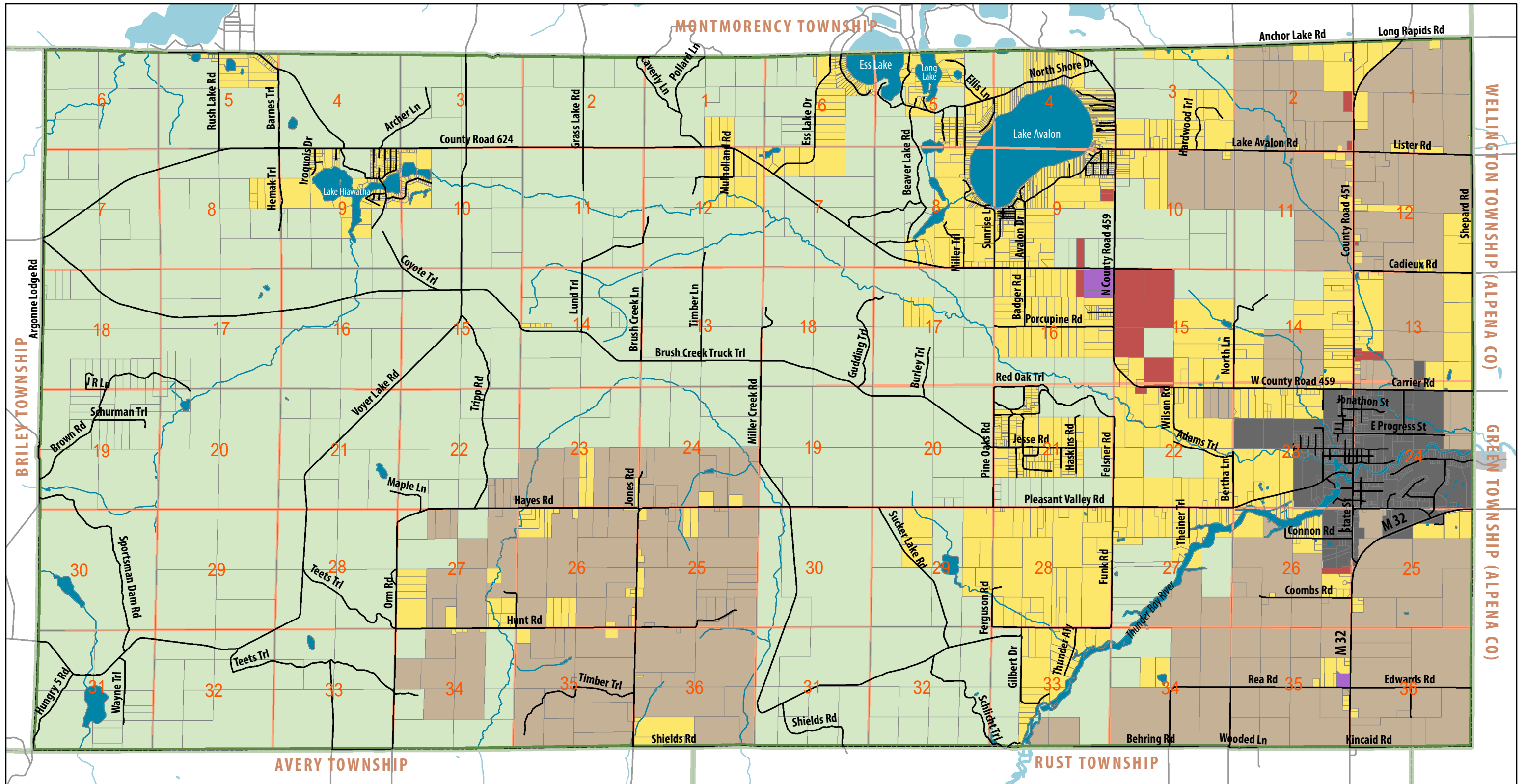
HILLMAN TOWNSHIP

MONTMORENCY COUNTY, MICHIGAN

24220 VETERANS MEMORIAL HIGHWAY,
HILLMAN, MI 49746
HILLMANTOWNSHIP.COM

ADOPTED: 12-11-23

EFFECTIVE: 12-27-23



Zoning Map

of
Hillman Township

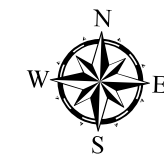
Montmorency County, Michigan

ZONING DISTRICTS

- FR: Forest/Recreation District
- R-1: Residential District
- AG: Agricultural District
- C-1: General Commercial District
- I-1: Industrial District



- Township Boundary
- Parcels
- Sections
- Village of Hillman
- Roads
- Rivers & Streams
- Lakes



Adopted: December 11, 2023



Map Created by Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

Hillman Township ZONING ORDINANCE

Hillman Township
Montmorency County
Michigan

Adopted: December 11, 2023

Effective: December 27, 2023

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

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

Table of Contents

Article		Pg
1	Purpose & Authority	
	Section 1.1 Short Title	1-1
	Section 1.2 Purpose	1-1
	Section 1.3 Authority	1-1
2	Definitions	
	Section 2.1 Construction of Language	2-1
	Section 2.2 Definitions	2-2
	A	2-2
	B	2-6
	C	2-9
	D	2-12
	E	2-13
	F	2-13
	G	2-16
	H	2-16
	I	2-17
	J	2-17
	K	2-17
	L	2-18
	M	2-20
	N	2-22
	O	2-23
	P	2-24
	R	2-25
	S	2-26
	T	2-35
	U	2-36
	V	2-36
	W	2-36
	Y	2-39
	Z	2-39

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

3 General Provisions

Section 3.1	The Effect of Zoning	3-1
Section 3.2	Principal Use	3-2
Section 3.3	Moving of Buildings	3-3
Section 3.4	Restoration of Unsafe Buildings/Barrier-Free Modification	3-3
Section 3.5	Illegal Dwellings & Sanitary Facilities	3-3
Section 3.6	Essential Public Services	3-3
Section 3.7	Street Access	3-4
Section 3.8	Private Roads	3-4
Section 3.9	Subdivision of Land	3-6
Section 3.10	Accessory Buildings	3-6
Section 3.11	Temporary Dwelling During Construction	3-9
Section 3.12	Temporary Use of Recreational Vehicle as Dwellings	3-9
Section 3.13	Manufactured Homes on Individual Lots	3-11
Section 3.14	Construction Debris	3-11
Section 3.15	Dumping of Materials	3-11
Section 3.16	Groundwater Protection	3-12
Section 3.17	Temporary Storage of Used Materials	3-13
Section 3.18	Excavation	3-13
Section 3.19	Dismantled, Nonoperating Unlicensed Motor Vehicles	3-13
Section 3.20	Dumpsters	3-14
Section 3.21	Stormwater Retention	3-14
Section 3.22	Performance Standards	3-14
Section 3.23	Nonconformities	3-16
Section 3.24	Fences	3-19
Section 3.25	Corner Clearance	3-21
Section 3.26	Buffer Strips & Protective Screening	3-21
Section 3.27	Voting Place	3-23
Section 3.28	Outdoor Lighting	3-23
Section 3.29	Access Management	3-24
Section 3.30	Off-Street Parking & Loading Requirements	3-26
Section 3.31	Signs	3-33

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Use Approval

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

4 District Regulations

Section 4.1	Zoning Districts	4-1
Section 4.2	Zoning Map	4-2
Section 4.3	Zoning of Vacated, Filled & Annexed Areas	4-2
Section 4.4	Permitted Uses, Special Uses & Unlisted Uses	4-3
Section 4.5	Application of District Regulations	4-4
Section 4.6	Residential District (R-1)	4-7
Section 4.7	Agricultural District (AG)	4-10
Section 4.8	Forest/Recreation District (FR)	4-14
Section 4.9	General Commercial District (C-1)	4-18
Section 4.10	Industrial District (I-1)	4-23
Section 4.11	Greenbelt District (GB)	4-27
Section 4.12	Full Table of Permitted & Special Uses	4-29
Section 4.13	Full Schedule of Regulations	4-38

5 Site Plans & Plot Plans

Section 5.1	Approval Summary	5-1
Section 5.2	Plot Plan Review & Approval	5-2
Section 5.3	Site Plan Review Procedure	5-3
Section 5.4	Site Plan Data Required	5-6
Section 5.5	Site Plan Review Standards	5-7
Section 5.6	Site Plan Amendments	5-9
Section 5.7	Revocation of Plot Plan or Site Plan	5-11
Section 5.8	Site Plan Expiration	5-11

6 Special Use Approval

Section 6.1	Purpose	6-1
Section 6.2	Special Use Review Procedures	6-1
Section 6.3	Special Use Standards	6-4
Section 6.4	Amendment to an Approved Special Use	6-5
Section 6.5	Expiration or Abandonment of a Special Use	6-5
Section 6.6	Revocation of a Special Use	6-6
Section 6.7	Transfer of a Special Use	6-6

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Use Approval

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

7 Supplemental Regulations

Section 7.1	Purpose	7-2
Section 7.2	Home Occupations & Cottage Industries	7-2
Section 7.3	Accessory Dwelling Units/Guest Houses	7-4
Section 7.4	Bed & Breakfasts/Tourist Homes	7-5
Section 7.5	Short Term Rentals	7-6
Section 7.6	Manufactured Housing Communities	7-8
Section 7.7	Airports/Aircraft Landing Fields	7-9
Section 7.8	Drive-Through Business	7-9
Section 7.9	Drive-In Theaters	7-10
Section 7.10	Motel or Hotel	7-10
Section 7.11	Gas Stations	7-10
Section 7.12	Car Washes & Truck Washes	7-10
Section 7.13	Private Swimming Pools	7-11
Section 7.14	Kennels, Commercial	7-11
Section 7.15	Stables (not on Commercial Farms)	7-11
Section 7.16	Road Side Stands/Farm Markets	7-12
Section 7.17	Campgrounds/RV Parks	7-12
Section 7.18	Junkyards, Scrap Yards, Salvage Yards & Wrecking Yards	7-12
Section 7.19	Waterfront Development Density Limitations	7-13
Section 7.20	Gas & Oil Processing Facilities	7-14
Section 7.21	Sexually Oriented Businesses	7-15
Section 7.22	Mining & Resource Extraction	7-17
Section 7.23	Golf Courses	7-18
Section 7.24	Planned Unit Developments (PUD)	7-19
Section 7.25	Site Condominiums	7-23
Section 7.26	Commercial Events Facilities	7-25
Section 7.27	Food Trucks	7-28
Section 7.28	Biofuel Production Facilities on Farms	7-29
Section 7.29	Marijuana Primary Caregivers	7-31
Section 7.30	Solar Energy Facilities – Utility Scale	7-34
Section 7.31	Solar Energy Panels – Accessory	7-38
Section 7.32	Wind Energy	7-39
Section 7.33	Wireless Facilities	7-47

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Use Approval

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

8 Zoning Board of Appeals

Section 8.1	Creation & Membership	8-1
Section 8.2	Meetings	8-3
Section 8.3	Procedures	8-3
Section 8.4	Jurisdiction & Variance Standards	8-5
Section 8.5	Time Limits on ZBA Decisions	8-7
Section 8.6	Resubmittal	8-7

9 Administration & Enforcement

Section 9.1	Zoning Administrator	9-1
Section 9.2	Planning Commission & Township Board	9-3
Section 9.3	Zoning Permits	9-4
Section 9.4	Fees	9-7
Section 9.5	Performance Guarantee	9-9
Section 9.6	Conflicting Regulations	9-10
Section 9.7	Public Notification	9-10
Section 9.8	Use of Consultants	9-12
Section 9.9	Conditions	9-13
Section 9.10	Rehearing	9-13
Section 9.11	Violations	9-14
Section 9.12	Action Table	9-15

10 Adoption & Amendments

Section 10.1	Amendment to this Ordinance	10-1
Section 10.2	Processing of Amendment	10-1
Section 10.3	Rezoning Factors	10-3
Section 10.4	Reversion of Rezoned Area	10-3
Section 10.5	Conditional Rezoning	10-4
Section 10.6	Severability	10-8
Section 10.7	Rights & Remedies	10-8
Section 10.8	Vested Right	10-8
Section 10.9	Repeal & Savings Clause	10-8
Section 10.10	Enactment & Effective Date	10-9

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Use Approval

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Article 1 Purpose & Authority

Sec	Name	Pg
1.1	Short Title	1-1
1.2	Purpose	1-1
1.3	Authority	1-1

HILLMAN TOWNSHIP, MONTMORENCY COUNTY, MICHIGAN, HEREBY ENACTS:

PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance.

Section 1.1 Short Title

This Ordinance shall be known as the Hillman Township Zoning Ordinance.

Section 1.2 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, morals, and general welfare of the people of Hillman Township. The provisions herein are intended to encourage the use of lands, waters, and other natural resources as they pertain to the social, physical, and economic well-being of the Township, to limit improper use of land and natural resources, to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential and other areas suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation, and other public facilities; and to conserve the expenditure of monies for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Section 1.3 Authority

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

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

Article 2

Definitions

Sec	Name	Pg	Sec	Name	Pg
2.1	Interpretation of Wording	2-1		L	2-18
2.2	Definitions	2-2		M	2-20
	A	2-2		N	2-22
	B	2-6		O	2-23
	C	2-9		P	2-24
	D	2-12		R	2-25
	E	2-13		S	2-26
	F	2-13		T	2-35
	G	2-16		U	2-36
	H	2-16		V	2-36
	I	2-17		W	2-36
	J	2-17		Y	2-39
	K	2-17		Z	2-39

Section 2.1 Interpretation of Wording

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. The more specific regulation shall supersede the general unless otherwise specified.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. All words used in the present tense shall include the future.
- D. All words in the singular number shall also denote the plural number and all words in the plural shall also denote the singular.
- E. The word "building or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- G. The word "lot" includes the words "plot" or "parcel."

- H. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. "Township" shall refer specifically to Hillman Township.
- J. "Days" means calendar days unless otherwise stated.
- K. Terms not herein defined shall have the meaning customarily assigned to them.
- L. Any necessary interpretation of this Ordinance shall be defined by the Hillman Township Zoning Board of Appeals.

Section 2.2 Definitions

A

Abandonment. The cessation of activity in or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis, for a period of six (6) months or longer, unless otherwise provided by this Ordinance.

Abutting. Having lot lines in common.

Access. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public road or a private road either directly or through an easement.

Accessory Building or Accessory Structure. A supplemental building or structure on the same lot as the principal building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes unless otherwise allowed by this Ordinance as an Accessory Dwelling Unit. Where an accessory building is attached to a principal building in a substantial manner, such as with a wall or roof, the accessory building shall be considered a part of the principal building.

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit, in a detached

building, or as a freestanding, detached unit. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.3](#) and only in those zoning districts where the use is listed as allowed. Sometimes known as a Guest House or Granny Flat.

Accessory Use. A use naturally and normally incidental and subordinate to and devoted exclusively to the principal use of the land or building.

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

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

Adult Foster Care Facility. As defined by the Adult Foster Care Facility Licensing Act ([PA 218 of 1979](#), as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan, that provides foster care to adults. Adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

A. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
3. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to

722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

9. A facility created by the [Michigan Veterans Facility Act, 1885 PA 152](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Agriculture. See *Farm, Commercial* or *Farm, Domestic*.

Agricultural Sales and Service. An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies, and machinery repair services.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

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

Alterations. Any structural change, addition, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, beams, or girders, which may hereinafter be considered as "altered" or "reconstructed".

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

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

the property upon which it is located.

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

Apartment. A room or suite of rooms, including bath and kitchen facilities, in a multiple-family dwelling intended and designed for use as a residence by a single family.

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

Applicant. Any person that applies for a permit.

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

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

Attached. Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

Automobile Repair. Any activity involving the general repair or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame, or fender straightening and repair; and/or overall painting and rustproofing of automobiles.

Automobile Repair Garage. A commercial building in which automobile repair is conducted.

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

Automobile Washing Establishment. A building, or portion thereof, where automobiles are washed as a commercial enterprise. Also called a Car Wash or a Truck Wash.

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

B

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. See diagram for [Story](#).

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

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

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

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

Biofuel Production Facilities (on Farms).

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

Boarding, Lodging, or Rooming House. An owner-occupied, single-family dwelling where lodging or meals or both are provided for compensation to three (3) or more individuals on a pre-arranged basis for a definite period of time (over fourteen (14) days).

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

Board of Appeals. As used in this Ordinance, this term means the Hillman Township Zoning Board of Appeals.

Buffer Strip. A strip of land of width and location to be determined by the Planning Commission reserved for the planting of shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Building. An independent structure, temporary or permanent, having a roof supported by columns, walls, or other means of stabilization and used for the enclosure and protection of persons, animals, property, or for the operation of a business. This shall include tents, awnings, or vehicles situated on a property and used for the above purposes. Structures with interiors not accessible for human use, such as tanks, smokestacks, grain elevators, coal burners, oil cracking towers, or similar structures shall not be considered buildings.

Building Envelope. The space remaining on a lot or lots of record after the minimum setback and open

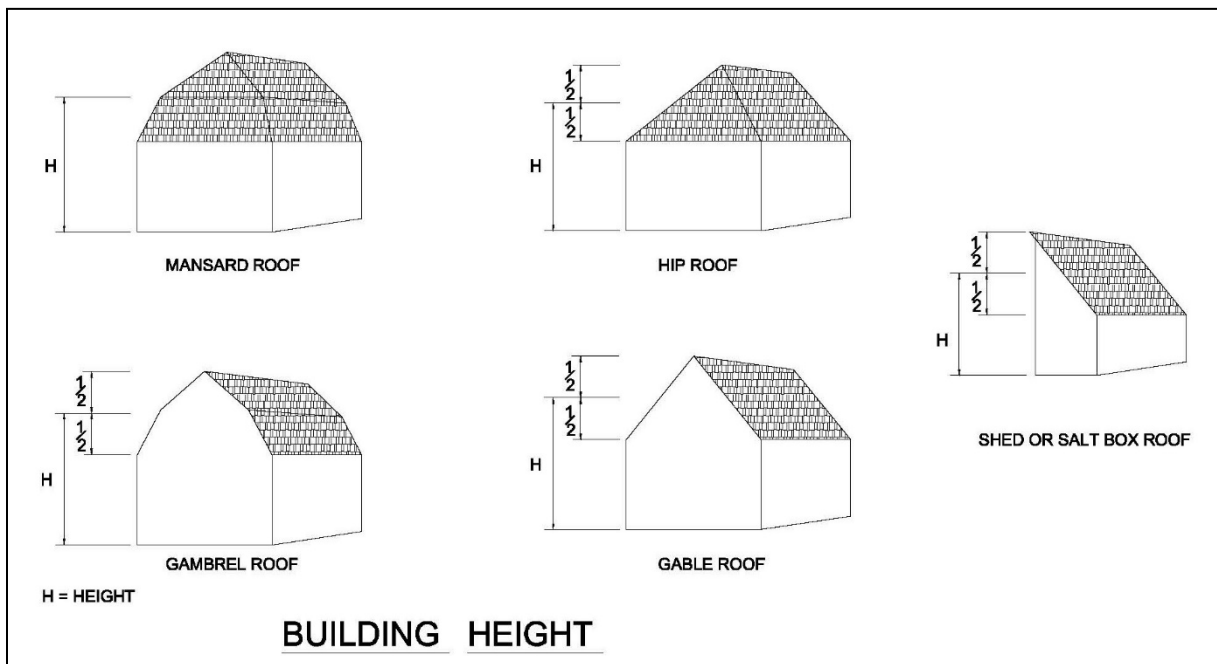
1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

space requirements of this Ordinance have been complied with.

Building Height. The vertical distance from the established grade of a building to the following roof lines:

- A. Flat Roof - to the highest point.
- B. Mansard Roof - to the deck.
- C. Gable, Hip, and Gambrel Roofs - to mean height between eaves and ridge.
- D. Salt Box - the average height between the lowest point and the highest point.
- E. Rounded Roof (i.e. Quonset Hut-style) – to the highest point of the building.

In the case of lots with a sloping terrain, the grade shall be the average elevation of each face of the building.



Building Line. A line parallel to the front lot line at the minimum required front setback line.

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

Bulk Station. A place where crude petroleum, gasoline, naphtha, benzene, kerosene, benzene, or any other liquid except such as will stand a test of one hundred fifty (150) degrees Fahrenheit, closed-up-testers, are stored for wholesale purpose where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

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

C

Cabin. Any building, tent, or similar structure which is maintained, offered, or used for dwelling or sleeping quarters for transients or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses, or tourist homes.

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

Campground. Any lot or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units. Also called an RV Park.

Canoe/Boat/Kayak Livery or Yard. Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a charge or fee, or any premise on which boats or floats are being stored, repaired, decked, serviced, or sold.

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

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

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

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

to an adult member of the family by blood, marriage, or adoption. Care is given for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity. "Increased capacity" means two (2) additional children added to the total number of minor children received for care and supervision in a group child care home. The definition of Group Child Care Home in [1973 PA 116](#), as amended, supersedes this definition if a difference in definition exists.

- C. **Child Care Center.** A facility other than a private residence receiving one (1) or more preschool or school-age children for periods of less than twenty-four (24) hours a day and where parents or guardians are not immediately available to the child. Care is provided more than two (2) consecutive weeks, regardless of the number of hours of care per day. May also be referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451](#), MCL 380.1335, a hospital or facility operated by the State or licensed under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Church. See *Place of Worship*.

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

Club. Buildings and facilities owned or operated by a corporation, association, person, or persons, for social, educational, or recreational purposes.

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

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

Halls, or Wedding Venues.

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

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

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

Condominiums.

- A. **Condominium Act.** 1978 PA 59, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium, Site.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.
- E. **Condominium Unit.** The portion of a condominium development designed and intended for separate ownership and use, as described in the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance except for in a site condominium.
- F. **General Common Elements.** The common elements other than the limited common elements.
- G. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- H. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

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

Convalescent or Nursing Home. A government operated or private residential facility, licensed under state law, for the care of children, the aged, infirm, or ill, where continuous nursing care and supervision is provided.

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

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

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs individuals who reside off premises.
- E. Uses any portion of the yard or an accessory building.
- F. Has the potential to rapidly increase in size and intensity.

D

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

Density. The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

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

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

Dock. An accessory structure used exclusively for boarding and mooring of watercraft.

Dwelling, Manufactured. See [Manufactured Home](#).

Dwelling, Multiple-Family. A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the definition of Dwelling Unit.

Dwelling, Single-Family. A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the definition of Dwelling Unit.

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

Dwelling, Two-Family. A building containing two (2) separate dwelling units designed for residential use and conforming in all other respects to the definition of Dwelling Unit.

Dwelling Unit. A building or portion of a building which has sleeping, eating, and sanitary facilities and can accommodate one (1) family. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, travel trailer, truck, bus, motor home, or other such portable structure be considered a dwelling unit.

E

Easement. The right of an owner of property, through legal agreement, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Efficiency Unit. A dwelling unit for one individual or small family consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Erected. The construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving, and filling of earth.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal facilities for underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission for the general public health, safety, or welfare but not including buildings, other than those which are primarily enclosures or shelters for essential services equipment. Wireless towers and facilities, alternative tower structures, wireless communication antennas, solar panels, and wind turbines are not included within this definition.

Extraction Operation. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

F

Family. A person or persons living together as a single-housekeeping unit whose relationship is of a continuing non-transient domestic character. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a

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

single-family home.

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

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

Farm Buildings. Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

Farm Market/Roadside Stand. The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural, or agribusiness operation or agricultural land.

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

Farm Stay. A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the principal dwelling, guest rooms in accessory buildings, campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as an [Agricultural Tourism Business](#).

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

Fence. A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and

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

not part of a structure requiring a building permit. Wooden, concrete, asphalt, earthen, or masonry walls, berms, paving, driveways or fill materials shall be defined and regulated as fences when such items rise higher than the preexisting ground level (i.e., the level of the ground as it existed immediately before such items were deposited or erected,) and when such items are used for the purpose of enclosure or as support for an enclosure.

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

Filling. The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

Fish Cleaning Station. A particular area set aside for cleaning fish that have been caught typically consisting of a cutting table large enough to accommodate a few to many people, a freshwater hose or other form of running water, and receptacles for the waste. A fish cleaning station is considered an Accessory Structure.

Flood Plain. The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a flood plain is:

- A. Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

Floor Area, Usable. That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior minus those indicated above.

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

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

G

Gasoline Service Station. A place for dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

Garage, Private. A space or structure suitable for the storage of motor vehicles having no public or commercial shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees, and with a capacity of not more than three (3) motor vehicles. Not more than one (1) commercial vehicle, not exceeding a rated capacity of three-quarter (3/4) of one (1) ton, shall be stored on any one lot on which such a facility is located.

Gas and Oil Processing Facilities. Any facility and/or structure used for, or in connection with, the production, processing, or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the State of Michigan.

Grade. The level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of each face of the building.

Grading. Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

Ground Floor Area. The square footage of floor space measured from exterior to exterior wall of living space but not including unheated places such as porches, breezeways, and garages.

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

H

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

Home Occupation. An occupation, profession, activity, or use that is clearly an incidental and/or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

Hospitals. An institution providing health services primarily for inpatients and medical or surgical care of the sick and injured, including laboratories, outpatient departments, training facilities, central

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

Hillman Township Zoning Ordinance

service facilities, and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

Hotel. A commercial building or part of a commercial building with a common entrance or entrances in which the dwelling units are used primarily for transient occupancy, in which no provisions are made for cooking in any individual room. A hotel may contain a restaurant, cocktail lounge, and/or conference facilities. The term “hotel” shall not include resorts, cabin courts, tourist homes, bed and breakfasts, rooming houses, boarding houses, short term rentals, or multiple-family dwellings.

I

Industrial. A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or parts or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial manufacturing enterprise, industrial park, district, or area.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in surroundings among compatible neighbors.

Inn. A residential structure with sleeping rooms available for rent by guests on a short-term basis (fourteen (14) days or less) and which offers meals to the public for compensation.

J

Junk. Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated. All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, or discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junk Yard. A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, disassembled, baled, exchanged or handled. Junkyards include auto-wrecking yards, used lumber yards, house-wrecking yards, and places or yards for use of salvaged house-wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase, or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junkyards.

K

Kennel, Commercial. An establishment licensed to operate a facility housing dogs, cats, or similar

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

Hillman Township Zoning Ordinance

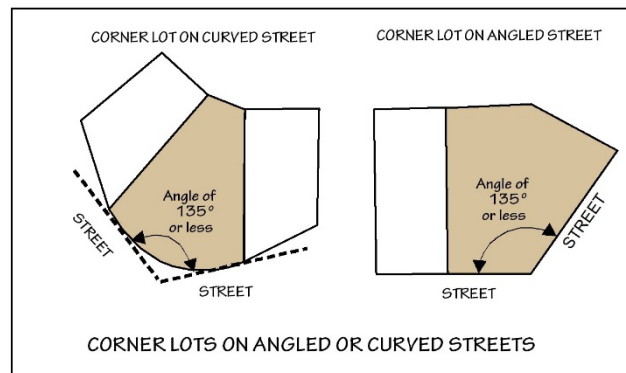
household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

L

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

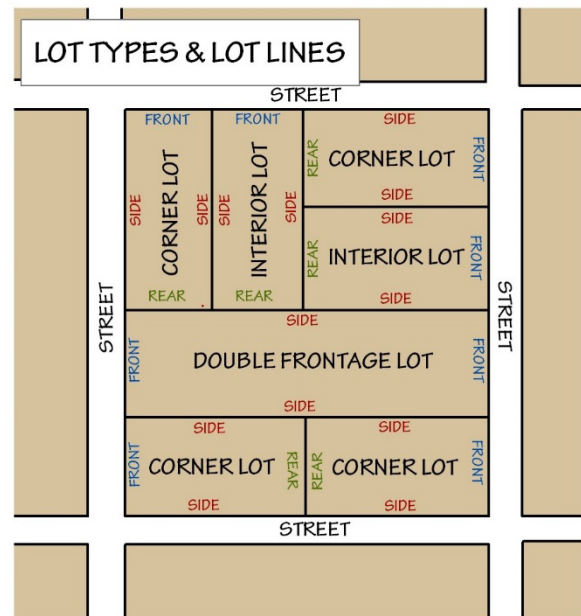
Loading Space. An off-street space, on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in the computation of required off-street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

Lot. The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures, but not including any area within any abutting right-of-way or traffic lane. The boundaries of the lot shall be determined by its lot lines. The word “lot” shall include parcel and a unit of land within a planned unit development or site condominium which gives the owner exclusive rights to a building envelope in which a building is placed and limited rights to the yard area surrounding the building.



Lot, Corner. A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot, Double Frontage. A lot, other than a corner lot, having frontage on two (2) more or less parallel streets. In case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat or block in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front setback shall be observed on those streets where such structures presently front.



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

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

Lot, Waterfront. A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front lot line.

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

Lot Coverage. The part or percent of the lot occupied by buildings or structures including accessory buildings or structures

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot of Record. A parcel of land defined by a legal description and recorded in the office of the [Montmorency County Register of Deeds](#) on or before the effective date of this Ordinance.

Lot Lines. The lines bounding the lot.

- A. **Front Lot Line.** In the case of an interior lot abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street on which an address has been assigned. (See Lot, Double Frontage) In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.
- B. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a lot having frontage upon a lake, river, or stream, the lot line opposite of the water frontage shall be considered the rear lot line.
- C. **Side Lot Line.** Any lot line which not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the setback line intersects the side lot line ([Figure A](#)). In the case of irregularly shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway along the front and rear lot lines ([Figure B](#)). In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot ([Figure C](#)).

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

Figure A

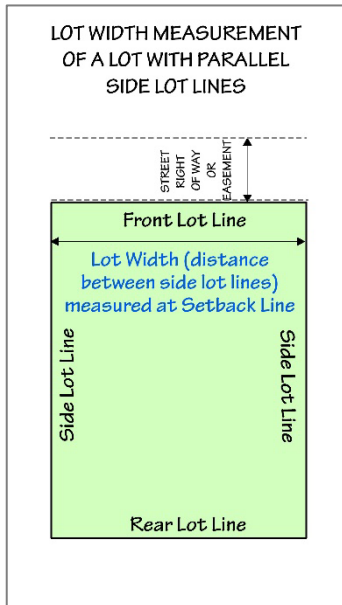


Figure B

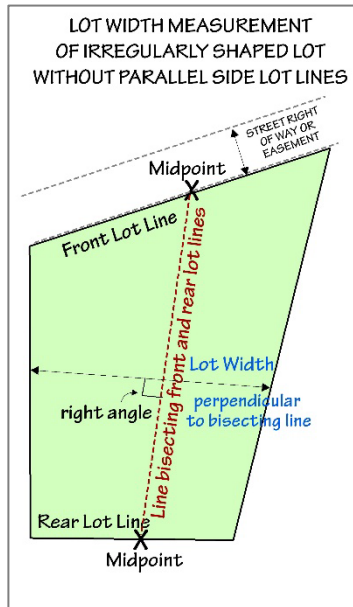
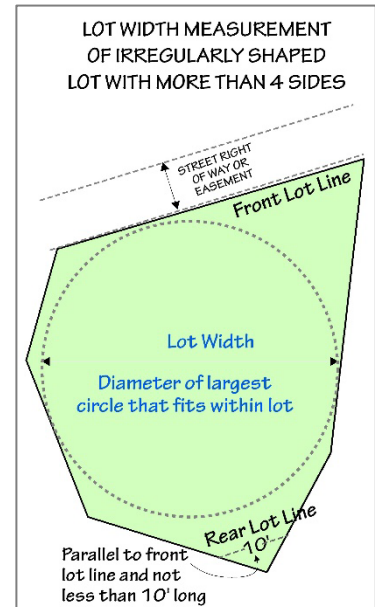


Figure C



M

Manufactured Home. A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a permanent place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. Manufactured homes may be transported to a site in complete form or in sections or modules to be combined to form a complete building site. The term Manufactured Home does not include a recreational vehicle or a travel trailer. The term Manufactured Home includes the term Mobile Home.

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

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

Manufacturing, Heavy. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External

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

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

Manufacturing, Light. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those facilities in which the modes of operation of the facility have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

Marina. A facility for the docking, launching, servicing, sales, rental, and/or storage of watercraft. The sale of fuel and supplies for watercraft, groceries, convenience foods, and restaurant meals are accessory uses to an operating marina.

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

Medical Marijuana. The following definitions are related to medical marijuana:

- A. **Enclosed, Locked Facility.** That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423).
- B. **Marijuana Establishment.** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Medical Regulation and Taxation of Marijuana Act**, MCL 333.27951 et seq.; including a marijuana grower, marijuana microbusiness, marijuana processor, marijuana retailer, marijuana secure transporter, or marijuana safety compliance facility.
- C. **Marijuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq.; including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq.
- D. **Medical Marijuana.** That term as defined in the Public Health Code, MCL 333.1101 et seq., the **Michigan Medical Marijuana Act**, MCL 333.26421 et seq.; the **Medical Marijuana Facilities Licensing Act**, MCL 333.27101 et seq.; and the **Marijuana Tracking Act**, MCL 333.27901 et seq.
- E. **Primary Caregiver.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423) who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.

- F. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- G. **Qualifying Patient.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marijuana Act**, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the **Michigan Medical Marijuana Act** and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

Motel. A series of attached, semi-detached or detached rental units providing temporary lodging for transients. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include motor courts, automobile courts, motor lodges, and similar facilities within this definition, but it shall not include resorts, cabin courts, tourist homes, bed and breakfasts, rooming houses, boarding houses, short term rentals, or multiple-family dwellings.

Municipal Civil Infraction. An act or omission that is prohibited by the Zoning Ordinance, but which is not a crime under this Ordinance, and for which civil sanctions, including fines, damages, expenses, and costs, may be ordered, as authorized by the **Revised Judicature Act, 1961 PA 236**, as amended, MCL 600.8701 to 600.8735.

N

Nonconforming Building. A building, structure, or portion thereof existing at the time of the adoption of or amendment to this Ordinance, which is not in conformance with the standards of this Ordinance.

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

Nonconforming Use. An activity existing at the time of the adoption of or amendment to this Ordinance, on a lot or lots of record and which is not in conformance with the use regulations for the zoning district in which it is located according to this Ordinance.

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

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing, act, or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a lot line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (A) noise, (B) dust, (C) smoke, (D) odor, (E) glare, (F) fumes, (G) flashes, (H) vibration, (I) shock waves, (J) heat, (K) electronic or atomic radiation, (L) objectionable effluent, (M) noise of congregation of people, particularly at night, (N) passenger traffic, (O) invasion of non-abutting street frontage by traffic, (P) a burned out structure, or (Q) a condemned structure.

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

Nursery, Plant Materials. Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

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

O

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

Office. A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares, or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold), provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

Open Space. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that will result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Mark. As defined in [Michigan Inland Lakes and Streams, Part 301 of PA 451 of 1994](#), as amended, ordinary high water mark means the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level.

Outdoor Amusement Facility. A commercial business that provides amusement facilities, such as miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions and open to the general public.

Outdoor Sales Facility. Includes uses operated for profit, substantially in the open air, including sales, rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, swimming pools, and similar items.

P

Parking Space. An area of definite length and width and shall be exclusive of drives, driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted

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

vehicles.

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

Patio. An uncovered outdoor platform, either attached to or detached from the principal structure, constructed on the ground surface and used as a residential accessory structure for domestic or recreational purposes. Patios are not required to conform to the setbacks of the principal building.

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

Performance Standards. A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

Person. An individual, corporation, co-partnership, association, firm, limited liability company, or any other legal entity.

Planning Commission. The body appointed by the Township Board under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, MCL 125.3801 et. seq. Refers to the Hillman Township Planning Commission.

Place of Worship. A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

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

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

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

Principal Use. The primary use to which the premises are devoted.

Private Road. An easement or right-of-way that provides motor vehicle access to three (3) or more lots, parcels, or site condominiums and is privately-owned.

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

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

Public Road. A right-of-way under public ownership and/or maintenance.

Public Utility. A person, firm, corporation, municipal department, board, or commission duly authorized to provide and providing, under federal, state, or municipal regulations, to the general public any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

R

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty-five (45) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this Ordinance applicable to a manufactured home.

Recreational Vehicle Park. See [Campground](#).

Recycling Center. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

Repowering. Reconfiguring, renovating, or replacing a solar energy facility or wind energy system to maintain or increase the power rating of the facility within the existing project footprint.

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

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

Resort. A lot which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial

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

grocery, sporting goods, gasoline service outlet, and/or food service facility accessory to the resort.

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

Retail. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

Road Right-of-Way. A street, alley, thoroughfare or easement permanently established for the passage of persons or vehicles, which, if used to establish a lot front, provides adequate permanent access.

Roadside Stand. See [Farm Market/Roadside Stand](#).

S

Salvage Yard. A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. Salvage Yard shall not include uses conducted entirely within a completely enclosed building, pawn shops, establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

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

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

Setback. The distance required to obtain the minimum distance between the front, side, or rear lot lines and the foundation of the building or structure. Setbacks from a public street or private road shall be measured from the right-of-way line or easement.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, and similar establishments.

A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per

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

machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies thirty-five (35%) percent or more of the floor area or visible inventory within the establishment.

C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **Adult Motel.** A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;

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

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola.
Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of [1984 PA 343 \(Obscene Material\)](#), being section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in Section 3 1978 PA 33 ([Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors](#)), being Section 722.673 of the Michigan Compiled Laws.

K. **Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

L. **Specified Anatomical Areas.** Means and includes any of the following:

1. Less than completely and opaquely covered.
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

M. **Specified Sexual Activities.** Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shopping Center. A group of more than two (2) commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.

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

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

Sign. Any device designed to communicate a message or attract the attention of persons. The following shall not be considered signs for purposes of this Ordinance:

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

- Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, and names of occupants of premises.
- Flags and insignia of any government.
- Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

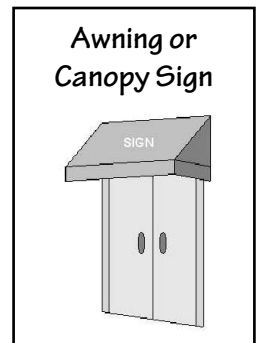
A. **Abandoned Sign.** A sign to which any of the following applies:

1. The sign is located on a property on which the use has been abandoned.
2. The sign has remained blank over a period of one (1) year.
3. The sign’s message becomes illegible in whole or substantial part.
4. A sign which has fallen into disrepair.

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

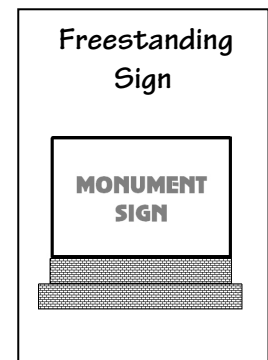
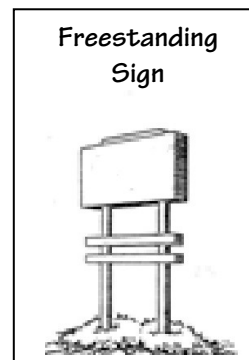
C. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board.”

D. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.



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

F. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to



any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.

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

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

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

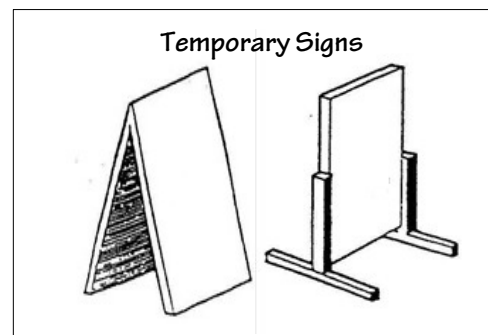
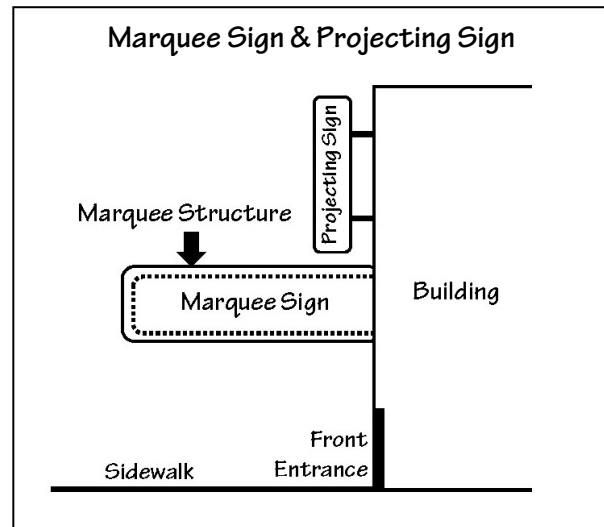
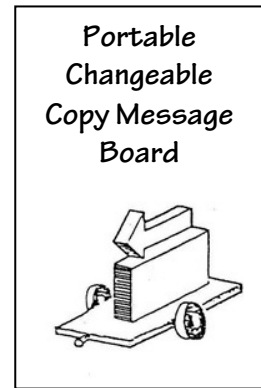
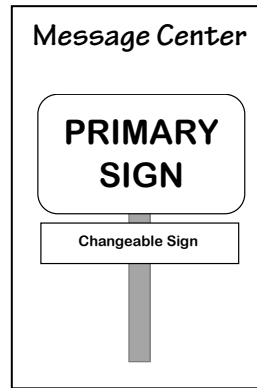
J. **Off-Premise Sign.** A sign relating to a subject matter but is off the premises in question.

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

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

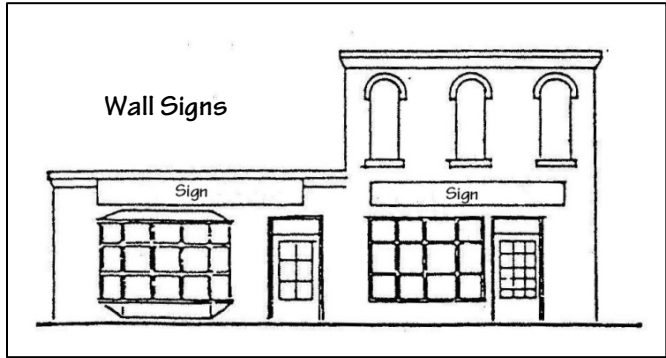
M. **Roof Sign.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

N. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign, except as permitted within this Ordinance. A temporary sign



is one that is not affixed to the ground permanently and can be easily moved.

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



Sign Area.

- A. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed but including any sign tower.
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
- C. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area.

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

Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

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

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

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

is devoted to sales.

Solar Energy:

A. **Groundcover.**

1. **Pollinator Habitat.** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
2. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
3. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
4. **Agrioltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

B. **Maximum Tilt.** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

C. **Minimum Tilt.** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

D. **Solar Energy Facility (Utility Scale).** A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs for use primarily off-site. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

E. **Solar Energy Panels (Accessory).** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site and which is typically an accessory use of the property. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

1. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, such as a rack or pole, that are attached to or rest on the ground.
2. **Roof-Mounted or Building-Mounted Accessory Solar Energy Panels.** A solar energy system mounted on racking that is attached to the roof or walls or ballasted on the roof of a building or structure.

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

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

Stable. A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

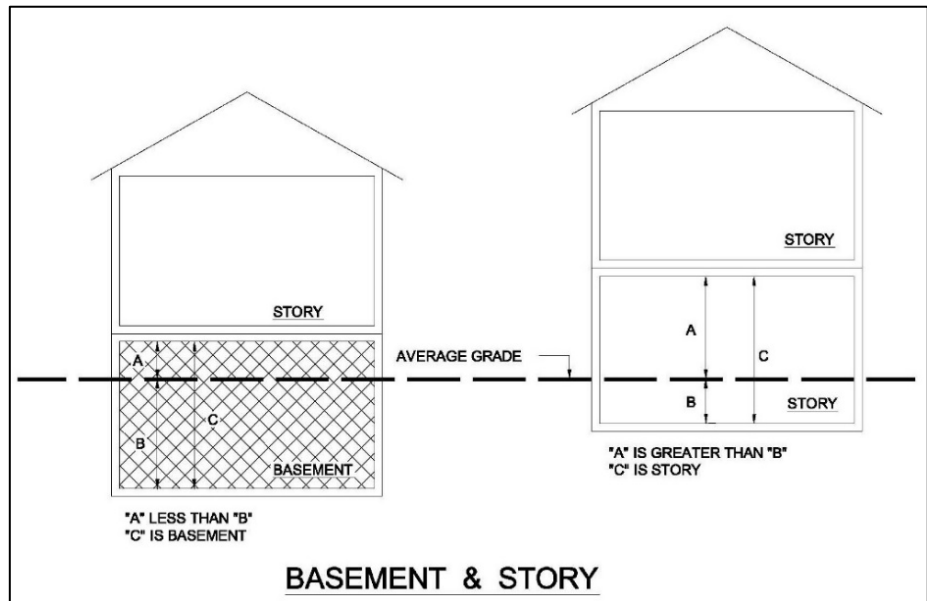
Stable, Public. Building in which any horses are kept for hire or sale.

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

- A. **Storage-Accessory.** Storage which is accessory to the principal use of the premises.
- B. **Storage Facility.** A building or property on which storage is carried out as the principal use of the property. Includes Mini-Storage Facilities.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building

included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



Story, One-Half. An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one half (1/2) of the full story, contains at least one hundred and sixty (160) square feet, and has a minimum floor to ceiling clearance of seven (7) feet, six (6) inches.

Street, Road, or Highway. A thoroughfare, which affords the principal means to access abutting property, but does not include alleys. See [Public Road](#) and [Private Road](#).

Stripping. Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

Structure. Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, manufactured homes, sheds, and permanent signs and excludes vehicles, sidewalks, and paving.

T

Temporary Building or Use. A structure or use permitted by the Zoning Administrator, to exist during periods of construction of the principal building or for special events, but not to exceed twelve (12) months duration.

Tourist Home/Bed and Breakfast Facility. Any owner-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and which can be occupied as part of a dwelling unit, are rented for compensation to the traveling public for fourteen (14) days or less with meals provided for the occupants.

Tower. See [Wireless Communications](#).

Travel Trailer. See [Recreation Vehicle](#).

U

Use. The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

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

V

Variance. Action taken by the Zoning Board of Appeals granting a property owner relief from certain provisions of the Ordinance when because of the particular physical surroundings, shape, or topographical conditions of the property compliance would result in a practical difficulty upon the owner, as distinguished from a mere inconvenience or desire for an increased economic return

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

W

Wall. See *Fence*.

Wind Turbine Definitions.

- A. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **End of Useful Life.** The end of the manufacturer’s recommended useful life of the product, when lease or easements expire, the Wind Energy System or parts of the Wind Energy System are abandoned for twelve (12) months or more, or power purchase agreements expire.
- F. **Horizontal Axis Wind Turbine.** A wind turbine in which the rotor(s) rotate around a horizontal shaft.
- G. **Repowering.** Reconfiguring, renovating, or replacing a wind energy facility to maintain or increase the power rating of the facility within the existing project footprint. Changing the footprint of the wind energy facility or adding wind turbines to an existing facility is not considered repowering.
- H. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- I. **Wind Energy System, Utility-Scale.** A wind energy system, including one (1) or more wind turbines and all accessory structures, erected for the purpose primarily for providing electricity to the electric utility.
- J. **Wind Turbine.** A group of component parts used to convert wind energy into electricity and includes the tower, base, rotor, nacelle, and blades. Wind turbines may be designed to provide power for on-site use or to provide power to the electric utility.
- K. **Wind Turbine, On-Site or Private.** A wind turbine used primarily to generate electricity or produce mechanical energy primarily for home, farm, or small business use on the property where located. Sale of electric power via Net Metering is allowed.
- L. **Wind Turbine Tower Height.**

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

- 1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point on the arc of the rotor wind blades mounted on a horizontal axis wind turbine.
- 2. **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the wind turbine including the top of the blade in its vertical position.

M. **Vertical Axis Wind Turbine.** A wind turbine in which the rotor rotates around a vertical shaft.

Wireless Communications Definitions.

- A. **Antenna Array.** One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other antenna configuration. The Antenna Array does not include a Wireless Communications Support Structure.
- B. **Co-Location.** The placement or installation of multiple sets of wireless communication equipment on a common support structure with the objective of reducing the overall number of structures required to support wireless communication within the community.
- C. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- D. **FAA.** Federal Aviation Administration.
- E. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- F. **Wireless Communications.** Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

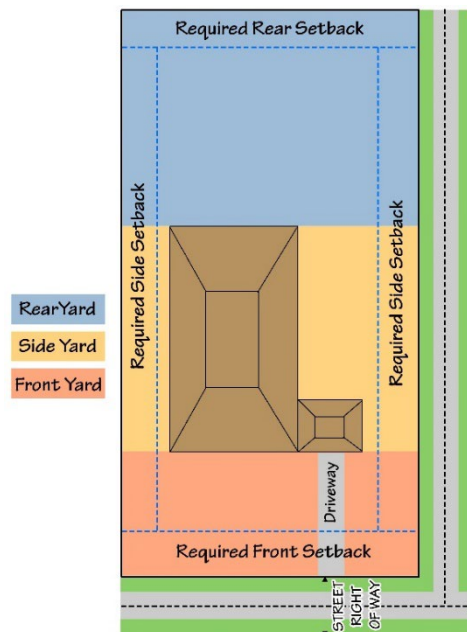
1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- G. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- H. **Wireless Communication Facility.** Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, Wireless Communications Equipment, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure
- I. **Wireless Communication Facility (Ground-Mounted) – also called “Earth Station or Ground Station”.** A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).
- J. **Wireless Communications Support Structure (also known as “Tower”).** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yards. An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

- A. **Corner Side Yard.** A side yard, which faces a public street.
- B. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building.
- C. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building.
- D. **Side Yard.** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point to the side lot line to the nearest point of the principal building.



- E. **Transitional Yard.** A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature, in accordance with the provisions of this Ordinance. Such transitional yard shall be in lieu of the requirements for front, side, and rear yards as stipulated in the ordinance.
- F. **Waterfront Yard.** A yard, any part of which abuts on a lake, stream, or any other natural or artificial watercourse.

Z

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

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

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

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

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

Article 3 General Provisions

Sec	Name	Pg	Sec		Pg
3.1	The Effect of Zoning	3-1	3.17	Temporary Storage of Used Materials	3-13
3.2	Principal Use	3-2	3.18	Excavation	3-13
3.3	Moving of Buildings	3-3	3.19	Dismantled, Nonoperating Unlicensed Motor Vehicles	3-13
3.4	Restoration of Unsafe Buildings/Barrier-Free Modification	3-3	3.20	Dumpsters	3-14
3.5	Illegal Dwellings & Sanitary Facilities	3-3	3.21	Stormwater Retention	3-14
3.6	Essential Public Services	3-3	3.22	Performance Standards	3-14
3.7	Street Access	3-4	3.23	Nonconformities	3-16
3.8	Private Roads	3-4	3.24	Fences	3-19
3.9	Subdivision of Land	3-6	3.25	Corner Clearance	3-21
3.10	Accessory Buildings	3-6	3.26	Buffer Strips & Protective Screening	3-21
3.11	Temporary Dwelling During Construction	3-9	3.27	Voting Place	3-23
3.12	Temporary Use of Recreational Vehicle as Dwellings	3-9	3.28	Outdoor Lighting	3-23
3.13	Manufactured Homes on Individual Lots	3-11	3.29	Access Management	3-24
3.14	Construction Debris	3-11	3.30	Off-Street Parking & Loading Requirements	3-26
3.15	Dumping of Materials	3-11	3.31	Signs	3-33
3.16	Groundwater Protection	3-12			

Section 3.1 The Effect of Zoning

The provisions of [Article 3](#) shall apply to all districts, except as noted herein.

A. Conformance to Ordinance Required.

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used,

constructed, remodeled, altered, or moved upon any property unless it is in conformance with the provisions and intent of the specific zoning district in which it is located.

2. If any activity, use, building, structure, or part thereof, is placed upon a piece of property in direct conflict with the intent and provisions of the Ordinance, such activity, use, building or structure shall be deemed a violation of this Ordinance and shall be subject to the owner or occupant of the lot to the enforcement provisions of this Ordinance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary, and such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

B. Legal Nonconforming Uses or Structures.

In the event a use, activity, building, or structure is existing or under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building, or structure shall be considered a legal nonconformity and be allowed to remain as such for construction to be completed.

C. Required Area or Space.

No lot, yard, court, parking space, or any other place shall be divided, altered, or reduced to be less than the minimum allowable dimension as defined in this Ordinance. Lots in common ownership legally platted under the [Land Division Act, 1967 PA 288](#), as amended, may be sold separately even if such lots do not meet the area requirements specified herein.

D. Continued Conformance with Requirements.

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

E. Zoning Lots.

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

Section 3.2 Principal Use

No lot may contain more than one principal structure or use, except multiple-family dwellings, offices, retail business buildings, or other groups of buildings the Planning Commission considers to be principal structures or uses.

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

Section 3.3 Moving of Buildings

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

Section 3.4 Restoration of Unsafe Buildings/Barrier-Free Modification

A. Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening of a lawful building or structure, or part thereof, which has been declared unsafe by the Zoning Administrator, building official, or public health inspector, nor the requirement to adhere to the lawful orders of such officials.

B. Barrier-Free Modification.

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required.

Section 3.5 Illegal Dwellings & Sanitary Facilities

A. Garages or accessory buildings shall not be occupied for dwelling purposes unless otherwise allowed by this Ordinance as Accessory Dwelling Units or Temporary Dwelling Units during construction of a dwelling.

B. Every building hereafter erected, altered, or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, business, commercial, or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all domestic, commercial, and industrial wastewater and other wastes that may adversely affect health conditions. All water supply and sanitary sewage disposal systems shall be subject to compliance with **District Health Department** sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.

Section 3.6 Essential Public Services

A. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

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

- B. Buildings and facilities designed to house essential services are considered Special Uses and shall meet the setback and dimensional requirements of the respective districts.
- C. Wireless communications facilities, small cell wireless facilities, alternative tower structures, antennas, wind turbine generators, anemometer towers, and solar energy facilities shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

Section 3.7 Street Access

Any lot of record created after the effective date of this Ordinance shall have access to a public street right-of-way (through direct access or through a private road or easement), except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of the Ordinance.

Section 3.8 Private Roads

A. Site Plan Review Required.

- 1. Application, review, and approval of a proposed private road that serves five (5) or more lots shall follow the same procedures as [Section 5.3](#) (Site Plan Review Procedures). Application for approval of a private road shall include seven (7) copies of a site plan sealed by a professional engineer showing:
 - a. Existing and proposed lot lines.
 - b. The location of existing and proposed structures.
 - c. The width and location of the private road easement.
 - d. A cross-section of the proposed road showing the type of material the road base and surface will consist of.
 - e. Utility plans including the location and size/capacity of stormwater drainage systems, septic system, private wells, and private utilities such as telephone, electric, and cable service.
 - f. Proposed locations of driveways off the private road.
 - g. Any existing or proposed structures, trees, or other obstruction within the proposed right-of-way.

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

- h. All plans as submitted for approval shall show the private road easement including a legal description and must include the grade for these roads.

2. Application Review and Approval or Denial.

- a. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission, and to the Township Attorney for review and comment. Any proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
- b. County Road Commission, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road.
- c. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
- d. The Zoning Administrator shall arrange for inspections during construction of and upon completion of the private road.

B. Standards.

Where a private road serves five (5) or more lots, the road shall be developed in accordance with **Montmorency County Road Commission** design standards regarding right-of-way, drainage, construction, erosion control, surface, and signage. The Township will solicit feedback from the **Montmorency County Road Commission** on the proposed road.

C. Nonconforming Existing Private Roads.

Private roads, which serve five (5) or more lots, existing on the effective date of this Ordinance and which do not conform to the standards in **subsection B** are not required to upgrade to the standards in **subsection B**. However, if an existing nonconforming private road is improved, extended, or proposed to serve a greater number of lots than it currently serves, then conformance to the standards in **subsection B** shall be required unless the Planning Commission waives this requirement upon determination that:

- 1. Granting the waiver will not cause a substantially adverse effect on properties which are and will be accessed by the private road, or
- 2. There are physical barriers which prohibit the upgrading of the road to **Montmorency County Road Commission** standards.

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

Section 3.9 Subdivision of Land

All plats submitted to the Township Board pursuant to the [Land Division Act](#), (formerly the Subdivision Control Act of 1967 PA 288), as amended, shall be given to the Planning Commission for review with instructions that it shall return the plat to the Township Board with recommendation whether the lots of said plat are consistent with the minimum lot requirements and other applicable requirements of this Ordinance and the Hillman Township Land Division Ordinance.

Section 3.10 Accessory Buildings

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

A. Zoning Permits.

All accessory buildings shall require a zoning permit.

B. Attached Accessory Buildings.

Where the accessory building is attached to or within ten (10) feet of a principal building, it shall be subject to and must conform to all regulations of this Ordinance applicable to such principal buildings.

C. Location and Setbacks.

1. Accessory buildings shall not be erected in any front setback for the principal building.
2. No detached accessory building shall be located closer than ten (10) feet to any street right-of-way line, nor shall it be located closer than five (5) feet to any side or rear lot line. See [Figure 3.10 \(A\)](#).
3. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front setback line required on the lot in the rear of such corner lot. See [Figure 3.10 \(B\)](#).

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

Figure 3.10 (A)

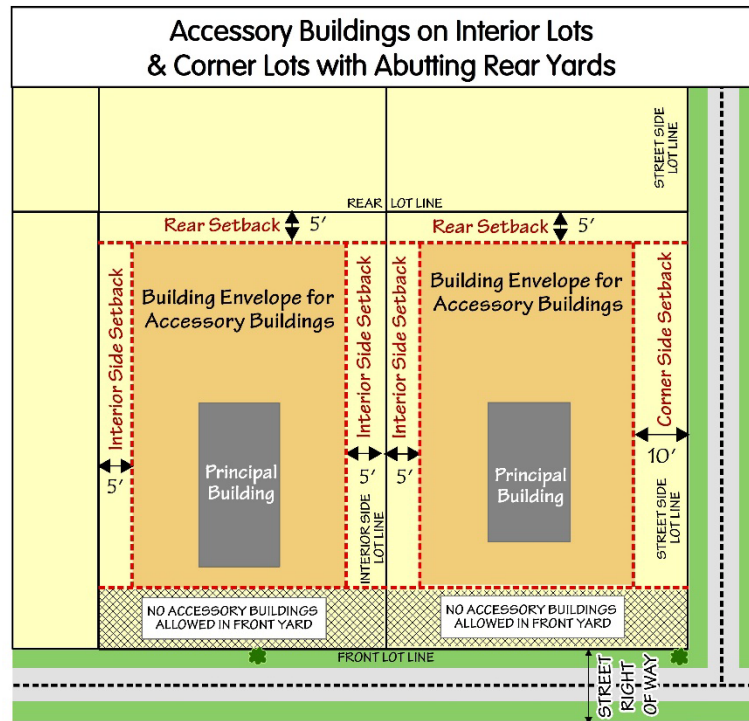
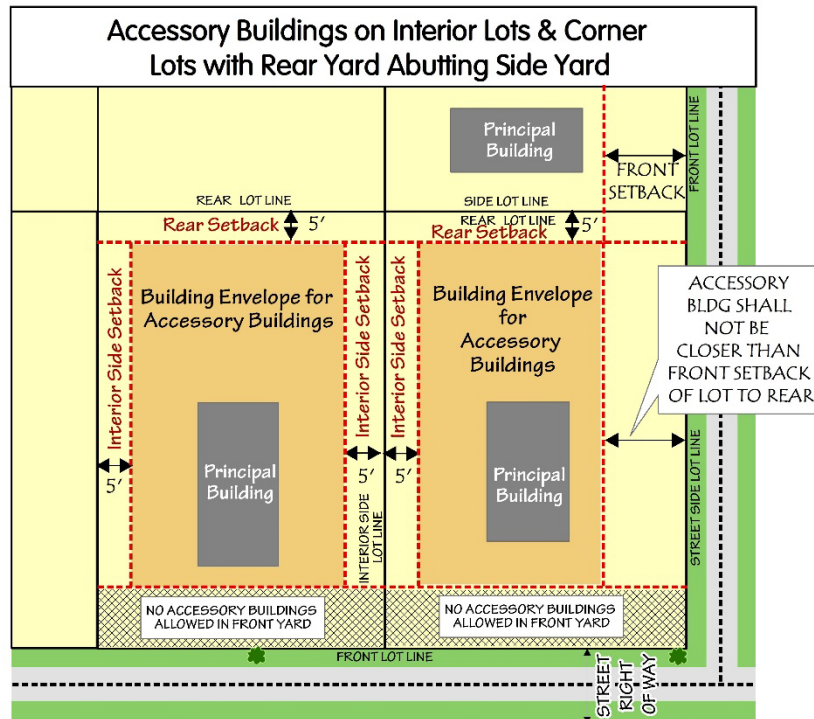


Figure 3.10 (B)



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

D. Size of Accessory Building.

These requirements shall not apply to farm buildings.

1. Developed Lots.

- a. **Platted Lots in R-1.** On platted lots in the R-1 District, the total floor area of all accessory buildings shall not exceed the ground floor area of the principal building.
- b. **Unplatted Lots in All Districts.** On unplatted lots in all districts, the ratio of the total floor area of all residential accessory buildings to the ground floor area of the principal building shall not exceed the following:
 - (1) Less than two (2) acres: one hundred fifty (150) percent.
 - (2) At least two (2) acres but less than five (5) acres: two hundred (200) percent.
 - (3) On lots five (5) or more acres, the total floor area of all accessory buildings shall not be limited.

2. Undeveloped Lots.

- a. **R-1 District.** Buildings which are typically considered accessory to a principal building (such as garages and storage buildings) shall not be permitted on lots in the R-1 District without a principal building.
- b. **All Other Districts.** Buildings which are typically considered accessory to a principal building (such as garages and storage buildings) shall be permitted on vacant lots in the AG District, FR District, C-1 District, and I-1 District. The Zoning Administrator shall review and issue a zoning permit for such accessory/storage buildings provided they meet the following criteria:
 - (1) The accessory/storage buildings shall meet the setbacks stated in [subsection C](#), the number limit in [subsection E](#), the height limitations in [subsection F](#), and the use requirements in [subsection G](#).
 - (2) The accessory/storage building shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance within the setbacks of the zoning district in which located.

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

(3) An accessory/storage building shall be located so that, when a principal building is constructed, the existing accessory/storage building is not located in the front setback.

(4) An accessory/storage building shall be constructed to the size limit ratios stated in subsection D.1.b above relative to a future principal building.

3. **Size Calculation.** The square footage for accessory buildings shall be calculated on the basis of the horizontal roofline including overhangs when the overhang exceeds two (2) feet.

E. Number of Accessory Buildings on Residential Lots.

One (1) or two (2) detached accessory buildings greater than one hundred (100) square feet may be permitted on the same lot as a principal dwelling. However, three (3) or more detached accessory buildings shall be considered a Special Use.

F. Height of Accessory Buildings.

No detached accessory building situated on a platted lot in a residential district shall exceed the height of the dwelling unit. In all other situations, the height shall not exceed the height limitations of the district where located.

G. Use of Accessory Buildings.

1. Accessory buildings shall not be used for dwelling purposes unless permitted as an Accessory Dwelling Unit or Temporary Dwelling During Construction of a Dwelling Unit.

2. Structures which are not manufactured to be used specifically as storage buildings, such as manufactured homes, recreational vehicles, buses, semi-truck trailers, and the like, shall not be used for storage or accessory buildings. This requirement shall not apply to temporary/seasonal storage in the AG district.

a. **Semi-Trailers and Shipping Containers for Temporary Storage for Commercial and Industrial Uses.** Semi-trailers and shipping containers may be used as temporary storage (no more than (6) consecutive months) for commercial and industrial uses in the rear or side yard only. Shipping containers used for storage on commercial and industrial property may be required to be painted or screened from view from the public right-of-way or neighboring property.

b. **Shipping Containers for Storage Purposes for Residential Uses.**

(1) **R-1 Lots.** Shipping containers shall not be allowed on lots in the R-1 District or on waterfront lots.

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

- (2) **All Other Districts.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes on non-platted lots only. Shipping containers which are visible from a right-of-way or a neighboring property shall be either painted to blend in with the natural landscape or sided with a material typically used for residences. There shall be a limit of two (2) shipping containers per lots. Shipping containers shall be subject to standards in this Section and shall be located in the rear yard only. Shipping containers shall not be permitted on a lot without a principal building.

- (3) **Waterfront Lots.** Shipping containers shall not be allowed on lots on waterfront lots in any district.

Section 3.11 Temporary Dwelling During Construction

- A. The following may be utilized for temporary dwelling purposes during construction of a permanent dwelling: basement dwelling, cellar dwelling, storage building, tent, manufactured home, travel trailer/recreational vehicle, or other similar structure. (See also **Section 3.12 Temporary Use of Recreational Vehicle as Dwelling**)

- B. In the R-1 District, storage buildings shall not be permitted to be utilized as temporary dwellings during construction.

- C. The location shall conform to the provisions governing setbacks of principal dwellings in the district where located.

- D. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator if he or she finds good cause. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance (except in the case of a recreational vehicle which is remaining on the lots for recreational purposes).

- E. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by **District Health Department #4** and shall precede occupancy of the temporary dwelling.

- F. Application for the erection and use of a temporary dwelling during construction shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify, in a space allotted for that purpose and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.

- G. No annexes or additions shall be added to temporary dwellings.

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

Section 3.12 Temporary Use of Recreational Vehicle as Dwelling

The Zoning Administrator is authorized to issue a permit for the temporary use of a recreational vehicle as a dwelling.

A. Temporary Use Permit Conditions.

1. The recreational vehicle must be either a recreational vehicle or a travel trailer maintained in a completely mobile condition.
2. The vehicle must possess holding tanks for gray water (wastewater) and sewage or be connected to a **District Health Department #4** approved sewage disposal system. A plan for sewage disposal must be submitted with application for a temporary Special Use permit.
3. The permit must be renewed annually.

B. Application Procedure.

1. Obtain a permit application from the Zoning Administrator.
2. Submit completed application along with permit fee, required plot plan, and sewage disposal plan to Zoning Administrator.
3. The site plan shall include:
 - a. The location and legal description of the property.
 - b. The name and address of the property owner.
 - c. The location of unusual environmental features such as streams, wetlands, shorelands, etc.
 - d. The type, location and size of all utilities existing for the proposed site.
4. Any of the application procedure may be waived at the Zoning Administrator's discretion if they find that no good purpose is served by requiring the procedure.

C. Revocation.

1. If the Zoning Administrator shall find that the conditions and stipulations of an approved temporary use permit are not being adhered to, the Zoning Administrator shall give notice to the applicant of the intent to revoke the prior approval for the temporary use permit. Intent

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

to revoke shall be made known to the applicant by a certified letter sent to the applicant signed by the Zoning Administrator. Said letter shall be mailed to applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the temporary use permit.

2. If the applicant notifies the Zoning Administrator within fifteen (15) days of the receipt of the above letter of his or her intent to rectify the violation, the Zoning Administrator may defer the revocation if he/she finds good cause for the deferral.

D. Appeal.

The decision of the Zoning Administrator may be appealed by the property owner or his or her designated agent to the Hillman Township Zoning Board of Appeals within thirty (30) days of disapproval, approval by modification, or revocation of the plot plan.

Section 3.13 Manufactured Homes on Individual Lots

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

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the [Michigan Mobile Home Commission](#) requirements.
- B. Manufactured homes shall be installed according to manufacturer's setup requirements, and the construction of the unit shall comply with the [National Manufactured Housing Construction and Safety Standards Act of 1974](#).
- C. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- D. Manufactured homes shall not be used as an accessory building. No manufactured home shall be stored on any lot in the Township.
- E. Manufactured homes shall not be attached to another structure unless the manufactured home and the other structure have been specifically designed to be attached to each other.

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

Section 3.14 Construction Debris

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

Section 3.15 Dumping of Materials

A. Storage and/or Dumping of Waste or Junk.

1. The use of land or water resources for the storage, collection, or accumulation of used construction materials or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed materials discharged in the process of industrial manufacturing or in the performance of normal household or farming activities on the same lot on which the premises are located) shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Township Board, after a public hearing. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after a public hearing is held and approval granted by the Township Board.
2. An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Township Board. Such dumping or disposal shall not negatively affect the water table nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township. The natural terrain shall not be altered in any fashion to create safety or health hazards at the expiration date of the permit or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned.

B. Dumping of Soil, Sand, and Clay Materials.

The extensive dumping of soil, sand, clay, or similar materials shall not be allowed on any lot without the approval of the Planning Commission and subject to the requirements set forth by said Commission.

C. Hazardous Substances.

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

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

Section 3.16 Groundwater Protection

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

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

Section 3.17 Temporary Storage of Used Materials

The temporary storage, collection, or placing of used or discarded material, such as lumber, scrap iron, slag, ashes, or other such matter shall be allowed only after a permit is issued by the Zoning Administrator stating the conditions under which such activity shall be performed. The Zoning Administrator shall require the removal of such material from districts in which said materials are illegally stored or placed. Such removal shall take place within a reasonable time after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him of the violation and stating the date on which such materials must be removed from the premises.

Section 3.18 Excavation

Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required upon termination of such activities for a period of one (1) year or more, to be either refilled by the person, firm, corporation engaging in the excavation or graded to an angle not to exceed forty-five (45) degrees and or completely enclosed by a four (4) foot woven wire fence.

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

Section 3.19 Dismantled, Nonoperating Unlicensed Motor Vehicles

- A. No person, firm, or corporation shall store, place, or permit to be stored or placed, or allow to remain on any lot for a period of more than ninety (90) days in any one (1) year, a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure.
- B. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any land in the Township.
- C. No more than three (3) operable unlicensed vehicles will be permitted on individual property unless stored inside a wholly enclosed structure.

Section 3.20 Dumpsters

For any use requiring the placement of dumpster(s) for the collection of rubbish, the dumpster(s) shall be screened on three (3) sides with a minimum five (5) foot and maximum six (6) foot enclosure of masonry, wood, or other architecturally compatible material. In the R-1 and FR Districts, no dumpster(s) shall be permitted in any required setback.

Section 3.21 Stormwater Retention

A. Grades and Drainage.

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage on abutting premises in excess of natural conditions or in an unnatural, concentrated manner that will cause damage to adjacent properties. When property is developed adjacent to previously developed existing properties, existing grades shall have priority.

B. Stormwater Retention.

The property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities, which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years.

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

Section 3.22 Performance Standards

A. Drifted or Blown Material.

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

B. Odors.

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

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in state and/or federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by state and/or federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply with any new standards required as part of a renewed or new state and/or federal regulatory agency environmental permits.

C. Gases.

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

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

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

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

E. Glare and Heat.

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

F. Noise.

Noise which is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled. Objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses or uses within three hundred (300) feet, whichever is greater. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

G. Vibration.

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

Section 3.23 Nonconformities

A. Purpose.

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

B. General.

1. **Buildings Under Construction.** In the event a use, activity, building or structure is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such for construction to be completed. Nothing in this Ordinance shall require any change in the erection or an intended use of a building or structure, which is nonconforming under this

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

Ordinance, for which zoning permit and/or Special Use permit has been issued prior to the adoption of this Ordinance.

- 2. **Elimination of Nonconformities.** The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconformities in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the Township, pursuant to Section 208 (3) and (4) of **2006 PA 110, as amended (Michigan Zoning Enabling Act**, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The Township Board may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.
- 3. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses or of nonconforming structures which does not alter the nonconforming status.
- 4. **Repairs and Maintenance.** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building, any building used for a nonconforming use, or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

C. **Nonconforming Uses.**

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a lot exists but is no longer permissible under the provisions of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- 1. **Condition.** All nonconforming uses shall be maintained in good condition.
- 2. **Expansion.** Nonconforming uses may be enlarged, expanded, or moved to another portion of the lot only upon issuance of a Special Use permit. In reviewing the Special Use, the Planning Commission shall determine that such enlargement, expansion, or relocation:
 - a. Will not reduce the value or otherwise limit the lawful use of adjacent premises.
 - b. Will essentially retain the character and environment of abutting premises.

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

- c. Will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion or land over-crowding).

The Special Use standards in **Section 6.3** shall not apply to expansion of a nonconforming use.

3. **Abandonment.** If a property owner has an intent to abandon a nonconforming use and in fact abandons this nonconforming use for a period of six (months) or more, then the nonconforming use shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance. The Zoning Administrator may grant a six (6) month extension if he/she finds good cause for such extension. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

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

Active efforts to sell or rent a nonconformity, even though the property may be vacant and not in use, shall not constitute abandonment or any other condition that would cause the use to be discontinued according to subsection 3 above. Determination of active efforts to sell the property shall be made by the Township Board.

- 4. **Change to Another Nonconforming Use.** No nonconforming use shall be changed to another nonconforming use.
- 5. **Change to a Permitted Use.** If a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.
- 6. **Damage or Destruction of a Nonconforming Use.** When a building or structure, in which a nonconforming use is conducted, is damaged or destroyed to the extent that the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the entire building or structure exclusive of foundations, then the nonconforming use shall not be

reestablished unless the Planning Commission issues a Special Use permit for such nonconforming use.

D. Nonconforming Structures and Buildings.

1. **Alteration.** Structures and buildings may be enlarged or altered in a way which does not increase the nonconformity.
2. **Re-Location.** Should a structure which is nonconforming due to setbacks be moved for any reason for any distance whatsoever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved unless a variance is granted by the Zoning Board of Appeals.
3. **Reestablishment.** Nonconforming structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming structure if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the entire building or structure exclusive of foundations. In cases where such cost does exceed fifty (50) percent, the nonconforming structure shall not be replaced unless it shall comply with the provisions of this Ordinance, except that if such building or structure is nonconforming due only to its having an insufficient setback or due to its being located on a site having a size, width, or both, less than prescribed in the applicable sections of this Ordinance, it may be replaced if it complies with all other regulations of this Ordinance.

The estimated expense of reconstruction shall be determined by the County Building Inspector. Persons aggrieved by the determination of estimated replacement cost by the Building Inspector may appeal such determination to the Zoning Board of Appeals.

E. Nonconforming Lots of Record.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be permitted on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided a permit for construction of a well and septic system is granted by the District Health Department and that yard requirement variances, if necessary, are obtained through approval of the Zoning Board of Appeals.
2. If any nonconforming lot or lots are of continuous frontage with other such nonconforming lots under the same ownership, the owner shall be required to combine such lots to provide lots which shall meet (or come closer to meeting), where possible, the minimum requirements for the district in which they are located.

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

Section 3.24 Fences

For the purposes of this Section, the term “fence” shall also include “wall” which serves the same purpose as a fence. This Section applies to fences which are used to generally enclose property boundaries and do not apply to fences used for interior features such as gardens, dog kennels, etc.

A. General Regulations.

1. **Permit.** Fences require a zoning permit.
2. **Property Line Determination.** In the installation of any fence or other obstruction, the property owner is responsible for the location of property lines and should obtain a professional survey if necessary to determine accurate property lines. Hillman Township shall not be held responsible for any property line or fence disputes between adjacent property owners.
3. **Agricultural Fences.** Fences used for agricultural purposes shall not be subject to the provisions of this Section.
4. **Finished Side of Fence.** A finished side of the fence shall face the neighboring property. The fence posts and horizontal/vertical supports shall face the side of the fence owner.
5. **Materials.** Fence materials may include materials specifically designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, old signage, old doors, pallets, or other materials not specifically designed for fence construction are prohibited. Electric fences or barbed wire fences outside of the AG or FR districts shall require approval by the Planning Commission.
6. **Fences for Screening.** Fences used to separate residential uses from non-residential uses shall follow the regulations in [Section 3.26](#).

B. Location and Size Regulations for Fences.

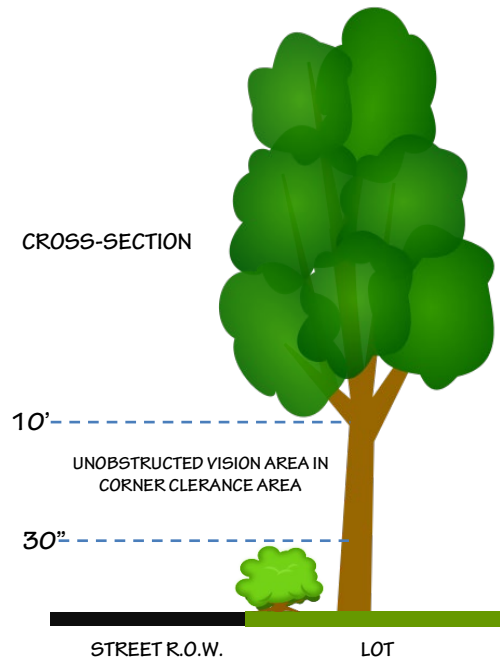
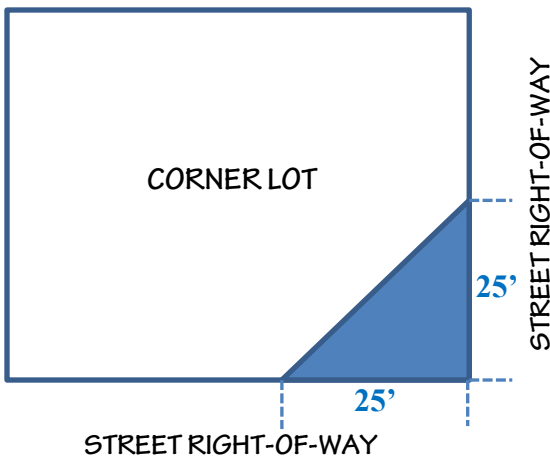
1. **Location.**
 - a. Notwithstanding other provisions in this Ordinance, fences, walls, or hedges may be permitted on any residential property provided that no fence, wall, or hedge exceeds a height of six (6) feet, and shall be no closer than five (5) feet from the front lot line or road right-of-way.
 - b. Fences in the side and rear yard may be set directly on the lot line.
 - c. Fences higher than six (6) feet shall require Planning Commission approval.

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

2. **Waterfront Lots.** Where a lot borders a lake or stream, fencing shall be set back from the ordinary high water mark by twenty-five (25) feet at minimum. Further, a fence or hedge placed in any part of the lot lying between the principal building and the ordinary high water mark shall not exceed four (4) feet in height, unless approved as a Special Use Permit. In reviewing any Special Use Permit application for a fence exceeding four (4) feet in height on the waterfront side of such lot, the Planning Commission shall consider whether or not the proposed fence unreasonably restricts waterfront views of neighboring residents or may in the future.

Section 3.25 Corner Clearance

On corner lots, no obstruction, structure, or planting shall be established or maintained which obstructs the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property lines of two intersecting streets and a line connecting them twenty-five (25) feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection. Plantings within this area may attain a height of up to thirty (30) inches. This unobstructed vision area shall remain clear between the heights of thirty (30) inches and ten (10) feet.



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

Section 3.26 Buffer Strips & Protective Screening

A. Required Screening.

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

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

1. **Screening Fences and Walls.** Solid fences, walls, chainlink fencing, or other wire fencing utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
2. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence, wall, or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.
 - a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
 - b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

B. Installation and Maintenance of Vegetative Buffer Strip.

1. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workman-like manner and according to accepted good planting and grading procedures.
2. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and

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

dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

C. **Waiver.**

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

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

Section 3.27 Voting Place

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

Section 3.28 Outdoor Lighting

A. **Purpose.**

The purpose of outdoor lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. Lighting that does not conform to this Section shall be considered a nuisance.

B. **Standards.**

1. All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs, and/or other structures shall be shielded, shaded, designed, and/or directed away from all adjacent districts and uses and further shall not glare upon or interfere with persons and vehicles using public streets.
2. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush-mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

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

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would:

- a. Reduce the number or size of light fixtures;
 - b. Not adversely impact neighboring properties; and
 - c. Permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.
3. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags may direct lights in an upward direction so as to feature said buildings and flags. Such lights shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
4. All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
5. No colored lights shall be used at any location where they may be confused with or construed as traffic control devices.
6. Ceiling lights in gas pump island canopies shall be recessed.
7. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Section:
- a. Special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the [Federal Communications Commission](#), [Federal Aviation Administration](#), [Occupational Safety and Health Administration](#), or other applicable federal or state agencies.
 - f. Lighting for recreational facilities which shall conform to the requirements set forth in the most current edition of the [Illuminating Engineering Society of North America](#) (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.

Section 3.29 Access Management (M-32)

In order to protect public safety, maintain traffic flow, consider future transportation needs, provide adequate and safe access to property, promote efficiency and economy in public utility requirements, minimize land use conflict, protect natural resources, promote consistent development patterns, and enhance the visual characteristics of entryways to Hillman Township, the following site development standards shall apply to all properties with frontage on M-32:

A. Building Setback Requirements.

Development of highway corridor property shall have a minimum front setback of fifty (50) feet in all districts, except AG, which has a minimum front setback of one hundred (100) feet.

B. Property Access Requirements.

The location of any driveway with access to M-32 shall be established within an easement recorded with the [Montmorency County Register of Deeds](#). Further, the access drive shall comply with the following:

1. The location of a driveway with access to M-32 shall comply with all of the following:
 - a. Be located at least seventy (70) feet from the intersection of any two (2) roads; and
 - b. Be located at least two hundred (200) feet from another access drive on the same side of the road; and
 - c. Be located at least fifty (50) feet from any access drive on the opposite side of the road; and
 - d. Two (2) access drives on adjacent lots may share the same driveway entrance, and thereby have zero space between them but shall comply with other driveway separation distances noted above.

2. Where there is a choice, driveways shall access adjacent local or minor streets in preference to M-32 and/or provide a rear service drive to access such local or minor street.

C. Prior to review by the Planning Commission, any site plan proposing new or altered access drives onto M-32 shall be accompanied by written documentation of consultation with the [Michigan Department of Transportation](#) and the [Montmorency County Road Commission](#).

D. Landscape Requirements.

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

1. **Parking Areas.** In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area.
2. **Residential Buffer Area.** Where commercial, office, or industrial uses abut an existing residence or residentially zoned property, the intervening side or rear yard of the non-residential use shall provide a completely obscuring wall, fence, or landscape screen at least six (6) feet in height, measured from the surface of the ground of the abutting residential district pursuant to [Section 3.26](#).
3. **General Landscaping.** All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs, or other suitable plant material. A mixture of evergreen and deciduous trees of species native to northeastern Michigan shall be planted at a rate of one (1) tree per three thousand (3,000) square feet of landscaped open space on-site.
4. **Landscape Preservation.** Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.

Section 3.30 Off-Street Parking & Loading Requirements

In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air business, or outdoor commercial recreation uses so long as said principal building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

A. When Compliance Required.

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

1. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
2. **Enlargement.** Whenever a building is expanded to increase its floor area which would affect the number of parking spaces required.
3. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.

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

4. **Parking Area Construction and Expansion.** Normal maintenance, such as re-grading of gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete, or other paved parking surface or the outright removal or substantial modification of the paved surface in preparation for paving, shall, for the purposes of this Section, be considered a new parking area.
5. **Existing Parking Lots.** Regulations pertaining to off-street parking shall not apply to buildings in existence at the time of adoption of this Ordinance unless 1 through 4 (above) apply. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size less than that required under the terms of this Ordinance.

B. Parking Lot General Standards.

All off-street parking lots providing space for more than four (4) vehicles shall comply with the following development regulation prior to occupancy, except as specifically stated otherwise herein:

1. **Approval.** Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Administrator and must be approved by said Zoning Administrator prior to the start of construction. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Administrator before a Certificate of Occupancy may be issued. In the event that owing to inclement or cold weather conditions said parking lot cannot be improved, a six (6) month delay can be approved by the Zoning Administrator provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten (10) percent of the cost of construction of the parking lot, as determined by the Zoning Administrator, which deposit or bond shall be mandatorily forfeited if said parking lot is not fully completed within said six (6) month period.
2. **Zoning Permit.** A zoning permit is required for construction of parking lot. If the parking lot is part of a site plan which received approval from the Planning Commission, no separate approval or zoning permit is required for such parking lot.
3. **Ingress and Egress.** Adequate points or means of ingress and egress shall be provided and shown in the plan submitted. Entrance to such areas shall be only from the principal use being served or adjoining street or alley right-of-way.
4. **Dust and Drainage.** Such parking lots shall be maintained in a usable dustproof condition and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto adjoining private property.
5. **Curbs and Sidewalks.** Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained,

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

as may be required by the Zoning Administrator. In all cases where such parking lots abut public sidewalks, a curb at least six (6) inches high or steel posts twenty-four (24) inches to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete shall be placed thereon, so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk. Wheel chocks shall be provided to prevent vehicle from extending over lot or setback lines.

6. **Illumination.** All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day.
7. **Parking Duration.** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, and it shall be unlawful to permit the storage on any parking area, in any district, of wrecked or junked cars.
8. **Parking Restriction.** It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
9. **Screening.** All parking areas shall be screened on all sides which abut a residential use with an ornamental fence or compact hedge not less than six (6) feet in height of a type which will at all seasons obscure vision from adjoining premises but will not interfere with corner vision as stipulated in [Section 3.25](#).
10. **Joint Use.**
 - a. Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities, for two (2) or more buildings or uses provided that, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table that follows.
 - b. Joint use of the same parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby lots provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of spaces. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(ies) and shall be recorded with the [Register of Deeds](#) office.

- D. **Dimensions.** Lot space requirements for the layout of the parking at various angles shall be in accordance with the following minimum regulations:

Table 3.30 (A) – Parking Dimensions				
Parking Angle	0° parallel parking	Up to 53°	54° to 74°	75° to 90°
Maneuvering Aisle Width	12 ft	13 ft	18 ft	24 ft
Parking Stall Width	8.5 ft	9 ft	9 ft	10 ft
Parking Stall Length	24 ft	21 ft	22 ft	20 ft
Total Width of Two Stalls of Parking Plus Maneuvering Aisle	29 ft (one-way) 32 ft (two-way)	55 ft	62 ft	44 ft
The minimum parking space dimension for any development not provided for in the preceding paragraph shall be:				
1. 9.0 feet in width, 2. 20.0 feet in length, and 3. 180.0 square feet in area.				

C. **Parking Locations.**

- Residential.** The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line, and shall consist of a parking strip, parking apron, and/or garage.
- Non-Residential.** The off-street parking facilities required for all other uses shall be located on the lot or other lots within five hundred (500) feet for industrial districts and three hundred (300) feet for all other districts. Such distance is to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

D. **Number of Spaces.**

- When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) full parking space.
- Uses Not Listed.** In the case of a use not listed in [Table 3.30.B](#), the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, as determined by the Zoning Administrator, shall apply.
- Double Count.** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.

4. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accordance with the provisions of the **Americans with Disabilities Act**.

Table 3.30 (B) Parking Spaces Required

Residential Uses	
Use	Parking Spaces Required
Bed & breakfast facilities/tourist homes	1 for each guest room plus the 2 required for the dwelling unit plus one per employee
Dwellings	2 for each dwelling unit
Family child care homes	1 for each home in addition to the 2 required for the residence
Group child care homes	2 for each home in addition to the 2 required for the residence
Manufactured home site	2 for each dwelling unit
Rooming houses and group quarters	1 for each 2 beds
Institutional Uses	
Use	Parking Spaces Required
Assisted living home; nursing home; adult foster care home	1 for each 6 beds and 1 for each employees on shift
Child care center, day care center, nursery school	1 per 400 feet of usable floor area plus 1 per employee
Churches and similar places of worship	1 space for each 5 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Elementary, junior high schools, trade schools	1 per teacher, employee, and administrator in addition to the requirements of the auditorium or assembly hall plus 1 per classroom
Government offices; libraries; museums	One (1) for every four hundred (400) square feet
Hospitals	1 space for each 2 beds plus 1 space for each doctor plus 1 space for each 2 employees other than doctors plus 1 space for each 1,000 sq ft of patient surgery or treatment area
High school	1 per teacher, plus 1 per employee or administrator, plus requirements of the assembly hall or auditorium, plus 1 per ten (10) students
Library, museum	1 per 1,000 sq ft of gross floor area
Medical clinic, dental clinic	1 per 200 sq.ft. of gross floor area
Private club, fraternity, dormitory	1 per 3 members or lodgers allowed within the maximum occupancy load as established by local, county or state fire, health, or building codes
Public utility facilities	1 space for each employee on the largest shift

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

Business and Industrial Uses

Use	Parking Spaces Required
Animal hospital, kennel	1 per 400 sq ft of usable floor area, plus 1 per 2 employees
Auditoriums, theaters, and assembly halls	1 space for each 4 seats based on maximum capacity or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Auto repair garage, bump shop, service garage	1 per service stall plus 1 per 2 employees
Auto salesroom, wholesale store, machinery sales, showroom of plumber, electrical or similar trade	plus 1 per 1,000 sq ft of usable floor area plus 1 per employee
Bank and post office	1 per 400 sq ft of useable floor area plus 1 per employee
Barber shop and beauty parlor	2 per operator chair plus 1 per 2 employees
Bowling alley	5 per bowling lane
Business and professional office	1 per 400 sq ft of gross floor area
Campground or RV park	One (1) for every campsite plus one (1) for each employee per shift
Car wash, self service	3 per wash stall
Car wash, other than self service	4 per maximum capacity as computed by dividing the linear dimension of the mechanical wash/dry operation by 20 ft plus 1 per employee
Dance hall, exhibition hall, pool hall, and assembly hall without seats	1 per 3 persons allowed within maximum occupancy load as established by fixed seats (local, county, or state fire, health, or building codes)
Drive-in bank	4 per teller window
Drive-in establishment (other than restaurant)	1 per 2 employees
Gas station	2 per service stall plus 1 per employee
Golf course open to the public,	4 per hole plus 1 per employee (plus amount required for accessory uses)
Golf par 3, or miniature golf	1 per hole plus 1 per employee
Furniture and appliance, household equipment repair shop, hardware store, and similar	1 per 1,000 sq ft of usable floor area plus 2 employees
Industrial establishment	1 per 1.5 employees based on the greatest number of persons employed at any 1 shift or 550 sq ft of usable floor area, whichever is greater
Laundromat, coin-operated, dry cleaning	1 per 2 washing and/or dry cleaning machines
Mini-Storage, self-storage facilities	One (1) per ten (10) storage units, equally distributed throughout the storage area

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

Mortuary, funeral home, undertaking parlor	1 per 50 sq ft of floor area in the parlor area
Motel, hotel, tourist home	1 per guest bedroom plus 1 per employee, plus parking space as may be required for accessory uses
Open air business (sales and rental)	1 per each 1,000 sq ft of gross lot area used for open air sales or display plus additional parking for any structure utilized for retail sales computed with the requirements for retail sales
Restaurant, carry-out	1 per 125 sq ft of gross floor area with a minimum total of 8 parking spaces
Restaurant, drive-in	1 per 50 sq ft of gross floor area
Restaurant, other than drive-in or carry out	1 per 100 sq ft of gross floor area
Retail stores except as otherwise provided	1 per 150 sq ft of gross floor area plus 1 per 2 employees
Roadside stand (farm market)	5 per establishment
Tennis club, swim club, or similar	1 per 2 club members, golf families, or individual members plus the amount required for accessory uses
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees

E. Loading and Unloading Space.

Every building or structure engaged in loading and unloading goods shall provide space on the premises for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the street.

F. Flexibility in Parking Requirements.

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

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

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

Section 3.31 Signs

A. Scope.

This Section is intended to regulate and limit the construction or reconstruction of signs to protect the public health, safety, and general welfare. Such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for in this Ordinance.

B. General Provisions for All Zoning Districts.

1. **Illumination.** There shall be no flashing, oscillating, or intermittent, red, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.
2. **Signs not to Constitute Traffic Hazard.** No sign shall be erected where the position, size, movement, shape, or color may interfere with the view of, or be confused with any authorized official traffic sign or device.
3. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the

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

vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.

- 4. **Height.** No sign otherwise permitted shall exceed the maximum height limitations of the Zoning District in which it is located ([subsection D](#)).
- 5. **Signs Erected by Government Bodies.** All signs when erected by the township, county, state, or federal government shall be permitted in all Districts.
- 6. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, or be offensive, rude, lewd, or disgusting according to accepted moral standards.
- 7. **Unsafe Signs.** Any sign declared, by the Zoning Administrator, to be unsafe to the public health, safety, and welfare shall be corrected or removed immediately. The required timing of such correction and removal shall be at the discretion of the Zoning Administrator.
- 8. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- 9. **Substitution Clause.** Signs which express non-commercial speech may be erected in any district and are regulated by this Section.
- 10. **Measurement of Area of a Sign.**
 - i. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed excluding the necessary supports or uprights on which such sign is placed but including any sign tower.
 - ii. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
 - iii. In the case of a circle or sphere, the total area of the circle or sphere is divided by two (2) for purposes of determining the maximum permitted sign area.
- 11. **Board of Appeals.** The Township Zoning Board of Appeals may, upon application by a property owner, modify the specification of this Article where no good purpose would be

served by strict compliance with same. Variance standards pursuant to [Section 8.4](#) are not applicable.

C. Signs Allowed Without a Zoning Permit.

The following signs do not require a zoning permit but shall comply with all regulations of this Section. All other signs require a zoning permit.

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

D. Sign Regulations By District.

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

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

Agricultural District (AG) & Forest/Recreation District (FR)

Sign Type	Single-Family & Two-Family Uses	Non-Residential Uses	Signs at Entrances to Residential Developments
Primary Sign, Freestanding <i>(permanent)</i>	Size: 2 sq ft <i>(max.)</i> Number Allowed: 1 Height: None	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1 per road frontage Height: 15 ft Setback: 10 ft from r.o.w.	Size: 64 sq ft <i>(max.)</i> Number Allowed: 1 per entrance Height: 15 ft Setback: 10 ft from r.o.w.
Wall Signs <i>(permanent)</i>	Size: 2 sq ft <i>(max.)</i> Number Allowed: 1	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1 per road frontage	Size: 64 sq ft <i>(max.)</i> Number Allowed: 1 per entrance
Temporary Signs	16 sq ft in sum <i>(max.)</i> for all temporary signs	32 sq ft in sum <i>(max.)</i> for all temporary signs	64 sq ft in sum <i>(max.)</i> for all temporary signs
Portable Changeable Copy Message Boards	Not allowed	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1	Not allowed
Digital or Static Message Center <i>(permanent)</i> (subsection E)	Not allowed	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1 Height: 15 ft Setback: 10 ft from r.o.w.	Not allowed
Cluster Signs <i>(permanent)</i>	Not allowed	Size: 32 sq ft in sum <i>(max.)</i> Larger than 32 sq ft in sum may be approved by Planning Commission Number Allowed: 1 cluster sign structure Height: 15 ft Setback: 10 ft from r.o.w.	Not allowed
Projecting Signs <i>(permanent)</i>	Not allowed	Size: 12 sq ft Number Allowed: 1 per entrance Height: 8 ft from ground level <i>(minimum)</i>	Not allowed
Institutional Bulletin Boards <i>(on premises of public or semi-public institution)</i>	Not allowed	Size: 64 sq ft Number Allowed: 1 Setback: 25 ft from front lot line	Not allowed
Other Standards	No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts.		

Residential District (R-1)

Sign Type	Single-Family Uses	Non-Residential Uses	Signs at Entrances to Residential Developments
Primary Sign, Freestanding <i>(permanent)</i>	Size: 2 sq ft <i>(max.)</i> Number Allowed: 1 Height: None	Size: 16 sq ft <i>(max.)</i> Number Allowed: 1 per road frontage Height: 15 ft Setback: ½ of front setback. Shall not be located in side setback	Size: 64 sq ft <i>(max.)</i> Number Allowed: 1 per entrance Height: 15 ft Setback: 10 ft from right-of-way
Wall Signs <i>(permanent)</i>	Size: 2 sq ft <i>(max.)</i> Number Allowed: 1	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1 per road frontage	Size: 64 sq ft <i>(max.)</i> Number Allowed: 1 per entrance
Temporary Signs	16 sq ft in sum <i>(max.)</i> for all temporary signs	32 sq ft in sum <i>(max.)</i> for all temporary signs	64 sq ft in sum <i>(max.)</i> for all temporary signs
Portable Changeable Copy Message Boards	Not allowed	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1	Not allowed
Digital or Static Message Center <i>(permanent)</i> <i>(see subsection E below)</i>	Not allowed	Size: 16 sq ft <i>(max.)</i> Number Allowed: 1 per road frontage Height: 15 ft Setback: ½ of front setback. Shall not be located in side setback	Not allowed
Cluster Signs <i>(permanent)</i>	Not allowed	Size: 16 sq ft in sum <i>(max.)</i> Larger than 16 sq ft in sum may be approved by the Planning Commission Number Allowed: 1 cluster sign structure Height: 15 ft Setback: ½ of front setback. Shall not be located in side setback	Not allowed
Projecting Signs <i>(permanent)</i>	Not allowed	Size: 12 sq ft Number Allowed: 1 per entrance Height: 8 ft from ground level <i>(minimum)</i>	Not allowed
Institutional Bulletin Boards <i>(on premises of public or semi-public institution)</i>	Not allowed	Size: 64 sq ft Number Allowed: 1 Setback: ½ of front setback. Shall not be located in side setback	Not allowed
Other	No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts.		

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Use Approval

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

General Commercial District (C-1) & Industrial District (I-1)

Sign Type	All Uses
Primary Sign, Freestanding <i>(permanent)</i>	Size: 100 sq ft <i>(max.)</i> Number Allowed: 1 Height: 15 ft <i>(max.)</i> Setback: 10 feet from front lot line in C-1. Shall not be erected in front or side setback in I-1
Wall Signs <i>(permanent)</i>	Size: 100 sq ft <i>(max.)</i> Number Allowed: 1
Portable Changeable Copy Message Boards	Size: 16 sq ft <i>(max.)</i> Number Allowed: 1 Setback: 10 feet from front lot line in C-1. Shall not be erected in front or side setback in I-1
Temporary Signs	32 sq ft in sum <i>(max.)</i> for all temporary signs
Digital or Static Message Center <i>(permanent)</i> <i>(see subsection E below)</i>	Size: 32 sq ft <i>(max.)</i> Number Allowed: 1 Height: 15 ft <i>(max.)</i> Setback: 10 feet from front lot line in C-1. Shall not be erected in front or side setback in I-1
Cluster Signs <i>(permanent)</i>	Size: 100 sq ft <i>(max.)</i> Number Allowed: 1 cluster sign structure Height: 15 ft <i>(max.)</i> Setback: 10 feet from front lot line in C-1. Shall not be erected in front or side setback in I-1
Projecting Signs <i>(permanent)</i>	Size: 12 sq ft Number Allowed: 1 per entrance Height: A minimum of 8 ft from ground level beneath the sign.
Institutional Bulletin Boards <i>(on premises of public or semi-public institution)</i>	Size: 64 sq ft Number Allowed: 1 Setback: 25 ft from front lot line
Off-Premise Signs (Industrial District only)	Size: 100 sq ft <i>(max.) (if there is an existing use on the premises, the off-premise sign does not count toward the sign allowance for the use)</i> Number Allowed: 1 Height: 15 ft Setback: 100 feet from road right-of-way
Other	Illumination of signs is permitted

E. Digital Message Centers.

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

F. Small Off-Premise Signs.

Small off-premise signs shall be allowed on private property.

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

G. Billboards (Large Off-Premise Signs).

1. Billboards may be established in the Industrial zoning district classification(s) provided that they meet the following conditions:
 - a. **Number Allowed.** Not more than one (1) billboard 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 the 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

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

proceeding from any given direction on a street or highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in **subsection b** below.

- b. **Distance from Residential.** No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
- c. **Illumination.** A billboard may be externally illuminated, provided such external illumination is concentrated on the surface of the sign and is so located 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 except in conformance with **subsection d** below.
- d. **Digital Billboards.**
 - (1) **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be complete in one (1) second or less.
 - (2) **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of one hundred (150) feet for those sign faces less than or equal to three hundred (300) square feet.
 - (3) Digital billboards shall be configured to default to a static display in the event of mechanical failure.
- e. **Structure.** A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- f. **Highway Advertising Act.** A billboard established along M-32, in addition to complying with the above conditions, shall also comply with all applicable provisions of the **Highway Advertising Act, 1972 PA 106**, as amended, and the regulations promulgated thereunder.
- g. **Planning Commission Approval Required.** Billboards are subject to review and approval by the Planning Commission.

H. Nonconforming Signs.

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

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

I. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign’s message becomes illegible in whole or substantial part.
 - d. The sign which has fallen into disrepair.
2. In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner of record that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second

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

notice in the form of a letter. Failure to remove the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice shall be considered a violation of this Ordinance. In the event a court of competent jurisdiction finds that a sign is being maintained in violation of this Ordinance, the court may authorize the Zoning Administrator to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.

J. Removal of Signs in Violation of this Section.

Signs erected or maintained in violation of this Ordinance shall be removed by the sign owner, property owner, or occupant of the premises within thirty (30) days following mailing of an order to such owner by the Zoning Administrator. It shall be presumed that, unless a sign states the name of the owner of the sign on its structure, that the sign is owned by the owner of the real property where the sign is located. Failure to remove such sign shall be considered a violation of this Ordinance.

K. Severance Clause for Signs.

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

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

Article 4 District Regulations

Sec	Name	Pg
4.1	Zoning Districts	4-1
4.2	Zoning Map	4-2
4.3	Zoning of Vacated, Filled & Annexed Areas	4-2
4.4	Permitted Uses, Special Uses & Unlisted Uses	4-3
4.5	Application of District Regulations	4-4
4.6	Residential District (R-1)	4-7
4.7	Agricultural District (AG)	4-10
4.8	Forest/Recreation District (FR)	4-14
4.9	General Commercial District (C-1)	4-18
4.10	Industrial District (I-1)	4-23
4.11	Greenbelt District (GB)	4-27
4.12	Full Table of Permitted & Special Uses	4-29
4.13	Full Schedule of Regulations	4-38

Section 4.1 Zoning Districts

A. **Establishment of Districts.** For the purpose of this Ordinance, the following zoning districts shall be established in Hillman Township:

Hillman Township Zoning Districts	
R-1	Residential District
AG	Agricultural District
FR	Forest/Recreation District
C-1	General Commercial District
I-1	Industrial District
GB	Greenbelt District

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

Section 4.2 Zoning Map

- A. **Official Zoning Map.** The location and boundaries of these zoning districts are established on a map titled the " Zoning Map of Hillman Township " which is hereby adopted as a part of this Ordinance. The official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date and any amendments to the Ordinance involving the official map shall be portrayed on said map. The official Zoning Map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

- B. **Definition of District Boundaries.** Where uncertainty exists as to the exact district boundaries, the following shall prevail:
 - 1. Where boundary lines are indicated as approximately following roads, streets, alleys, or highways, the centerlines of said streets, alleys, or highways shall be considered to be exact boundary lines.
 - 2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
 - 3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the centerline of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the centerline of the new course.
 - 4. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals upon recommendation by the Zoning Administrator.

- C. **Zoning District Changes.** When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of the Ordinance ([Section 3.23](#)).

Section 4.3 Zoning of Vacated, Filled & Annexed Areas

A. **Zoning of Vacated Areas.**

Whenever any road, street, alley, highway, or other public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned

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

right-of-way shall remain the boundary line, and the lands on either side of said centerline shall become attached to their respective adjoining properties.

B. Zoning of Filled Areas.

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

C. Zoning of Annexed Areas.

Land that is annexed shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

Section 4.4 Permitted Uses, Special Uses & Unlisted Uses

A. Uses Permitted By Right.

Permitted uses, are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and plot plan and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions. Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses as determined by the Zoning Administrator.

B. Special Uses.

The uses listed in this Ordinance as Special Uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community. Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses as determined by the Zoning Administrator.

C. Unlisted Uses.

For uses which are not listed as an allowable use within [Table 4.12](#) or the individual tables in each zoning district section and which are not determined by the Zoning Administrator to be similar to listed allowable uses, the applicant may request, in writing, that the Planning Commission determine

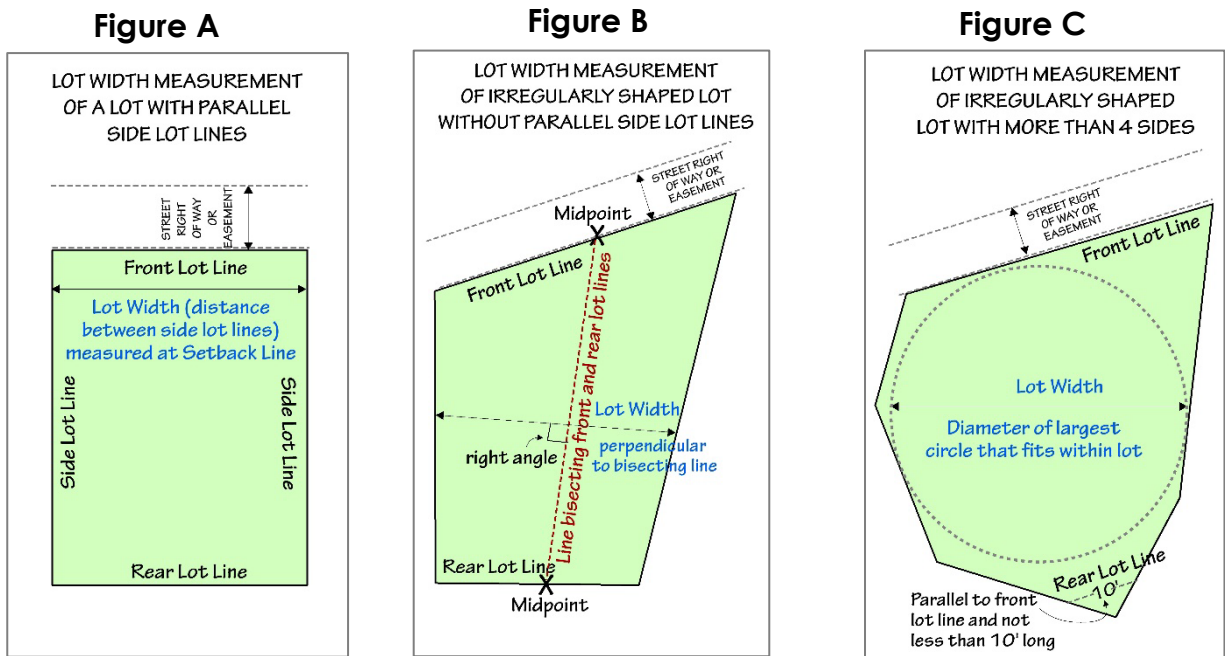
1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

if the unlisted use is similar to an allowable use in the Ordinance. If the Planning Commission cannot determine that the unlisted use is similar to an allowable use in the Ordinance, then the unlisted use shall be added only by the zoning amendment procedure as required in [Article 10](#), except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance.

Section 4.5 Application of District Regulations

A. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new parcel of land shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or access to a public road through a private road or easement.
3. **Measuring Lot Width.** Lot width shall be measured as: the horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line ([Figure A](#)). In the case of irregularly shaped lots, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway along the front and rear lot lines ([Figure B](#)). In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot ([Figure C](#)).



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

B. Application of Yard Regulations.

1. Setbacks.

- a. The required front setback shall be measured at a right angle from the right-of-way line of a public or private road or easement or, in the case of waterfront lots, from the ordinary high water mark, to the nearest foundation or building wall of the building or structure. Eaves may project into the setback by no more than two (2) feet.
- b. Where an existing setback line has been established by existing buildings occupying fifty (50) percent or more of the frontage within the same block or where unplatted, within two hundred (200) feet of the proposed building, the average of such established setback shall apply.

2. Setbacks on a Corner Lot. When a lot is bounded by two (2) intersecting streets, the front yard requirements shall be met on the abutting street on which an address has been assigned.

3. Setbacks on a Double Frontage Lot. In case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat or block in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front setback shall be observed on those streets where such structures presently front.

C. Application of Height Regulations.

- 1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
- 2. The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless transmission towers, farm silos, or wind turbine generators, provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a use permitted by Special Use in [Article 4](#) of this Ordinance or as established in [Article 7](#).

D. Location and Number of Buildings on Lot.

No lot may contain more than one principal structure or use, excepting multiple-family dwellings, offices, retail business buildings, or other groups of buildings the Planning Commission considers to be principal structures or uses. The Planning Commission may allow more than one (1) residence per parcel through the issuance of a Special Use for an Accessory Dwelling Unit permit pursuant to [Article 6](#) and [Section 7.3](#).

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

E. Transitional Zoning.

A residential lot with its side yard adjacent to a parcel in a Commercial or Industrial District not separated from such district by a street and not extending more than one hundred (100) feet from said Commercial or Industrial District, may be used for professional offices of doctors, lawyers, architects and the like.

Approval for a non-residential use on a transitional lot shall require a detailed site plan pursuant to **Section 5.4** and an architectural rendering of all structures to be located on the parcel to be submitted to the Zoning Administrator. In addition, approval must meet the following conditions:

1. The setbacks shall conform to the requirements of the abutting non-residential district.
2. Adequate parking and access shall be provided.
3. The proposed structures shall have a residential appearance in keeping with the character of the adjacent Residential District.

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

Section 4.6 Residential District (R-1)

R-1

A. Intent.

This district is intended to provide a rural residential environment in keeping with the general character of Hillman Township. The low-density mixture of uses permitted in this district is designed to minimize any negative impacts such development may have on the Township's natural environment.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.12: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1
Accommodation & Food/Event Services	
Bed & Breakfasts, Tourist Homes, & Rooming Houses/Boarding Houses §7.4	S*
Resorts, Vacation Lodges, Farm Stays, Cabin Courts & Inns	S
Short Term Rental Homes §7.5	S*
Agriculture, Animals & Forest Products	
Farming, Domestic (Hobby Farm)	S
Arts, Entertainment & Recreation	
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e. Summer Camps) §7.17	S*
Canoe/Boat/Kayak Liveries or Yards	S
Golf Courses §7.23; Golf Driving Ranges; Country Clubs	S*
Marinas & Dock Facilities	S
Parks and Recreation Areas, Nature Areas, Conservation Areas	P
Educational Services/Religion	
Places of Worship & Customary Accessory Uses	S
Public, Charter or Private Schools (elementary - high school)	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Lg Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1
Human Care & Social Assistance	
Assisted Living Home/Nursing/Convalescent Home	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (6 or less)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.10	P*
Medical Marijuana Primary Caregiver Operations (no permit required) §7.29	P*
Planned Unit Developments §7.24	S*
Site Condominium Development §7.25	S*
Temporary Buildings and Structures (used during construction)	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.3	S*
Dwelling Units in conjunction with a Non-Residential Establishment	P
Home Occupations §7.2	P*
Cottage Industries §7.2	S*
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.6	S*
Multiple-Family Dwelling Units	S
Single-Family Detached Dwelling	P
Residential Uses with Common Use Lake or Stream Frontage Property	S

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1
Residential Uses (cont.)	
Temporary Dwellings Used During Construction	P
Two-Family Dwelling (duplex)	S
Manufacturing, Industrial, & Waste Mgmt	
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.22	S*
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1
Utility, Energy & Communications	
Solar Energy Panels (Accessory) §7.31	P*
Wind Turbines (On-Site) §7.32	S*
Wireless:	
Small Cell Wireless Facilities §7.33	S*
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.33	S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.33	S*

C. Development Standards for R-1 District.

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

1. Lot & Structure Standards

	All Uses Except Multiple-Family Dwellings	Multiple-Family Dwellings
a. Lot Area (min.)	½ acre	Efficiency or 1-bedroom unit: 3,000 sq ft 2-bedroom unit: 4,200 sq ft 3-bedroom unit: 5,100 sq ft 4+ bedroom unit: 5,700 sq ft
b. Lot Width (min.)	100 ft	
c. Building Height (max.)	35 ft or 3 stories, whichever is less	35 ft or 3 stories, whichever is less
d. Dwelling Unit Size (min.) <i>(not including basements, utility rooms, breezeways, porches or garages)</i>	900 sq ft in area 14 ft in width	Efficiency: 350 sq ft 1-bedroom unit: 500 sq ft 2-bedroom unit: 600 sq ft 3-bedroom unit: 700 sq ft + 80 sq ft for each bedroom in excess of 3 bedrooms in any dwelling unit

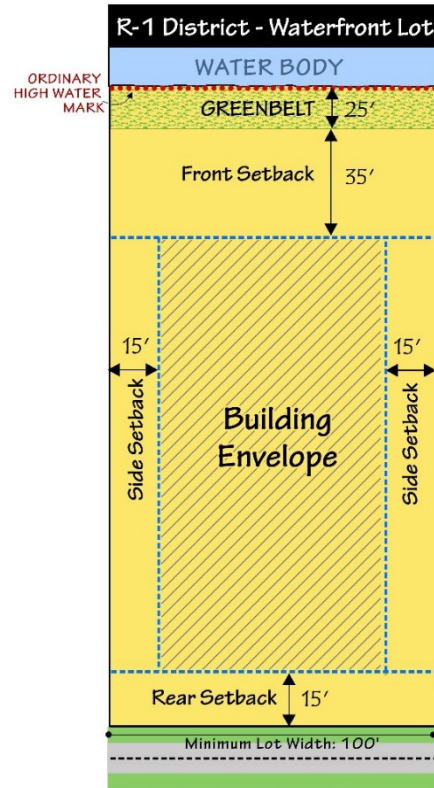
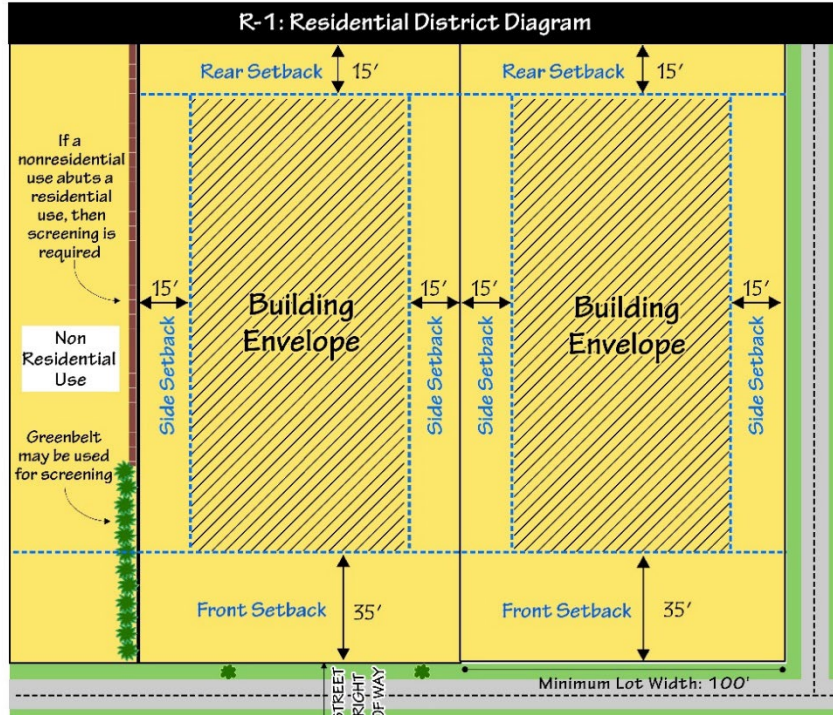
2. Setbacks (Figure 4.6)

a. Front (min.)	35 ft (Waterfront Lots: 35 ft from the required 25-foot waterfront greenbelt per §4.11)
b. Side (min.)	15 ft
c. Rear (min.)	15 ft

3. Additional Development Standards

a. Accessory Buildings	See §3.10
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.26
c. Fences	See §3.24
d. Decks & Patios	Decks shall meet the required setback of the principal building. Patios shall not be subject to setbacks.
e. Signs	See §3.31
f. Distance Between Multiple-Family Structures	The minimum separation distance between multiple-family structures shall be at least equal to the height of the highest building.

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



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

Section 4.7 Agricultural District (AG)

AG

A. Intent.

This district is intended to preserve and provide for large tracts of land used for farming, dairying, forestry, and other rural activities. Large vacant areas, fallow land, and wooded areas may be included. The specific intent of this district is to encourage the proper use of lands through preventing the intrusion of activities which may create incompatibility and conflict.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.12: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	AG
Accommodation & Food/Event Services	
Bed & Breakfasts, Tourist Homes, & Rooming Houses/Boarding Houses §7.4	P*
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.26	S*
Resorts, Vacation Lodges, Farm Stays, Cabin Courts, Inns	S
Short Term Rental Homes §7.5	S*
Wineries/Cider Mills with Retail Sales/Tasting Rooms (with growing and production occurring on the property)	S
Agriculture, Animals & Forest Products	
Agricultural Products Processing & Storage (excluding slaughter houses) in buildings over 5,000 sq ft	S
Agricultural Product Processing (excluding slaughter houses) in buildings 5,000 sq ft or less	P
Animal Sales Yards/Auctions for Livestock	P
Animal Shelter/Animal Rescue Facility	S
Agricultural Tourism Businesses on Farms	S
Biofuel Production Facilities on Farms §7.28	PS*
Boarding Stables; Riding Arenas §7.15	P*
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	S
Composting Facility (large scale facility – compost material brought in & deposited)	S
Farming, Domestic (Hobby Farm)	P
Farming, Commercial (including U-Pick)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	AG
Agriculture, Animals & Forest Products (cont.)	
Farm Market/Roadside Stands (product grown on property under the same control) §7.16	P*
Firewood Sales - Commercial (does not include small bundles of firewood)	S
Game Preserves/Hunting Preserves	P
Grain Elevators	S
Greenhouse; Nursery; Landscaping Establishment	S
Hunting Camps	P
Kennels, Commercial §7.14	S*
Veterinary Clinic/Animal Hospital	S
Arts, Entertainment & Recreation	
Art Galleries & Studios	P
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e. Summer Camps) §7.17	S*
Canoe/Boat/Kayak Liveries or Yards	S
Equipment Rental, Motorized (ORV, Snowmobile) or Non-Motorized (Outfitter)	S
Golf Courses; Golf Driving Ranges; Country Clubs §7.23	S*
Marinas & Dock Facilities	S
Museums & Historic Sites (open to the public)	S
Outdoor Performance Facility (classified as Commercial Events Facility) §7.26	S*
Parks and Recreation Areas, Nature Areas, Conservation Areas	P

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	AG
Arts, Entertainment & Recreation (cont.)	
Sportsmen's Association/Firearms Ranges/Archery Ranges	S
Wildlife Preserves, Zoos (including Petting Zoos) & Animal Tours/Attractions	S
Commercial, Services & Retail	
Agricultural Sales & Service (Equipment, Building & Garden Equipment & Supplies)	S
Boat/RV/Recreational Equipment Repair & Storage	S
Flea Market	S
Gas Stations §7.11	S*
Seasonal/Transient Sales	P
Small-Scale Craft Making	S
Studios for Dance, Physical Exercise, Music, Karate, and Similar Uses	S
Taxidermy Shops	S
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Places of Worship & Customary Accessory Uses	S
Public, Charter or Private Schools (elementary through high school)	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S
Adult Day Care Facility - NOT IN PRIVATE HOME	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (6 or less)	P

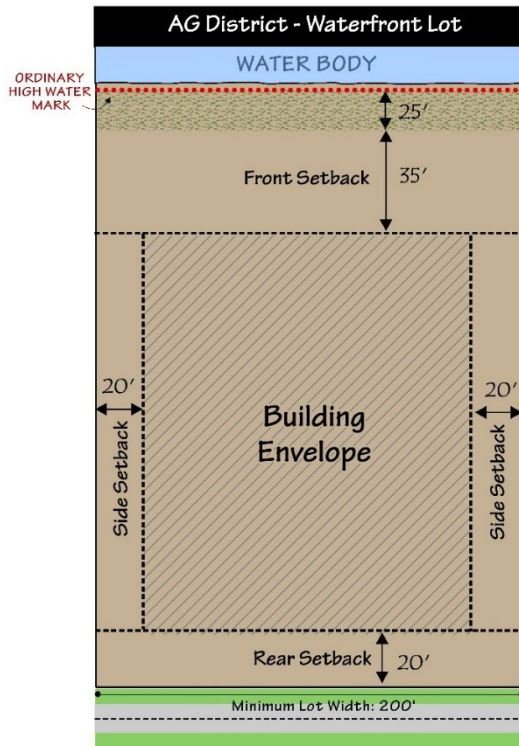
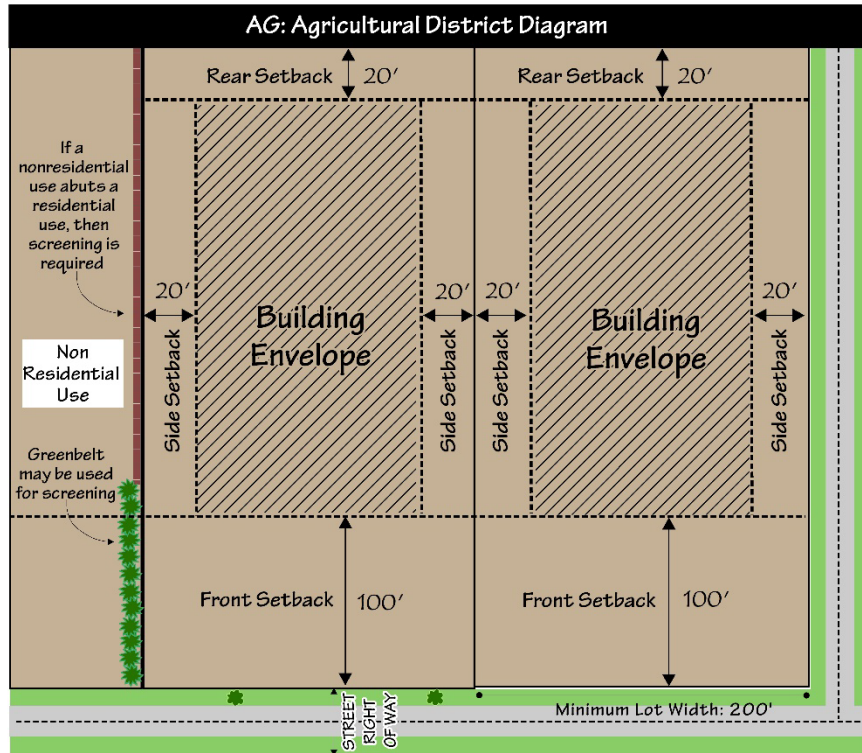
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	AG
Manufacturing, Industrial, & Waste Management	
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.22	S*
Waste Facilities – Collection Facilities, Recycling facilities, Resource Recovery Facilities, and Transfer Stations	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	P*
Medical Marijuana Primary Caregiver Operations (no permit required) §7.29	P*
Planned Unit Developments §7.24	S*
Site Condominium Development §7.25	S*
Temporary Buildings & Structures (used during construction)	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.3	S*
Dwelling Units in conjunction with a Non-Residential Establishment	P
Home Occupations §7.2	P*
Cottage Industries §7.2	S*
Single-Family Detached Dwelling	P
Temporary Dwellings Used During Construction	P
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields §7.7	S
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Solar Energy Facility (Utility-Scale) §7.30	S*
Solar Energy Panels (Accessory) §7.31	P*
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §7.32	S*
Wind Turbines (On-Site) §7.32	S*
Wireless:	
Antenna Co-Location §7.33	P*
Small Cell Wireless Facilities §7.33	S*
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.33	S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.33	S*

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

C. Development Standards for AG District.

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

1. Lot & Structure Standards	
a. Lot Area (min.)	5 acres
b. Lot Width (min.)	200 ft
c. Building Height (max.)	35 ft or 3 stories, whichever is less
d. Dwelling Unit Size (min.)	900 sq ft in area and 14 ft in width <i>(not including basements, utility rooms, breezeways, porches or garages)</i>
2. Setbacks (Figure 4.7)	
a. Front (min.)	100 ft (Waterfront Lots: 35 ft from the required 25-foot waterfront greenbelt per §4.11)
b. Side (min.)	20 ft
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.26
c. Fences & Walls	See §3.24
d. Decks & Patios	Decks shall meet the required setback of the principal building. Patios shall not be subject to setbacks.
e. Signs	See §3.31



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

Section 4.8 Forest/Recreation District (FR)

FR

A. Intent.

The Forest/Recreation District is designed to promote the use of the wooded areas of the Township in a judicious manner so as to maintain its attractiveness as a natural resource for the enjoyment of tourists and the community at large.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.12: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	FR
Accommodation & Food/Event Services	
Bed & Breakfasts, Tourist Homes, & Rooming Houses/Boarding Houses §7.4	P*
Resorts, Vacation Lodges, Farm Stays, Cabin Courts & Inns	S
Short Term Rental Homes §7.5	S*
Wineries/Cider Mills with Retail Sales/Tasting Rooms (with growing and production occurring on the property)	S
Agriculture, Animals & Forest Products	
Animal Shelter/Animal Rescue Facility	S
Agricultural Tourism Businesses on Farms	S
Biofuel Production Facilities on Farms §7.28	PS*
Boarding Stables; Riding Arenas §7.15	P*
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	S
Farming, Domestic (Hobby Farm) on at least 5 acres. No feedlots.	P
Farming, Commercial (including U-Pick)	P
Farm Market/Roadside Stands (product grown on property under the same control) §7.16	P*
Firewood Sales - Commercial (does not include small bundles of firewood)	S
Forest Products Growing & Harvesting	P
Game Preserves/Hunting Preserves	P
Hunting Camps	P
Kennels, Commercial §7.14	S*
Veterinary Clinic/Animal Hospital	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	FR
Arts, Entertainment & Recreation	
Art Galleries & Studios	P
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e. Summer Camps) §7.17	S*
Canoe/Boat/Kayak Liveries or Yards	S
Equipment Rental, Motorized (ORV, Snowmobile) or Non-Motorized (Outfitter)	S
Marinas & Dock Facilities	S
Museums & Historic Sites (open to the public)	S
Parks & Recreation Areas, Nature Areas, Conservation Areas	P
Sportsmen’s Association/Firearms Ranges/Archery Ranges	S
Wildlife Preserves, Zoos (including Petting Zoos) & Animal Tours/Attractions	S
Commercial, Services & Retail	
Agricultural Sales & Service (Equipment, Building & Garden Equipment & Supplies)	S
Boat/RV/Recreational Equipment Repair & Storage	S
Flea Market	S
Seasonal/Transient Sales	P
Small-Scale Craft Making	S
Studios for Dance, Physical Exercise, Music, Karate, and Similar Uses	S
Taxidermy Shops	S

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	FR
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor’s equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Places of Worship & Customary Accessory Uses	S
Public, charter or private schools (elementary through high school)	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S
Adult Day Care Facility - NOT IN PRIVATE HOME	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (6 or less)	P
Manufacturing, Industrial, & Waste Management	
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.22	S*
Waste Facilities – Collection Facilities, Recycling facilities, Resource Recovery Facilities, and Transfer Stations	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	P*
Medical Marijuana Primary Caregiver Operations (no permit required) §7.29	P*
Planned Unit Developments §7.24	S*
Site Condominium Development §7.25	S*
Temporary Buildings and Structures (used during construction)	P

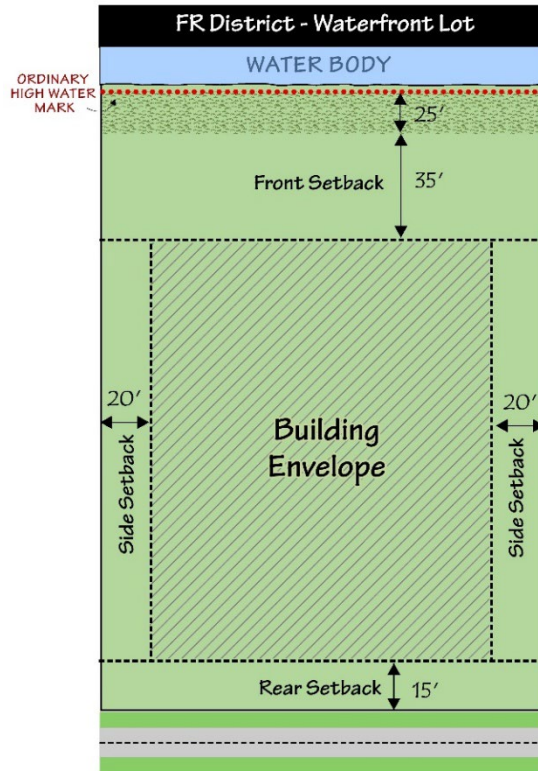
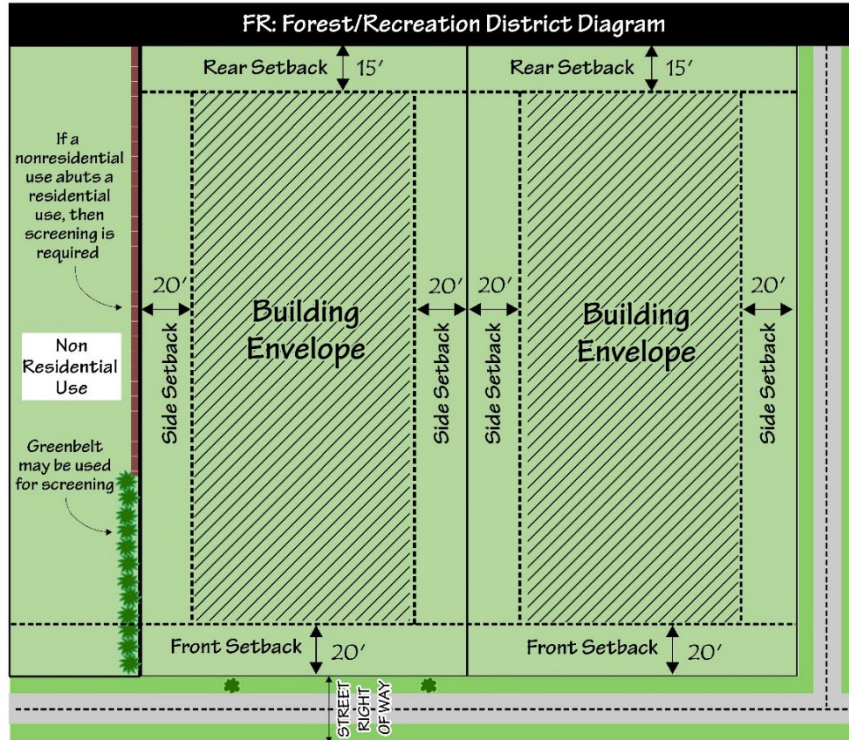
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	FR
Residential Uses	
Accessory Dwelling Units/Guest Houses §7.3	S*
Dwelling Units in conjunction with a Non-Residential Establishment	P
Home Occupations §7.2	P*
Cottage Industries §7.2	S*
Single-Family Detached Dwelling	P
Residential Uses with Common Use Lake or Stream Frontage Property	S
Temporary Dwellings Used During Construction	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Solar Energy Facility (Utility-Scale) §7.30	S*
Solar Energy Panels (Accessory) §7.31	P*
Wind Turbines (On-Site) §7.32	S*
Wireless:	
Antenna Co-Location §7.33	P*
Small Cell Wireless Facilities §7.33	S*
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.33	S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.33	S*

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

C. Development Standards for FR District.

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

1. Lot & Structure Standards	
a. Lot Area (min.)	1 acre (5 acres for hunting camps)
b. Lot Width (min.)	n/a
c. Building Height (max.)	35 ft or 3 stories, whichever is less
d. Dwelling Unit Size (min.) (not including basements, utility rooms, breezeways, porches or garages)	900 sq ft in area and 14 ft in width
2. Setbacks (Figure 4.8)	
a. Front (min.)	20 ft (Waterfront Lots: 35 ft from the required 25-foot waterfront greenbelt per §4.11)
b. Side (min.)	20 ft
c. Rear (min.)	15 ft
3. Additional Development Standards	
a. Accessory Buildings	See §3.10
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.26
c. Fences & Walls	See §3.24
d. Decks & Patios	Decks shall meet the required setback of the principal building. Patios shall not be subject to setbacks.
e. Signs	See §3.31



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

Section 4.9 General Commercial District (C-1)

C-1

A. Intent.

This district is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the Township.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.12: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.26	S*
Food Trucks at a location up to 1 week §7.27	P
Food Trucks at a location longer than 1 week §7.27	S*
Hotels & Motels (attached or detached units) §7.10	P*
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms	P
Night Clubs	S
Resorts, Vacation Lodges, Vacation Farms, Cabin Courts, Inns	P
Restaurants	P
Short Term Rental Homes §7.5	S*
Agriculture, Animals & Forest Products	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	P
Dog Grooming Establishments	P
Farm Product Sales (Fruit/Vegetable Market) (product <u>not</u> grown on property under the same control)	P
Greenhouse; Nursery; Landscaping Establishment	P
Veterinary Clinic/Animal Hospital	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Arts, Entertainment & Recreation (cont.)	
Arenas for Recreation & Sports	P
Art Galleries & Studios	P
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e. Summer Camps) §7.17	P*
Canoe/Boat/Kayak Liveries or Yards	P
Equipment Rental, Motorized (ORV, Snowmobile) or Non-Motorized (Outfitter)	P
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club, skating rinks)	P
Marinas & Dock Facilities	S
Museums & Historic Sites (open to the public)	P
Outdoor Performance Facility (classified as Commercial Events Facility) §7.26	S*
Parks and Recreation Areas, Nature Areas, Conservation Areas	P
Private Clubs; Lodges; Fraternal Organizations	P
Race Tracks (Motorized or Non-Motorized)	S
Recreational Facility, Outdoor – Commercial (i.e. go karts; miniature golf; disc golf; cross-country ski)	P
Recreational Facility, Indoor – Commercial (i.e. arcades, billiards, bowling)	P
Sportsmen’s Association/Firearms Ranges/Archery Ranges	S
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)	P
Theaters (Drive-In) §7.9	S*
Tours (Commercial Operations)	P

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Commercial, Services & Retail	
Agricultural Sales & Service (Equipment, Building & Garden Equipment & Supplies)	P
Automobile Repair Garage; Auto Body/ Paint/Interior & Glass; Oil Change; Tire Sales & Installation; Towing Services	S
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubator	P
Business Services	P
Cabinet Shops	P
Car Washes §7.12	P*
Cash Advance Stores	P
Cleaning Services	P
Drive-Through/Drive-In Businesses §7.8	S*
Extermination & Pest Control Services	P
Film Production Facilities & Recording Studios including sound stages & other related activities	P
Flea Market	P
Funeral Homes & Mortuaries	P
Furniture Refinishing/ Upholstery Shop	P
Gas Stations §7.11	S*
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Laundromat & Dry Cleaning Services	P
Locksmiths	P
Lumber Yards (pre-planned, finished lumber)/Building Material Sales & Supply	P
Offices, Professional	P
Outdoor Sales/Rental Facilities (Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Equip., Contractor's Equip., Recreational Equipment, Trailers, & Similar)	P
Pawn Shops	P
Personal Services (beauty shops, tailoring, massage therapy, tanning, health spa)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material; Blueprinting	P
Rental Centers (equipment; home furnishings, rent-to-own, etc)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Repair Shops (not automotive-related)	P
Retail Sales	P
Retail Sales combined with Wholesale	P
Seasonal/Transient Sales	P
Sexually Oriented Businesses §7.21	S*
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise, Music, Karate, & Similar Uses	P
Taxidermy Shops	P
Tattoo & Body Piercing Studios	P
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Business Schools, Trade Schools, Vocational Schools, & Other Institutions of Specialized Learning	P
Colleges/Universities	S
Places of Worship & Customary Accessory Uses	S
Public, charter or private schools (elementary through high school)	P
Human Care & Social Assistance	
Adult Day Care Facility - NOT IN PRIVATE HOME	P
Adult Foster Care Small Group Home (7-12 adults)	P
Adult Foster Care Large Group Home (13-20 adults)	P
Adult Foster Care Congregate Facilities (over 20 adults)	P
Assisted Living Home/Nursing Home/Convalescent Home	P
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	P
Child Care Center/Nursery School (not in home)	P
Child Caring Institution	S
Health Care/Dental/Optical Clinics	P
Hospitals	S
Rehabilitation Institutions	S
Residential Human Care & Treatment Facility (not in a residence)	S

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Manufacturing, Industrial, & Waste Management	
Commercial Cleaning Plants	P
Food Hub Facility/Food Incubator Facility	P
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.22	S*
Printing, Lithographic & Blueprinting	P
Research/Design/Experimental Product Development & Testing Facilities & Laboratories	P
Sign Shops	P
Tool & Die, Gauge, Metal Plating/Polishing/Cutting/Buffering, & Machine Shops	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	P*
Cemeteries including Columbaria & Mausoleums	P
Medical Marijuana Primary Caregiver Operations (no permit required) §7.29	P*
Planned Unit Developments §7.24	S*
Temporary Buildings and Structures (used during construction)	P
Public Facilities	
Community Centers/Auditoriums	P
Government Administrative Facilities	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Public Works Facilities	P

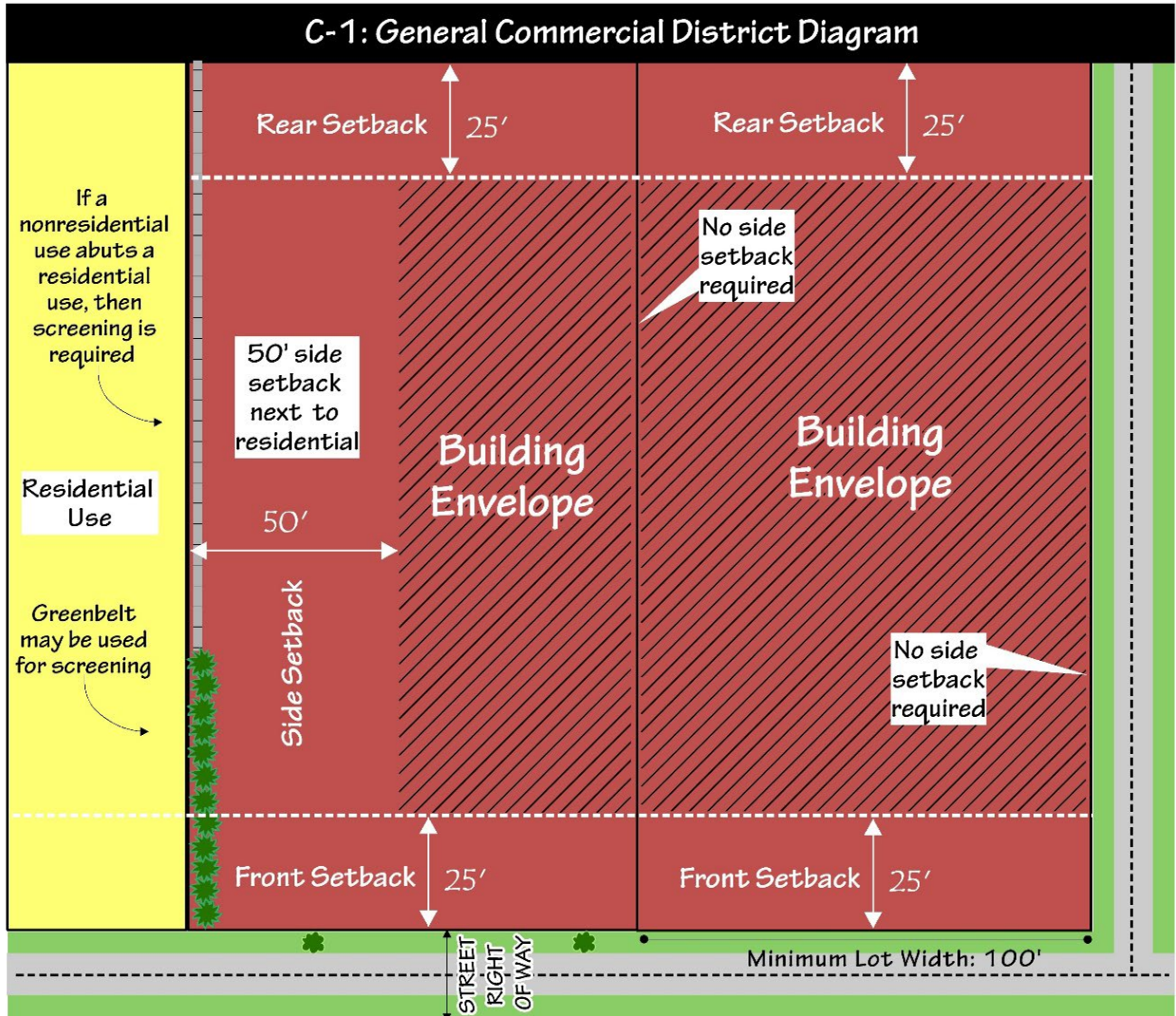
TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C
Residential Uses	
Dwelling Units in conjunction with a Non-Residential Establishment	P
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields §7.7	S*
Storage including Self-Storage Facilities/Mini-Storage	P
Transit Facilities (including bus garages/stations); Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Truck Rental Facilities	P
Wholesale Businesses	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Public Utility Facilities	P
Solar Energy Panels (Accessory) §7.31	P*
Wind Energy Systems & Anemometer Towers (Utility-Scale) §7.32	S*
Wind Turbines (On-Site) §7.32	S*
Wireless:	
Antenna Co-Location §7.33	P*
Television/Radio Broadcasting Stations §7.33	P*

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

C. Development Standards for C-1 District.

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

1. Lot & Structure Standards		
a. Lot Area (min.)	1 acre (may be reduced to ½ acre when contiguous to other lots zoned C-1)	
b. Lot Width (min.)	100 ft	
c. Building Height (max.)	35 ft or 3 stories, whichever is less	
2. Setbacks (Figure 4.9)		
a. Front (min.)	25 ft	50 ft on the side and rear lot lines where a C-1 lot abuts an R-1 district, residential use, or body of water
b. Side (min.)	0 ft	
c. Rear (min.)	25 ft	
3. Additional Development Standards		
a. Accessory Buildings	See §3.10	
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.26	
c. Fences & Walls	See §3.24	
d. Decks & Patios	Decks shall meet the required setback of the principal building. Patios shall not be subject to setbacks.	
e. Signs	See §3.31	



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

Section 4.10 Industrial District (I-1)

I-1

A. Intent.

The intent of this district is to provide areas for light industrial sites occupied by manufacturing plants, laboratories, distribution warehouses, and similar uses. The regulations contained in this district are intended to maintain aesthetic values in the district and protect investments of the community and industries occupying the improved sites. To these ends, development is limited to uses that can be carried out in an unobtrusive manner and maintain a compatibility with surrounding areas.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in [Section 4.12: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	I-1
Agriculture, Animals & Forest Products	
Agricultural products processing & storage (excluding slaughter houses) in buildings over 5,000 sq ft	P
Agricultural Product Processing (excluding slaughterhouses) in buildings 5,000 sq ft or less	P
Animal Sales Yards/Auctions for Livestock	P
Biofuel Production Facilities not on Farms	S
Composting Facility (large scale facility – compost material brought in & deposited)	S
Firewood Sales - Commercial (does not include small bundles of firewood)	P
Forest Products Processing - Saw Mills, Veneer Mills, Planing Mills & related operation (when completely enclosed and when located in the interior of the district so that no lot line shall form the exterior boundary of the I district)	S
Grain Elevators	P
Slaughterhouses	S
Arts, Entertainment & Recreation	
Parks and Recreation Areas, Nature Areas, Conservation Areas	P

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	I-1
Commercial, Services & Retail (cont.)	
Automobile Repair Garage; Auto Body/ Paint/Interior & Glass; Oil Change; Tire Sales & Installation; Towing Services	S
Boat/RV/Recreational Equipment Repair & Storage	P
Cleaning Services	P
Extermination & Pest Control Services	P
Film Production Facilities & Recording Studios including sound stages & other related activities	P
Repair Shops (not automotive-related)	P
Retail Sales combined with Wholesale	P
Small Engine Repair	P
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Business Schools, Trade Schools, Vocational Schools, & Other Institutions of Specialized Learning	P

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I-1
Manufacturing, Industrial, & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	S
Accessory Uses, Incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Blacktop or Asphalt Plant	S
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Bulk Storage and/or Distribution of Flammable or Hazardous Materials	S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Cold Storage Plants	P
Commercial Cleaning Plants	P
Crematoriums	S
Dry Bulk Blending Plants	P
Food Hub Facility/Food Incubator Facility	P
Gas & Oil Processing Facilities/Refinery §7.20	S*
Incinerator Plant (non-pyrolysis or pyrolysis type/Gasification)	S
Industrial Parks (planned)	S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards/Sanitary Landfills §7.18	S*
Machine Shops/ Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	P
Meat Packing Plants	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I-1
Manufacturing, Industrial, & Waste Management	
Mineral Processing Facilities & Operations	S
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.22	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Petroleum Refinery	S
Printing or Forming of Box, Carton & Cardboard Products	P
Printing, Lithographic & Blueprinting	P
Research/Design/Experimental Product Development & Testing Facilities & Laboratories	P
Sign Shops	P
Smelting Industries	S
Tin Shops or Plumbing Supply Shops	P
Tool & Die, Gauge, Metal Plating/Polishing/Cutting/Buffering, & Machine Shops	P
Waste Facilities – Collection Facilities, Recycling facilities, Resource Recovery Facilities, & Transfer Stations	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.10	P*
Medical Marijuana Primary Caregiver Operations (no permit required) §7.29	P*
Planned Unit Developments §7.24	S*
Temporary Buildings and Structures (used during construction)	P
Public Facilities	
Police/Fire Stations	P
Public Works Facilities	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Distribution Centers/Freight Terminals/Trucking Facilities	P
Drone (Unmanned Aerial) Centers	P
Storage including Self-Storage Facilities/Mini-Storage	P
Transit Facilities (including bus garages/stations); Scenic & Sightseeing Transportation/Ground Passenger Transportation	P

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I-1
Transportation, Storage & Wholesale (cont.)	
Truck Rental Facilities	P
Truck Transportation Facility including Truck Repair & Maintenance	P
Truck Washes §7.12	P*
Warehousing	P
Utility, Energy & Communications	
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Heating & Electric Power Generating Plants	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I-1
Public Utility Facilities	P
Solar Energy Panels (Accessory) §7.31	P*
Wind Energy Systems & Anemometer Towers (Utility-Scale) §7.32	S*
Wind Energy Systems (On-Site) §7.32	S*
Wireless:	
Antenna Co-Location §7.33	P*
Small Cell Wireless Facilities §7.33	S*
Television/Radio Broadcasting Stations	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.33	S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.33	S*

C. Development Standards for I-1 District.

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

1. Lot & Structure Standards

a. Lot Area (min.)	5 acres
b. Lot Width (min.)	150 ft
c. Building Height (max.)	35 ft or 3 stories, whichever is less

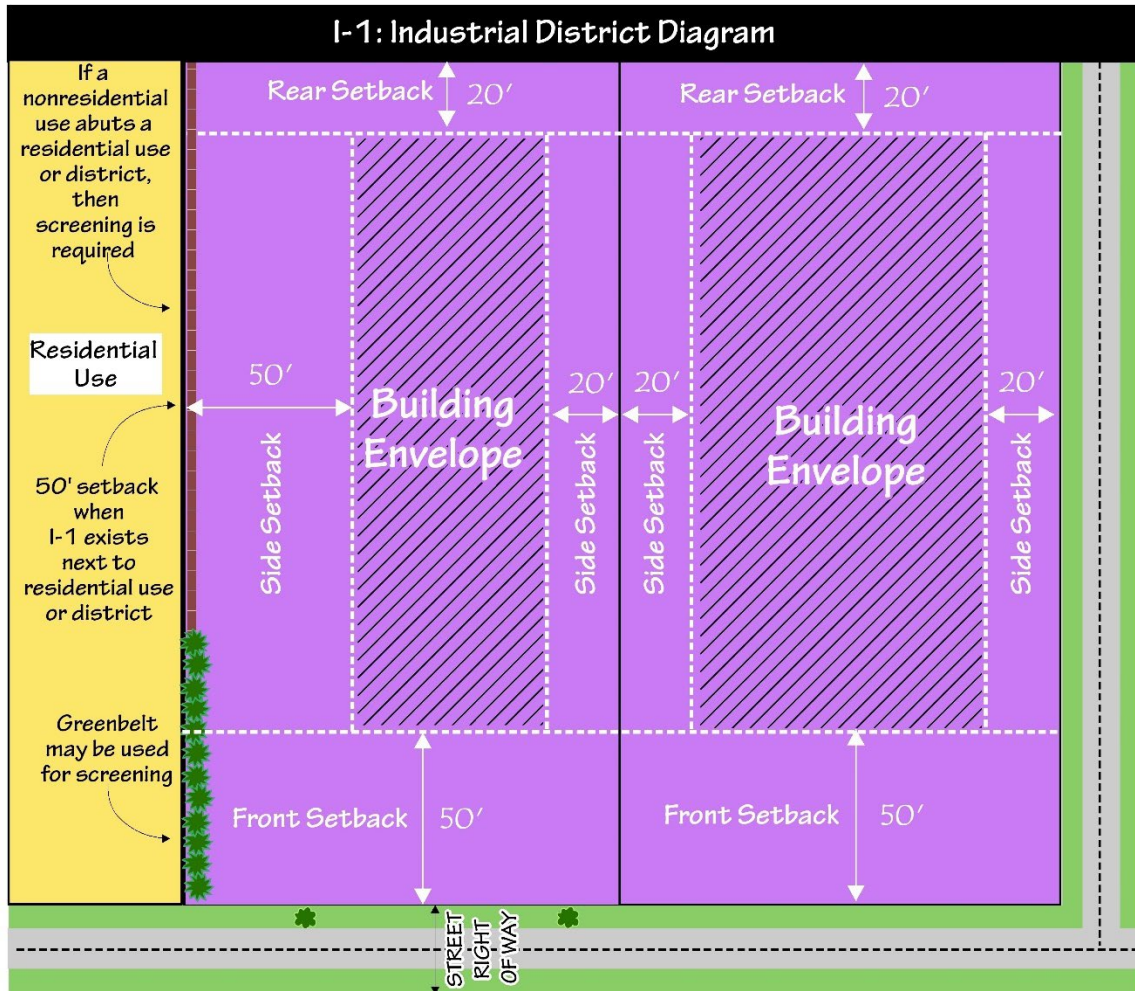
2. Setbacks (Figure 4.10)

a. Front (min.)	50 ft
b. Side (min.)	20 ft
c. Rear (min.)	20 ft
	50 ft where a C-1 lot abuts an R-1 district, residential use, or body of water

3. Additional Development Standards

a. Accessory Buildings	See §3.10
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.26
c. Fences & Walls	See §3.24
d. Decks & Patios	Decks shall meet the required setback of the principal building. Patios shall not be subject to setbacks.
e. Signs	See §3.31
f. Other	All uses which are listed as permitted by right in the Industrial District shall be carried out within a completely enclosed building.

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



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

Section 4.11 Greenbelt District (GB)

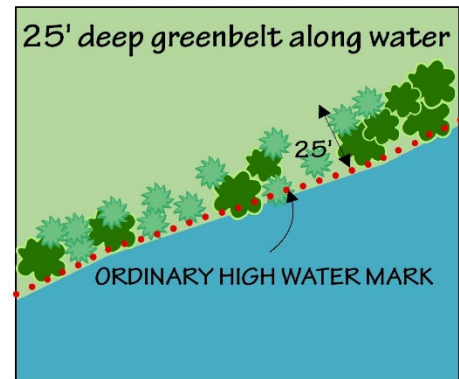
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A. Intent.

The abundance of shoreline within Hillman Township creates a need for designating this district to adequately protect the environmentally sensitive nature of the Township's lakes and streams. The greenbelt will establish a continual ribbon of open space around these bodies of water to assist in providing a permanent recreational environment. The greenbelt will also prevent nutrients, pollutants and eroded materials from directly entering the water and degrading water quality and will maintain an extensive root structure to minimize shoreline erosion.

B. Scope.

1. The greenbelt is defined herein as all that land in an area between the ordinary high water mark of the Township's lakes and streams and a line twenty-five (25) feet from and parallel to the ordinary high water mark of said bodies of water. In the case where the land immediately surrounding and adjacent to the shoreline slopes at a twenty (20) percent grade or more, the greenbelt shall consist of all that land between the ordinary high water mark of the lake, stream, river, or pond and the crest of the slope. The crest shall be defined as that point where the slope no longer exceeds twenty (20) degrees. Walkout basements will be permitted providing the face of the house does not extend beyond the crest as so defined.



2. Lakes which are completely contained within one (1) zoning lot are not subject to this Section.

C. Greenbelt.

1. Within the greenbelt, trees and shrubs may be trimmed and pruned to permit a view of the water and access to it. Otherwise, the greenbelt shall be maintained in trees, shrubs, or unmowed herbaceous vegetation.
2. Removal or mowing of greenbelt vegetation for access to the water shall be limited to not more than twenty (20) percent of shoreline length, provided that effective runoff and erosion control is maintained in the closed area.
3. Use of impermeable paving or surface materials in the greenbelt shall be prohibited. Filling and/or dredging in the greenbelt or adjacent body of water shall be prohibited.

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

4. Lighting within the greenbelt or on docks is discouraged. Any such lighting shall be shielded to prevent excessive light or glare onto adjoining properties or the shoreline.
5. No refuse or potentially polluting materials, including but not limited to lawn clippings, leaves, garbage, trash, junk, or toxic materials, may be dumped or stored within the greenbelt.

D. Permitted Structures.

No structural facilities will be allowed within this zone except for the following:

1. Boat docks and piers which shall be erected not less than ten (10) feet from any side lot line at the ordinary high water mark. This measurement shall be made at the widest point of the structure.
2. Stairways with landings not exceeding an area of one hundred (100) square feet each.

E. Use of Pesticides, Herbicides & Fertilizers.

Because of the potentially adverse effects on waterfront vegetation, fish, wildlife, and water quality from improper use of pesticides, herbicides, and fertilizers, their use on lands within the Greenbelt District is strongly discouraged except when utilized in accordance with the advice and supervision of qualified specialists.

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

Section 4.12 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to [Section 4.4](#). In event of a conflict between the regulations in this Section and the regulations contained in Section 4.6 through 4.11, then Section 4.6 through 4.11 shall control.

Hillman Township Zoning Districts	
R-1	Residential District
AG	Agricultural District
FR	Forest/Recreation District
C-1	General Commercial District
I-1	Industrial District
GB	Greenbelt District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-29
Agriculture, Animal Services & Forest Products	4-30
Arts, Entertainment & Recreation	4-31
Commercial, Services & Retail	4-33
Construction & Contractors	4-33
Educational Services & Religion	4-33
Human Care & Social Assistance	4-33
Manufacturing, Mining & Waste Management	4-34
Miscellaneous	4-35
Public Facilities	4-35
Residential Uses	4-35
Transportation, Storage & Wholesale	4-36
Utility, Energy & Communications	4-36

Table 4.12: Full Table of Permitted Uses & Special Uses					
P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	AG	FR	C-1	I-1
Accommodation & Food/Event Services					
Bakeries, Coffee Shops, Confectioneries & Ice Cream Shops				P	
Bars/Taverns				P	
Bed & Breakfasts, Tourist Homes, & Rooming Houses/Boarding Houses §7.4	S*	P*	P*		
Caterers/Food Service Contractors				P	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.26		S*		S*	
Food Trucks at a location up to 1 week §7.27				P*	
Food Trucks at a location longer than 1 week §7.27				S*	
Hotels & Motels (attached or detached units) §7.10				P*	
Microbreweries & Distilleries (serving directly to the public); Winery Tasting Rooms				P	
Night Clubs				S	
Resorts, Vacation Lodges, Farm Stays, Cabin Courts & Inns	S	S	S	P	
Restaurants				P	
Short Term Rental Homes §7.5	S*	S*	S*	S*	
Wineries/Cider Mills with Retail Sales/Tasting Rooms (with growing & production occurring on the property)		S	S		

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

Table 4.12: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	AG	FR	C-1	I-1
Agriculture, Animal Services & Forest Products					
Agricultural products processing & storage (excluding slaughterhouses) in buildings over 5,000 sq ft		S			P
Agricultural Product Processing (excluding slaughterhouses) in buildings 5,000 sq ft or less		P			P
Animal Sales Yards/Auctions for Livestock		P			P
Animal Shelter/Animal Rescue Facility		S	S		
Agricultural Tourism Businesses on Farms		S	S		
Biofuel Production Facilities on Farms §7.28		PS*	PS*		
Biofuel Production Facilities not on Farms					S
Boarding Stables; Riding Arenas §7.15		P*	P*		
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)		S	S	P	
Composting Facility (large scale facility – compost material brought in & deposited)		S			S
Dog Grooming Establishments				P	
Farming, Domestic (Hobby Farm) (on at least 5 acres in FR)	S	P	P		
Farming, Commercial (including U-Pick)		P	P		
Farm Market/Roadside Stands (product grown on property under the same control) §7.16		P*	P*		
Farm Product Sales (Fruit/Vegetable Market) (product <u>not</u> grown on property under the same control)				P	
Firewood Sales - Commercial (does not include small bundles of firewood)		S	S		P
Forest Products Growing & Harvesting			P		
Forest Products Processing - Saw Mills, Veneer Mills, Planing Mills & related operation (when completely enclosed & when located in the interior of the district so that no lot line shall form the exterior boundary of the I district)					S
Game Preserves/Hunting Preserves		P	P		
Grain Elevators		S			P
Greenhouse; Nursery; Landscaping Establishment		S		P	
Hunting Camps		P	P		
Kennels, Commercial §7.14		S*	S*		
Slaughterhouses					S
Veterinary Clinic/Animal Hospital		S	S	P	

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

Table 4.12: Full Table of Permitted Uses & Special Uses					
P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations					
	R-1	AG	FR	C-1	I-1
Arts, Entertainment & Recreation					
Arenas for Recreation & Sports				P	
Art Galleries & Studios		P	P	P	
Campgrounds & RV Parks (may include rental of other types of recreational structures – “glamping”); Camps, Private Outdoor Recreational Camps (i.e. Summer Camps) §7.17	S*	S*	S*	P*	
Canoe/Boat/Kayak Liveries or Yards	S	S	S	P	
Equipment Rental, Motorized (ORV, Snowmobile) or Non-Motorized (Outfitter)		S	S	P	
Fitness & Recreational Sports (ex: health clubs, gym, tennis, swimming pool club, skating rinks)				P	
Golf Courses §7.23; Golf Driving Ranges; Country Clubs	S*	S*			
Marinas & Dock Facilities	S	S	S	S	
Museums & Historic Sites (open to the public)		S	S	P	
Outdoor Performance Facility (classified as Commercial Events Facility) §7.26		S*		S*	
Parks & Recreation Areas, Nature Areas, Conservation Areas	P	P	P	P	P
Private Clubs; Lodges; Fraternal Organizations				P	
Race Tracks (Motorized or Non-Motorized)				S	
Recreational Facility, Outdoor – Commercial (i.e. go karts; miniature golf; disc golf; cross-country ski)				P	
Recreational Facility, Indoor – Commercial (i.e. arcades, billiards, bowling)				P	
Sportsmen’s Association/Firearms Ranges/Archery Ranges		S	S	S	
Theaters/Performing Arts Facilities/Assembly Halls (completed enclosed bldg.)				P	
Theaters (Drive-In) §7.9				S*	
Tours (Commercial Operations)				P	
Wildlife Preserves, Zoos (including Petting Zoos) & Animal Tours/Attractions		S	S		

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

Table 4.12: Full Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	AG	FR	C-1	I-1
Commercial, Services & Retail					
Agricultural Equipment, Building & Garden Equipment & Supplies Dealers (including service)		S	S	P	
Automobile Repair Garage; Auto Body/ Paint/Interior & Glass; Oil Change; Tire Sales & Installation; Towing Services				S	S
Banks/Financial Institutions				P	
Boat/RV/Recreational Equipment Repair & Storage		S	S	P	P
Business Incubator				P	
Business Services				P	
Cabinet Shops				P	
Car Washes §7.12				P*	
Cash Advance Stores				P	
Cleaning Services				P	P
Drive-Through/Drive-In Businesses §7.8				S*	
Extermination & Pest Control Services				P	P
Film Production Facilities & Recording Studios including sound stages & other related activities				P	P
Flea Market		S	S	P	
Funeral Homes & Mortuaries				P	
Furniture Refinishing/ Upholstery Shop				P	
Gas Stations §7.11		S*		S*	
Interior Designers/Showrooms				P	
Laboratories, Medical/Dental				P	
Laundromat & Dry Cleaning Services				P	
Locksmiths				P	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales & Supply				P	
Offices, Professional				P	
Outdoor Sales/Rental Facilities (Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Equip., Contractor's Equip., Recreational Equipment, Trailers, & Similar)				P	
Pawn Shops				P	
Personal Services (beauty shops, tailoring, massage therapy, tanning, health spa)				P	
Photofinishing/Photographers				P	
Printing/Binding/Publishing of Print Material; Blueprinting				P	
Rental Centers (equipment; home furnishings, rent-to-own, etc)				P	
Repair Shops (not automotive-related)				P	P
Retail Sales				P	
Retail Sales combined with Wholesale				P	P
Seasonal/Transient Sales		P	P	P	
Sexually Oriented Businesses §7.21				S*	
Small Engine Repair				P	P

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

Table 4.12: Full Table of Permitted Uses & Special Uses					
P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	AG	FR	C-1	I-1
Commercial, Services & Retail					
Small-Scale Craft Making		S	S	P	
Studios for Dance, Physical Exercise, Music, Karate & Similar Uses		S	S	P	
Tattoo & Body Piercing Studios				P	
Taxidermy Shops		S	S	P	
Construction/Contractors					
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)		S	S	P	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)		S	S	P	P
Educational Services & Religion					
Business Schools, Trade Schools, Vocational Schools, & Other Institutions of Specialized Learning				P	P
Colleges/Universities				S	
Places of Worship & Customary Accessory Uses	S	S	S	S	
Public, charter or private schools (elementary through high school)	S	P	P	P	
Human Care & Social Assistance					
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	P	P	P		
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S	S	S		
Adult Day Care Facility - NOT IN PRIVATE HOME		S	S	P	
Adult Foster Care Family Homes (6 or less adults)	P	P	P		
Adult Foster Care Small Group Home (7-12 adults)	S	S	S	P	
Adult Foster Care Large Group Home (13-20 adults)	S	S	S	P	
Adult Foster Care Congregate Facilities (over 20 adults)	S	S	S	P	
Assisted Living Home/Nursing Home/Convalescent Home	S	S	S	P	
Charitable Institution (ex: soup kitchen); Non-Profit Organizations				P	
Child Care Home, Family	P	P	P		
Child Care Home, Group	S	S	S		
Child Care Center/Nursery School (not in home)	S	S	S	P	
Child Caring Institution				S	
Health Care/Dental/Optical Clinics				P	
Hospitals				S	
Rehabilitation Institutions				S	
Residential Human Care & Treatment Facility (not in a residence)				S	
State-Licensed Residential Facilities (6 or less)	P	P	P		

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

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Manufacturing, Industrial, & Waste Management					
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.					P
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are industries in which the modes of operation of the industry do have external effects & may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.					S
Accessory Uses, Incidental to Manufacturing (offices, foods services, caretaker buildings)					P
Blacktop or Asphalt Plant					S
Blast Furnace, Steel Furnace, Blooming or Rolling Mill					S
Bulk Storage &/or Distribution of Flammable or Hazardous Materials					S
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)					S
Cold Storage Plants					P
Commercial Cleaning Plants				P	P
Crematoriums					S
Dry Bulk Blending Plants					P
Food Hub Facility/Food Incubator Facility				P	P
Gas & Oil Processing Facilities/Refinery §7.20					S*
Incinerator Plant (non-pyrolysis or pyrolysis type/Gasification)					S
Industrial Parks (planned)					S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards/Sanitary Landfills §7.18					S*
Machine Shops/ Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing					P
Meat Packing Plants					P
Mineral Processing Facilities & Operations					S
Mining/Resource Extraction (incl. sand, gravel, rock & mineral extraction) §7.22	S*	S*	S*	S*	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution					S
Petroleum Refinery					S
Printing or Forming of Box, Carton & Cardboard Products					P
Printing, Lithographic & Blueprinting				P	P
Research/Design/Experimental Product Development & Testing Facilities & Laboratories				P	P
Sign Shops				P	P
Smelting Industries					S
Tin Shops or Plumbing Supply Shops					P
Tool & Die, Gauge, Metal Plating/Polishing/Cutting/Buffering & Machine Shops				P	P
Waste Facilities – Collection Facilities, Recycling Facilities, Resource Recovery Facilities & Transfer Stations		S	S		S

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

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P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations					
	R-1	AG	FR	C-1	I-1
Miscellaneous					
Accessory Buildings & Uses Incidental to Principal Uses §3.10	P*	P*	P*	P*	P*
Cemeteries including Columbaria & Mausoleums				P	
Medical Marijuana Primary Caregiver Operations (no permit required) §7.29	P*	P*	P*	P*	P*
Planned Unit Developments §7.24	S*	S*	S*	S*	S*
Site Condominium Development §7.25	S*	S*	S*		
Temporary Buildings & Structures (used during construction)	P	P	P	P	P
Public Facilities					
Community Centers/Auditoriums				P	
Government Administrative Facilities				P	
Libraries				P	
Police/Fire Stations				P	P
Post Office				P	
Public Works Facilities				P	P
Residential Uses					
Accessory Dwelling Units/Guest Houses §7.3	S*	S*	S*		
Dwelling Units in conjunction with a Non-Residential Establishment	P	P	P	P	
Home Occupations §7.2	P*	P*	P*		
Cottage Industries §7.2	S*	S*	S*		
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.6	S*				
Multiple-Family Dwelling Units	S				
Single-Family Detached Dwelling	P	P	P		
Residential Uses with Common Use Lake or Stream Frontage Property	S		S		
Temporary Dwellings Used During Construction	P	P	P		
Two-Family Dwelling (duplex)	S				

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

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P = Permitted S = Permitted with a Special Use Permit *supplemental development regulations	R-1	AG	FR	C-1	I-1
Transportation, Storage & Wholesale					
Airports, Aviation Support Services, Heliports & Landing Fields §7.7		S*		S*	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments					P
Distribution Centers/Freight Terminals/Trucking Facilities					P
Drone (Unmanned Aerial) Centers					P
Storage including Self-Storage Facilities/Mini-Storage				P	P
Transit Facilities (including bus garages/stations); Scenic & Sightseeing Transportation/Ground Passenger Transportation				P	P
Truck Rental Facilities				P	P
Truck Transportation Facility including Truck Repair & Maintenance					P
Truck Washes §7.12					P
Warehousing					P
Wholesale Businesses				P	
Utility, Energy & Communications					
Essential Services	P	P	P	P	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S	S	S	S	S
Heating & Electric Power Generating Plants					S
Public Utility Facilities				P	P
Solar Energy Facility (Utility-Scale) §7.30		S*	S*		
Solar Energy Panels (Accessory) §7.31	P*	P*	P*	P*	P*
Wind Energy Systems & Anemometer Towers (Utility-Scale) §7.32		S*		S*	S*
Wind Turbines (On-Site) §7.32	S*	S*	S*	S*	S*
Wireless:					
Antenna Co-Location §7.33		P*	P*	P*	P*
Small Cell Wireless Facilities §7.33	S*	S*	S*		S*
Television/Radio Broadcasting Stations				P	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §7.33	S*	S*	S*		S*
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) & Other Wireless Facilities Not Otherwise Listed §7.33	S*	S*	S*		S*

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

Section 4.13 Full Schedule of Regulations

Principal buildings shall adhere to the following district regulations. These regulations also appear in the individual district sections in this Article. In event of a conflict between the regulations in this Section and the regulations contained in [Section 4.6 through 4.11](#), then [Section 4.6 through 4.11](#) shall control.

Districts	Minimum Size of Lot		Maximum Height of Structure		Minimum Setback (per lot in feet)			Min. Floor Area in Sq. Ft. (per dwelling unit)	Min. Dwelling Unit Width in Feet
	Area	Width in feet	Feet	Stories	Front	Sides	Rear		
			Whichever is less						
R-1: Residential District	½ acre (a)	100	35	3	35 (d)	15	15	900 (a)	14
AG: Agricultural District	5 acres	200	35	3	100 (d)	20	20	900	14
FR: Forest/Recreation District	1 acre	-----	35	3	20 (d)	20	15	900	14
C-1: General Commercial District	1 acre (b)	100	35	3	25 (c)	0 (c)	25 (c)	-----	-----
I-1: Industrial District	5 acres	150	35	3	50 (c)	20 (c)	20 (c)	-----	-----
GB: Greenbelt District	See Section 4.11								

a. **Multiple-Family Dwellings.** The following shall apply to multiple-family dwellings:

(1) **Minimum Lot Area.**

- Efficiency or 1-bedroom unit: 3,000 sq ft
- 2-bedroom unit: 4,200 sq ft
- 3-bedroom unit: 5,100 sq ft
- 4+ bedroom unit: 5,700 sq ft

(2) **Minimum Dwelling Unit Size.**

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

Efficiency: 350 sq ft

1-bedroom unit: 500 sq ft

2-bedroom unit: 600 sq ft

3-bedroom unit: 700 sq ft

+ 80 sq ft for each bedroom in excess of 3 bedrooms in any dwelling unit

(3) Distance Between Multiple-Family Dwellings.

The minimum separation distance between multiple-family structures shall be at least equal to the height of the highest building.

- b. **General Commercial District (C-1).** The required minimum lot area of the C-1 District shall be one-half (1/2) acre when contiguous with other lots zoned C-1.
- c. **Commercial District (C-1) and Industrial District (I-1).** The setback shall be fifty (50) feet where the lot abuts an R-1 District, a residential use, or a body of water.
- d. **Waterfront Setbacks.** For waterfront properties in the AG, R-1 and FR Districts, the minimum front setback (waterfront side) shall be thirty-five (35) feet from the required twenty-five (25) feet greenbelt.

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

Article 5

Site Plans & Plot Plans

Sec	Name	Pg	Sec	Name	Pg
5.1	Approval Summary	5-1	5.5	Site Plan Review Standards	5-8
5.2	Plot Plan Review & Approval	5-2	5.6	Site Plan Amendments	5-9
5.3	Site Plan Review Procedures	5-3	5.7	Revocation of Plot Plan or Site Plan	5-11
5.4	Site Plan Data Required	5-6	5.8	Site Plan Expiration	5-11

Section 5.1 Approval Summary

Plot plans and site plans give the Zoning Administrator and Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan ensures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer. The following table summarizes the type of document required and the approving body for different types of development:

Table 5.1: Approval Summary Table

Type of Use	Required	Review/Approving Body
1. Single-family dwellings, two-family dwellings	Plot Plan	Zoning Administrator
2. Multiple-family dwellings units	Site Plan	Planning Commission
3. Home occupations	No Permit	N/A
4. Cottage industries	Plot Plan	Planning Commission
5. Accessory dwelling units	Plot Plan	Planning Commission
6. Dwelling units in conjunction w/ non-residential establishments	*	Zoning Administrator
7. Special Uses (unless otherwise noted in this table)	Site Plan	Planning Commission
8. Parking lots	Site Plan	Zoning Administrator
9. Accessory structures (residential or non-residential)	Plot Plan	Zoning Administrator
10. Signs & fences	Application	Zoning Administrator
11. New commercial, industrial, utility, & institutional structures/uses	Site Plan	Planning Commission
12. Expansion or renovation of an existing use, other than single- and two-family dwellings, which increases the existing floor space by more than 25%	Site Plan	Planning Commission
13. Planned unit developments & site condominium projects	Site Plan	Planning Commission
14. Temporary dwellings	Application	Zoning Administrator
15. Wind, solar, & wireless uses (that are not listed as Special Uses)	Plot Plan**	Planning Commission
16. Food trucks at a location for up to 1 week	Plot Plan	Planning Commission
17. Food trucks at a location longer than 1 week – Special Use	Plot Plan	Planning Commission

For all uses which are reviewed and approved by the Zoning Administrator, the Zoning Administrator may request review and approval by the Planning Commission.

*Zoning Administrator determines level of plan needed based on proposed use.

**Planning Commission may request a site plan, if needed.

Section 5.2 Plot Plan Review & Approval

A. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval chart in [Section 5.1](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue zoning approval pursuant to [Section 9.3](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

B. Plot Plan Submittal Requirements.

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

Table 5.1: Plot Plan Requirements

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

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

Section 5.3 Site Plan Review Procedures

Site Plan review by the Planning Commission shall be required for all uses listed as requiring a site plan review in **Table 5.1**.

A. Site Plan Pre-Application Meeting.

The Zoning Administrator alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

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

B. Submittal Procedures.

Seven (7) copies of the proposed site plan containing the data listed in **Section 5.4**, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or their designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. In the case of a Special Use which requires site plan review, the site plan shall be presented to the Zoning Administrator's Office at least forty-five (45) days prior to the meeting at which the site plan will be considered. A digital copy of the site plan shall be required.

C. Fees.

Application fees pursuant to the currently adopted fee schedule and **Section 9.4** shall be paid when the site plan is submitted.

D. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with **Section 9.7** and the procedures of **Article 6** shall be followed.

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

E. Coordination with Other Agencies/Departments.

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

1. The **Montmorency County Soil Erosion and Sedimentation Control Officer**.
2. The **Montmorency County Drain Commissioner**.
3. The **Montmorency County Road Commission** and, if appropriate, the **Michigan Department of Transportation**.
4. **District Health Department**.
5. Local police, fire, and ambulance service providers.
6. Planning consultant.
7. Other agencies or consultants as deemed appropriate.

F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said approval from the Zoning Board of Appeals shall be obtained prior to site plan approval by the Planning Commission or the Planning Commission may condition approval upon the granting of a variance by the Zoning Board of Appeals.

G. Representation at Meeting.

If the applicant fails to provide representation at the meeting, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

H. Planning Commission Action.

1. **Decision.** The Planning Commission shall review the site plan in accordance with the requirements of the zoning district in which the proposed use is located, the standards listed in **Section 5.5**, and any applicable standards contained in **Article 7** (Supplemental Regulations). After review, the Planning Commission shall do one of the following:
 - a. **Approve the site plan.** The Zoning Administrator shall then be directed to issue a zoning permit.
 - b. **Approve the site plan subject to conditions pursuant to Section 9.9.** The Zoning Administrator shall then be directed to issue a zoning permit.
 - c. **Disapprove the site plan.** If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant, by the Zoning Administrator, within ten (10) days after such Commission action.

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

- 2. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
- 3. **Conditions.** Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
- 4. **Zoning Permit.** Approval of the site plan shall cause the Zoning Administrator to issue a zoning permit for the proposed project.
- 5. **Signed Copies of Site Plan.** When approved, at least two (2) copies of the final approved site plan shall be signed and dated by the Zoning Administrator and the petitioner. One (1) of these two (2) approved copies shall be kept on file by the Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, are subject to [Section 5.6](#).
- 6. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure completion of improvements associated with the project as per [Section 9.5](#).

I. Conformity to Site Plan Required.

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed.

J. Appeal of Decision.

The decision of the Planning Commission may be appealed to the Hillman Township Zoning Board of Appeals. Request for appeal may be made within thirty (30) days of approval, approval by modification, or disapproval of the site plan by the Planning Commission.

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

Section 5.4 Site Plan Data Required

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

Table 5.3: Site Plan Requirements

A. General Information

1. Name and address of property owner and developer (including contact information).
2. Name and address of firm preparing the site plan (including contact information).
3. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
4. A locational sketch of the proposed use or structure.
5. Gross acreage of development and total usable floor area.
6. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

B. Map Information

1. Date, north arrow.
2. Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres.
3. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties, and their uses.

C. Lot Lines & Right of Way

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

D. Development Features

1. **Proposed Features.** The location of all existing and proposed structures on the site, including common-use areas and recreational areas and facilities.
2. **Nearby Structures.** The location and identification of all existing structures within a two hundred (200) foot radius of the site.
3. **Vehicular and Pedestrian Circulation.** The proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
4. **Parking.** The location, size, and number of parking spaces in the off-street parking area, and the identification of service lanes.
5. **Loading and Unloading Areas.** The proposed location and size of all loading and unloading areas.

6. **Landscaping, Fences & Walls.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
7. **Waste.** The location of dumpster(s) shall be shown on the site plan, and shall be screened on three (3) sides with a minimum five (5) foot and maximum six (6) foot enclosure of masonry, wood, or other architecturally compatible material. In the R-1 and FR Districts, no dumpster(s) shall be permitted in any setback.
8. **Lighting and Signs.** The location of all proposed exterior lighting and signs, including size and type.
9. **Hazardous Materials.** Information on the storage and use of hazardous materials and the disposal of hazardous waste.
10. **Storage.** Outdoor storage areas and snow storage areas.
11. **Utilities.** The type, location, and size of all existing and proposed utilities.
12. **Drainage.** The location, size, and slope of all surface and subsurface drainage facilities.

E. Natural Features

1. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas, or any other unusual environmental features.
2. For multiple-family and manufactured housing communities, the contour intervals of the topography of the existing and finished site shall be shown, where the existing slope on any part of building site shall be shown where the existing slope on any part of the building site is ten (10) percent or greater. Such contour shall be shown at contour intervals of five (5) feet.

F. Cross-Sections/Floor Plans/Density

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

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

G. Other

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

Section 5.5 Site Plan Review Standards

A. Site Plan Review Criteria.

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding lots or to the intent of the Ordinance.

1. **Ingress/Egress.** The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, shall be safe and efficient. Where possible, shared commercial access drives shall be encouraged.
2. **Circulation.** The traffic and pedestrian circulation features within the site and the location of automobile parking areas shall be safe and efficient.
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets shall be assured.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods shall be assured.
 - c. Vehicular and pedestrian circulation shall be well-defined.
 - d. Circulation and parking features are provided as required by the [Americans with Disabilities Act](#).
3. **Utilities and Drainage.** The sewage disposal facilities, water supply, stormwater drainage, fire protection, and other utility provisions shall be safe and adequate.
4. **Adjacent Uses.**
 - a. The location, use, and nature of the operation shall not be in conflict with the primary permitted uses of the district or neighborhood.

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

- b. The use shall not be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.
 - c. The use shall not discourage or hinder the appropriate development and use of adjacent premises and neighborhood.
5. **Emergency Vehicle Access.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
 6. **Preservation of Natural Landscape.** The natural landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
 7. **Snow Storage.** Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.
 8. **Landscaping.** Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.
 9. **Outside Storage.** Outside storage areas, including areas for storage of trash which face or are visible from residential districts or use or the public right-of-way, shall be screened.

Section 5.6 Site Plan Amendments

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

A. Determination of Minor Changes to a Site Plan.

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

1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25) percent.

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

B. Revised Site Plan with Minor Changes.

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

C. Amendment to Site Plan – Major.

1. For amendments to site plans that do not qualify as minor amendments or which require Planning Commission action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit

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

holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.7 Revocation of Plot Plan or Site Plan

- A. If the Zoning Administrator shall find that the conditions and stipulations of an approved plot plan or site plan are not being adhered to, the Zoning Administrator shall give notice to the applicant of its intent to revoke the prior approval given to the plot plan or site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Zoning Administrator. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the plot plan or site plan approval.
- B. If the applicant notifies the Zoning Administrator, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Zoning Administrator may defer the revocation.
- C. Further construction shall be stayed until correction of the violation set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
- D. The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within thirty (30) days of the notice to the owner of such revocation action.

Section 5.8 Site Plan Expiration

A. Work Not Started.

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire, it shall be canceled by the Zoning Administrator and written notice thereof shall be given to the persons affected.

B. Work Not Completed.

If the work described in any zoning permit has not been substantially completed within two (2) years from the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

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

C. Extension of Zoning Permit for Expired Site Plan.

In either of the above cases, within thirty (30) days of receiving such notice of expiration, a permit holder may request a one (1) year extension of the permit from the Zoning Administrator. The Zoning Administrator may grant the requested extension for an additional one (1) year if he/she finds good cause for the extension and that the zoning regulations governing the permit have not changed since the approval.

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

Article 6 Special Use Review

Sec	Name	Pg
6.1	Purpose	6-1
6.2	Special Use Review Procedures	6-1
6.3	Special Use Standards	6-4
6.4	Amendment to an Approved Special Use	6-5
6.5	Expiration or Abandonment of a Special Use	6-5
6.6	Revocation of a Special Use	6-6
6.7	Transfer of a Special Use	6-6

Section 6.1 Purpose

Special Uses are those uses of land which are generally compatible with the uses permitted in a zoning district but possess characteristics or locational qualities which require individual review and restriction in order to ensure compatibility with the character of the surrounding area, available public services, and adjacent land uses. The intent of this Article is to establish equitable procedures and criteria which shall be applied in approving or denying Special Use permits.

Section 6.2 Special Use Review Procedures

The following steps shall be taken by the applicant, Zoning Administrator, and the Planning Commission when considering a proposed Special Use:

A. Application Submittal.

- 1. Application.** All applications for Special Uses shall be filed with the Hillman Township Zoning Administrator and shall include the required plot plan or site plan, fee, and any other pertinent information upon which the applicant intends to rely for a permit. Said permit is required for all uses listed in this Ordinance as a Special Use.
- 2. Fees.** Accompanying the request for a Special Use permit, a fee, to be determined by the Township Board, shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Township for expert consultation relative to the application.
- 3. Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit seven (7) copies of a plot plan for in accordance with [Section 5.2](#) or a

site plan prepared in accordance with [Section 5.4](#). The type of plan required is indicated in [Table 5.1](#). Incomplete submittals shall not be accepted by the Zoning Administrator. The Zoning Administrator may waive the requirement for a plot plan or site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use.

4. **Timing of Submittal.** Special Use Applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the public hearing will be held.

B. Application Processing.

1. **Review for Completeness by the Zoning Administrator.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
2. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:
 - a. The [Montmorency County Soil Erosion and Sedimentation Control Officer](#).
 - b. The [Montmorency County Drain Commissioner](#).
 - c. The [Montmorency County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#).
 - d. [District Health Department](#).
 - e. Local police, fire, and ambulance service providers.
 - f. Planning consultant.
 - g. Other agencies or consultants as deemed appropriate.
3. **Site Plans Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said approval from the Zoning Board of Appeals shall be obtained prior to site plan approval by the Planning Commission or the Planning Commission may condition approval upon the granting of a variance by the Zoning Board of Appeals.

C. Public Hearing.

1. **Public Hearing.** A public hearing shall be held for all Special Use permit requests. Notice of the Special Use permit request and public hearing shall be provided pursuant to [Section 9.7](#).

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

2. **Representation at Meeting.** If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

D. Planning Commission Action.

1. **Decision.** The Planning Commission shall review the Special Use in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in [Section 6.3](#), and any applicable standards contained in [Article 7 \(Supplemental Regulations\)](#). If the Special Use requires a Site Plan, the standards listed in [Section 5.5](#) shall also be reviewed. After review, the Planning Commission shall do one of the following:
 - a. Approve the Special Use permit application and site plan or plot plan.
 - b. Approve the Special Use permit application and site plan or plot plan subject to conditions pursuant to [Section 9.9](#).
 - c. Disapprove the application and site plan or plot plan. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.
2. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the Special Use which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** Any conditions or modifications desired by the Planning Commission, pursuant to [Section 9.9](#), shall be recorded in the minutes of the appropriate Planning Commission meeting.
4. **Zoning Permit.** Approval of the Special Use shall cause the Zoning Administrator to issue a zoning permit for the proposed project.
5. **Signed Copies of Site Plan/Plot Plan.** If a site plan or plot plan is required, at least two (2) copies of the final approved site plan or plot plan shall be signed and dated by the Zoning Administrator and the petitioner. One (1) of these two (2) approved copies shall be kept on file by the Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, are subject to [Section 5.5](#).
6. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per [Section 9.5](#).

E. Conformity Required.

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

Following approval of a Special Use by the Planning Commission, the applicant shall operate the Special Use and construct the site improvements in complete conformity with the approval given.

F. Inspection.

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

G. Appeal of Decision.

The decision of the Planning Commission may NOT be appealed to the Hillman Township Zoning Board of Appeals.

Section 6.3 Special Use Standards

Special Uses shall be subject to the following standards, in addition to the requirements and standards of the Zoning District wherein located, in order to prevent conflict with or impairment of the principal permitted uses of the Zoning District.

A. General.

1. The lot subject to the application is located in a zoning district in which the proposed Special Use is allowed.
2. The use shall not impair the purpose and intent of this Ordinance.

B. Compatibility with Adjacent Land Uses.

1. The use, location, and size of use, and the nature and intensity of operations shall not be such as to disrupt the orderly and proper development of the district as a whole, or be in conflict with, or discourage the principal permitted uses of adjacent or neighboring lands and buildings.
2. The use shall not significantly diminish the value of land, buildings, or structures in the neighborhood, or increase hazards from fire or other dangers to either the lot or adjacent lots.
3. Special Uses shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, smoke, glare, flashing lights, or disposal of waste than the operation of any principal permitted use.

C. Transportation System.

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

The use shall not significantly increase traffic hazards or cause congestion on the public highways and streets of the area. Adequate access to the use shall be furnished by either existing roads and highways or proposed roads and highways.

D. Public Services.

1. The water supply and sewage disposal system shall be adequate for the proposed use.
2. The proposed Special Use will not place demands on public safety resources or other public resources in excess of current capacity.

E. Compatibility with Natural Environment.

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

Section 6.4 Amendment to an Approved Special Use

Minor amendments to a previously-approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.6](#). Amendments which are not classified as minor in accordance with [Section 5.6](#) shall be processed in the same manner as a new Special Use.

Section 6.5 Expiration or Abandonment of a Special Use

A. Expiration of Special Use Permit.

Any approved Special Use shall become invalid if the approved Special Use is not commenced within one (1) year after the zoning permit is issued. The Zoning Administrator shall send written notice of expiration to the persons affected. Within thirty (30) days of receiving such notice of expiration, an applicant may apply to the Zoning Administrator for a one (1) year extension of the Special Use permit. The Zoning Administrator may grant the requested extension for an additional one (1) year if he/she finds good cause for the extension and that the zoning regulations governing the Special Use approval have not changed since the approval. See [Section 5.8](#) for the expiration of zoning permits for site plans.

B. Special Use that has been Replaced or Superseded.

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

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

C. Abandonment of Special Use.

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

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

Section 6.6 Revocation of a Special Use

- A. If the Zoning Administrator or Planning Commission shall find that the conditions and stipulations of an approved Special Use permit and plot plan or site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the Special Use permit and plot plan or site plan. Intent to revoke shall be made known to the applicant by a certified letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the Special Use permit and plot plan or site plan approval. A public hearing is required prior to revocation.
- B. If the applicant notifies the Zoning Administrator, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Zoning Administrator may defer the revocation.
- C. Further construction or continuance of the Special Use shall be stayed until correction of the violation set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.

Section 6.7 Transfer of a Special Use

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [Section 6.5](#).

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

Article 7

Supplemental Regulations

Sec	Name	Pg
7.1	Purpose	7-2
7.2	Home Occupations & Cottage Industries	7-2
7.3	Accessory Dwelling Units/Guest Houses	7-4
7.4	Bed & Breakfasts/Tourist Homes	7-5
7.5	Short Term Rentals	7-6
7.6	Manufactured Housing Communities	7-8
7.7	Airports/Aircraft Landing Fields	7-9
7.8	Drive-Through Business	7-9
7.9	Drive-In Theaters	7-10
7.10	Motel or Hotel	7-10
7.11	Gas Stations	7-10
7.12	Car Washes & Truck Washes	7-10
7.13	Private Swimming Pools	7-11
7.14	Kennels, Commercial	7-11
7.15	Stables (not on Commercial Farms)	7-11
7.16	Road Side Stands/Farm Markets	7-12
7.17	Campgrounds/RV Parks	7-12
7.18	Junkyards, Scrap Yards, Salvage Yards & Wrecking Yards	7-12
7.19	Waterfront Development Density Limitations	7-13
7.20	Gas & Oil Processing Facilities	7-14
7.21	Sexually Oriented Businesses	7-15
7.22	Mining & Resource Extraction	7-18
7.23	Golf Courses	7-18
7.24	Planned Unit Developments (PUD)	7-19
7.25	Site Condominiums	7-23
7.26	Commercial Events Facilities	7-25
7.27	Food Trucks	7-28
7.28	Biofuel Production Facilities on Farms	7-29
7.29	Marijuana Primary Caregivers	7-31
7.30	Solar Energy Facilities – Utility Scale	7-34
7.31	Solar Energy Panels – Accessory	7-38
7.32	Wind Energy	7-39
7.33	Wireless Facilities	7-47

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

Section 7.1 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an “*” in [Section 4.12](#) (Full Table of Permitted and Special Uses) and in the individual district tables are included in this Article.

Section 7.2 Home Occupations & Cottage Industries

While Hillman Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential area. The intent of this Section is to ensure that any home occupation or cottage industry is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood. In addition to complying with the standards listed below, cottage industries shall comply with the Special Use standards in [Section 6.3](#).

A. Location.

- 1. **Home Occupation.** The home occupation shall be conducted entirely within the residential dwelling.
- 2. **Cottage Industry.** The cottage industry may be conducted either within the residential dwelling or an accessory building on the premises. Any home occupation that uses any portion of the yard or uses any accessory building shall be designated as a cottage industry and is subject to Special Use permit.

B. Floor Area.

- 1. The home occupation or cottage industry shall not utilize more than twenty-five (25) percent of the floor area of the dwelling unit.
- 2. A cottage industry may utilize up to one hundred (100) percent of the floor area of an accessory building.

C. The home occupation or cottage industry shall not change the residential character of the lot or the immediate area by reasons of noise, glare, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards, and other such negative impacts involved in or resulting from the pursuit of such an occupation.

D. Outside Appearance.

- 1. **Home Occupation.** No home occupation shall require outdoor storage of equipment,

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

machinery, or signs not normally found in a residential location. One (1) non-illuminated sign, attached to the building and not larger than two (2) square feet in area, shall be allowed in addition to the signs allowed pursuant to [Section 3.31](#) (Signs).

2. **Cottage Industry.**

- a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
- b. **Finished Goods.** The Planning Commission may permit the display of finished goods as part of the approval process
- c. **Signs.** One (1) permanent freestanding or wall sign not exceeding sixteen (16) square feet is permitted in addition to the signs allowed pursuant to [Section 3.31](#).

E. Medical clinics, hospitals, nurseries, day care centers, tea rooms, veterinarian clinics, bed and breakfast facilities, animal hospitals, kennels, and other similar enterprises shall not be considered home occupations or cottage industries.

F. **Employees.**

- 1. **Home Occupation.** A home occupation may be carried on by the inhabitants of the dwelling and shall not involve employees that do not reside on the premises.
- 2. **Cottage Industry.** A cottage industry may employ people to work on the premises of the cottage industry that do not physically reside within the premises containing the cottage industry. The number of employees shall be approved by the Planning Commission, during Special Use approval, based on a finding that the number of employees sought by the applicant is customary for the type of cottage industry under consideration, there is adequate off-street parking on the property to accommodate the number of employees, and the number of employees sought will not have a significantly adverse impact on the neighborhood.

G. **Hours of Operation.**

Hours of operation for cottage industries will be set during the approval process.

H. **Traffic and Parking.**

No traffic shall be generated by such home occupation or cottage industry in greater volumes than

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

would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of a cottage industry shall be provided by an off-street area, located other than in a front setback. Off-street parking for employees shall be provided on the lot containing the cottage industry.

I. Compliance, Inspections, and Violations.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of this Ordinance, written notice of alleged violation(s) shall be sent to the operator of the home occupation or cottage industry and to the owner of the real property premises, if different from the operator of the home occupation or cottage industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to a new review and approval.

Section 7.3 Accessory Dwelling Units/Guest Houses

An accessory dwelling unit includes the term “guest house.” Accessory dwelling units, as defined in [Article 2](#), shall comply with the following regulations:

A. Residence and Incidental Use.

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

1. Accessory dwelling units shall be established on owner-occupied properties only.
2. The minimum dwelling unit size standards in [Article 4](#) do not apply to accessory dwelling units.

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

3. The accessory dwelling unit may be a detached building or may be attached to or within another building on the property including the principal dwelling or an accessory building.
4. Accessory dwelling units shall meet the required setbacks for the principal building.
5. Accessory dwelling units shall meet the current County Building Code.
6. Accessory dwelling units may be any of the following:
 - a. Dwellings for permanent residents.
 - b. Rented for short-term or long-term residents (with fee).
 - c. Guest quarters for temporary residents (with no fee).

B. Compatibility with Surrounding Land Use.

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

C. Parking and Access.

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

Section 7.4 Bed & Breakfasts/Tourist Homes

While this Ordinance is established to enable single-family dwelling units to be used as bed and breakfast/tourist home operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast/tourist home operation is a subordinate use to a single-family dwelling unit subject to the following conditions:

- A. A bed and breakfast/tourist home operation shall be confined to the single-family dwelling unit (an accessory dwelling unit may provide not more than one (1) guestroom), and the operator shall live on the premises when the operation is active.
- B. Each guestroom shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.

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

- C. Two (2) off-street parking spaces shall be provided for the operator of the bed and breakfast/tourist home, plus one (1) parking space for each available guestroom and one (1) for each non-resident employee.
- D. The dwelling unit shall have no exterior evidence, other than one (1) non-illuminated permanently installed sign not exceeding eight (8) square feet in area, to indicate that the same is being utilized for any purpose other than as a residence, and that the sign shall be in conformance with the requirements of this Ordinance. This sign allowance is in addition to that allowed by [Section 3.31: Signs](#).
- E. Meals may be served only to overnight guests and in accordance with state and county public health regulations regarding bed and breakfast facilities.
- F. Any number of dwelling residents may assist with the bed and breakfast/tourist home operation, but not more than two (2) non-resident employees may be hired.
- G. The bed and breakfast/tourist home operation shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.
- H. Persons operating a bed and breakfast/tourist home facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. Bed and breakfast facilities are subject to inspection by the Zoning Administrator.

Section 7.5 Short Term Rentals

A. Standards.

1. **Zoning Permit.** A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership.
2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
4. **Nuisance.** Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations, or trespass.
5. **Traffic.** Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.

6. **Parking.** All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.
7. **Noise.** Noise shall be subject to [Section 3.22 \(Performance Standards\)](#).
8. **Fireworks.** Fireworks shall not be allowed later than 11 pm except as superseded by Section 7 of [2011 PA 256](#), as amended (Michigan Fireworks Safety Act).
9. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

1. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty-four (24) hours a day during the rental period and shall reside within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
3. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
4. An owner meeting the requirements of **subsections (1) through (3)** above may designate themselves as the local agent.
5. The permit holder shall notify the Township of any changes in ownership or in the local agent.

C. Owner Responsibility.

The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.

D. Zoning Permits.

1. Short term rentals require a zoning permit.

2. The following application elements are required prior to receipt of a Short Term Rental zoning permit or permit renewal:
 - a. A fully completed and signed Zoning Permit Application form provided by the Township including all the required supplemental documents.
 - b. Owner contact information.
 - c. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 - d. **More Than One (1) Owner or Ownership by Entity.** Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the Short Term Rental dwelling and for the president, general manager, or other chief executive officer of the organization.
3. A Short Term Rental zoning permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.

E. Violations.

Failure to adhere to the standards in this Section shall be a violation of this Ordinance per [Section 9.11](#).

Section 7.6 Manufactured Housing Communities

A. General.

1. It shall be unlawful for any person to construct, alter or extend any manufactured housing community development for the placement of three (3) or more manufactured homes unless he/she holds a valid permit issued by the State of Michigan, in accordance with the requirements of [1987 PA 96](#), as amended, in the name of said person for the specific construction, alteration or extension proposed.
2. A person who desires to develop a manufactured housing community shall submit an application accompanied by a preliminary plan, to the Township Planning Commission, District Health Department, County Road Commission, and County Drain Commission for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project.

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

3. When all preliminary approvals are made, the developer shall submit the final plans to the State of Michigan for review and, if approved, issuance of approval.

B. Licenses.

It shall be unlawful for any person to administer a manufactured housing community within the Township unless said person holds a valid license issued by the State of Michigan.

C. Development Standards.

1. No manufactured home, manufactured home lot, or manufactured housing community shall be so designed, constructed, or situated as to be in conflict with **1987 PA 96**, as amended, and the **rules** governing manufactured housing communities promulgated pursuant to said Act by the Mobile Home Commission of the State of Michigan.
2. No part of any manufactured housing community shall be used for non-residential purposes, except such uses that are required for the direct servicing and maintenance of the community and amenities for residents including recreational areas, community buildings, laundry facilities, exercise facilities, and the like.

Section 7.7 Airports/Aircraft Landing Fields

- A. Privately owned and maintained aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
- B. All privately owned and maintained aircraft landing strips shall be at least two hundred and fifty (250) feet from all other buildings not designed as accessory structures for said aircraft landing field. The ends of any landing strip shall further be one thousand (1,000) feet from any residential dwelling unit.
- C. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.

Section 7.8 Drive-Through Business

- A. The principal and accessory buildings shall be set back a minimum of forty (40) feet from any abutting right-of-way line or residential lot line.
- B. A minimum six (6) foot-high masonry wall shall be provided abutting any Residential District or residential use.

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

Section 7.9 Drive-In Theaters

- A. Premises shall be enclosed with a solid fence at least six (6) feet in height.
- B. All points of entrance or exit shall be located no closer than five hundred (500) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
- C. Space shall be provided, on premises, for thirty (30) waiting vehicles to stand at the entrance to the facility.
- D. The theater screen shall not be visible to a state or county primary road or any residential district or residential use.

Section 7.10 Motel or Hotel

- A. Each unit of commercial occupancy shall contain a minimum of two hundred and forty (240) square feet of gross floor area.
- B. When abutting a Residential District, a masonry wall, a minimum of six (6) feet in height, may be required to be erected by the Planning Commission.

Section 7.11 Gas Stations

- A. The service area of any gas station shall consist of such capacity as to allow the servicing or standing of at least three (3) automobiles per gasoline pump without obstructing the right-of-way or ingress/egress to the facility.
- B. Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.

Section 7.12 Car Washes & Truck Washes

- A. All washing activities must be carried on within a building.
- B. Vacuuming activities may be carried out in a rear yard and at least fifty (50) feet distance from any adjoining residential use. In lieu of providing this requirement, a six (6) foot masonry wall shall be erected in a manner that will shield abutting residential uses from undue noise pollution due to said vacuuming activities.
- C. The entrances and exits of the building shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

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

Section 7.13 Private Swimming Pools

- A. A permanent swimming pool greater than three (3) feet in depth requires a zoning permit.
- B. A private swimming pool shall be located only in the rear yard.
- C. No portion of any swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- D. Minimum side setback shall comply with required side setbacks for accessory buildings specified in [Section 3.10](#). Furthermore, the pool fence must not be built within the required front setback or required corner lot side setback.
- E. Permanent or portable swimming pools, above or below ground, having a depth of three (3) feet or more, shall be completely enclosed by a six (6) foot screened fence.
- F. All electrical installations or wiring in connection with below-ground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before construction of the swimming pool.

Section 7.14 Kennels, Commercial

- A. All kennels shall be operated in conformance with all county and state regulations.
- B. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least six (6) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Fences for outdoor areas shall be six (6) feet in height.

Section 7.15 Stables (not on Commercial Farms)

- A. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises.

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

- B. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 7.16 Road Side Stands/Farm Markets

- A. Suitable containers for rubbish shall be placed on the premises for public use.
- B. The temporary buildings shall be located not less than twenty (20) feet from the public road right-of-way. Its height shall be no more than one (1) story. Permanent buildings shall adhere to the required district setbacks for principal buildings.
- C. Off-street parking may be provided in the required front setback area and shall be constructed in accordance with [Section 3.30](#) except hard-surfacing shall not be required.

Section 7.17 Campgrounds/RV Parks

- A. The minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or RV park.
- B. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from abutting lot lines.
- C. The campground/RV park shall be screened from abutting properties by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens. Campgrounds/RV parks need not be screened from the road right-of-way.
- D. Campsites shall be located at least fifty (50) feet from abutting lot lines.
- E. All campgrounds and RV parks shall comply with [State of Michigan](#) and [District Health Department](#) requirements.

Section 7.18 Junkyards, Scrap Yards, Salvage Yards & Wrecking Yards

This Section pertains to junkyards, salvage yards, scrap yards, and motor vehicle impoundment and wrecking yards.

- A. **Setback.**
 - 1. The setback from the front lot line to the area upon which junk materials are stored shall be not less than one hundred (100) feet.

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

2. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
- B. **Screening.** The area upon which junk materials are stored shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence at least eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. Junk, trash, and refuse shall not be piled higher than the top of the fence.
 - C. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
 - D. Open burning shall not be permitted except by state permit, and it shall comply with this subsection.
 - E. Glare from any process, such as arc welding, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
 - F. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials, shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this Section unless in compliance with State of Michigan regulations.
 - G. The applicant shall state in writing and/or illustrate how potentially hazardous materials are to be prevented from entering the groundwater and present a written plan for handling and disposal of such hazardous materials.
 - H. The applicant may be required to provide a written contingency plan for hazardous/toxic spills.
 - I. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use approval, and there shall be no presumption that any usage beyond that in the original permit would be approved.

Section 7.19 Waterfront Development Density Limitations

- A. This Section is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters and to preserve the quality of the recreational use of all waters in the Township. The restrictions below shall apply to any lot regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, condominium agreement, or lease.
- B. Any residential development which shares common lakefront or stream frontage may not permit a greater density ratio than one (1) single-family home, cottage, condominium unit, or apartment

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

per fifty (50) feet of lake or stream frontage held in common ownership. The lake or stream frontage shall be measured along the ordinary high water mark of the lake or stream. As part of the Special Use Permit application per [Article 6](#), the owner or developer shall provide the Planning Commission with evidence that the limitation of residential unit density shall be included in the deed.

- C. All waterfront common-use areas shall provide side yard buffer areas to reduce the impacts of common-use lake access on abutting riparian properties. Existing natural vegetation shall be maintained to provide immediate buffering and screening. Additional landscaping may be required by the Planning Commission within the buffer area, where necessary to achieve an adequate buffer.

Section 7.20 Gas & Oil Processing Facilities

The purpose of the provisions of this Section is to preserve the desirable character and personality of Hillman Township, as well as to recognize the desirability of developing the gas and oil resources lying beneath the Township, the rights of those owning and developing such resources, and the rights of other residents to be as free as possible of an unpleasant or less than desirable atmosphere which may occur should standards not be enacted and applied to the facilities used in the development of the resource. Therefore, the location of all gas and oil processing facilities shall be subject to the following provisions:

A. General Regulations.

1. The facility shall comply with all state and local building, environmental, and health codes and regulations.
2. The applicant shall, in addition to providing of data required by [Section 5.4](#) (Site Plan Data Required), provide as part of any site plan, if applicable, copies of the application for permit to drill, permit to drill, survey record of well location, and plat, as provided to the State of Michigan, as part of the permit process for the location and erection of oil and gas processing facilities.
3. The Planning Commission may impose conditions in order to comply with the Zoning Ordinance Standards.
4. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, proper documents must be submitted to the Township together with the length of the lease.
5. Because the subject facilities are industrial in nature, the site plan shall show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screening, landscaping, mufflers, insulation, or other contrivances may be used to ensure compliance with visual and sound privacy of the adjacent properties.

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

- 6. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to insure it is clear of pollutants.

B. Regulations by District.

- 1. In all zoning districts, except the Forest Recreational District, the following regulations shall apply:
 - a. The sound level of any facility shall not exceed sixty (60) decibels as measured six hundred (600) feet in any direction from the facility.
 - b. The facility shall be built no closer than six hundred (600) feet from an existing dwelling.
 - c. The facility shall be built no closer than two hundred (200) feet from any public road, or one hundred (100) feet if a buffer is provided.
 - d. The facility shall comply with the standards of **Section 5.5** (Site Plan Review Standards) and **Section 6.3** (Special Use Standards).
- 2. In the Forest-Recreational district the following regulations shall apply:
 - a. The sound level of any such facility shall not exceed sixty (60) decibels as measured four hundred fifty (450) feet in any direction from the facility.
 - b. The facility shall be built no closer than four hundred fifty (450) feet from an existing dwelling.
 - c. The isolation from public roads shall be one hundred (100) feet.
 - e. The facility shall comply with the standards of **Section 5.5** (Site Plan Review Standards) and **Section 6.3** (Special Use Standards).

Section 7.21 Sexually Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the

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

blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, State law, or Federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. Isolation Distances.

1. No sexually oriented business shall be permitted in a location in which any principal building or accessory building or structure, including signs, is within one thousand five hundred (1,500) feet of any principal building or accessory building or structure of another sexually oriented business.
 2. No sexually oriented business shall be established on a parcel that is within one thousand five hundred (1,500) feet of any parcel zoned R-1.
 3. No sexually oriented business shall be established on a parcel within one thousand five hundred (1,500) feet of any residence, park, school, childcare organization, or place of worship at the time of application.
 4. The isolation distances referenced above shall be measured in a straight line from the nearest lot line upon which the proposed sexually oriented business is to be located to the nearest lot line of the R-1 zoning district, residence, school, childcare organization, place of worship, or other sexually oriented business.
- B. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- C. The proposed use must meet all applicable written and duly adopted standards of Hillman Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- D. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or abutting roadways.

- E. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- F. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- G. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- H. Hours of operation shall be limited to 8:00 AM to 12:00 midnight.
- I. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes.
- J. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - a. Shall be handicap accessible to the extent required by the [Americans with Disabilities Act](#);
 - b. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - c. Shall have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Shall be illuminated by a light bulb of wattage of no less than twenty-five (25) watts or the lumens equivalent;
 - e. Has no holes or openings in any side or rear walls.

Section 7.22 Mining & Resource Extraction

Prior to the approval by the Planning Commission of a Special Use for earth removal, quarrying, gravel processing, and mining in any area of the Township, the Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations. The Township shall comply with Section 125.3205 of [2006 PA 110](#),

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

Michigan Zoning Enabling Act, as amended, when approving these facilities.

- A. During Special Use review, the Planning Commission may impose conditions related to the following:
 - 1. Hours of operation.
 - 2. Blasting hours.
 - 3. Noise levels.
 - 4. Dust control measures.
 - 5. Traffic control.
- B. A site plan shall be submitted prior to beginning mining activities and when new areas of mining are planned that were not on the approved site plan during the active life of the mine.
 - 1. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts including consideration of alternative truck routes where possible.
 - 2. The applicant shall give assurances acceptable to the Planning Commission of operational practices which address acceptable hours of operation including blasting hours and the installing of nuisance control devices to address noise levels and dust control.
 - 3. The Planning Commission may require a performance bond or similar assurance for such safeguards prior to approval.

Section 7.23 Golf Courses

- A. The minimum lot size shall be forty (40) acres.
- B. The principal and accessory buildings shall be set back at least seventy-five (75) feet from all abutting lot lines.
- C. Areas for vehicular parking shall be maintained on course property. Adequate parking spaces shall be provided for all anticipated rates of course usage or capacity.

Section 7.24 Planned Unit Developments (PUD)

A. Purpose.

The purpose of a Planned Unit Development is to permit and encourage design flexibility using the Special Use permit procedure. It has the potential of eliminating the current single-family, large-scale residential design and substituting in its place a diversity of types and locations of dwelling units, allowing more efficient use of land for circulation, open space, and utilities. It also is intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area.

B. Pre-Application Conference and Concept Plan.

1. The procedures for application and approval of a PUD permit shall include one (1) or more informal pre-application conferences between the applicant and the Zoning Administrator (or full Planning Commission or Planning Commission Chair) in which the applicant informs the Township of their general intentions. During this conference, it is desirable to involve those community agencies (police and fire, public works) which will be involved in the approval process.
2. The applicant shall submit, during the pre-application conference, a concept plan including types and placement of structures, minimum lot sizes, densities, environmental treatment, pedestrian and auto circulation, the conformity of the proposed development with surrounding uses, financing of the project and all other information the Township Board or Planning Commission may require.

C. Preliminary Plan Requirements.

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan.

1. The preliminary plan shall be specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a Special Use permit.
2. The preliminary plan shall be more detailed than the concept plan and contain the information required of a site plan in [Section 5.4](#) (Site Plan Data Required). It should also include the following:
 - a. Written information including:
 - (1) A written document giving the legal description of the property as indicated in the deed ownership.

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

- (2) A statement of the objectives of the planned development, including physical, social, and economic concepts.
 - (3) A schedule of development, including phasing of residential, public, and commercial areas.
 - (4) Future selling and/or leasing intentions and accompanying management techniques.
- b. Graphic presentation including:
- (1) A base map with topographic identification (preferably using two (2) foot contour intervals).
 - (2) Important environmental features including water bodies, vegetation (type and size), and soils.
 - (3) Proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, the layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and general description of the architectural and landscape elements on the perimeter of the planned development.
- c. Additional written information shall be contained in the preliminary plan, including tabulation of land area ratios, environmental impact statements, and any contract and deeds of indenture between the developer and homebuyer.

D. Procedures for Preliminary Plan Approval.

The procedures for submission and approval of the preliminary plan shall follow those outlined in **Section 6.2.**

- 1. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan with notice in accordance with **Section 9.7** of this Ordinance.
- 2. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.

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

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

E. Procedures for Final Plan.

1. Once the preliminary plan has been approved by the Planning Commission, with or without recommended modifications and stipulations, the applicant shall, within a period of one (1) year, present a final development plan to the Planning Commission, which shall review it within thirty (30) days of the submittal being determined to be complete.
2. The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met:
 - a. The final plan does not violate the content of the ordinance.
 - b. Land reserved for open space (common and usable) has not been reduced by more than five (5) percent.
 - c. The total building coverage has not increased by more than ten (10) percent.
3. These provisions are incorporated into the ordinance to preclude any modification which would substantially alter the character of the development from that approved in the preliminary plan.
4. The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in general fashion in the preliminary stage shall be presented in detail character in the final plan.
5. Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easement agreements, the final draft of articles of incorporation, and indentures, as well as dedications, shall be submitted by the applicant.
6. The final development plan shall be reviewed by the Planning Commission and members of the Township's staff agencies. The Planning Commission shall then approve the final plan, disapprove it, or approve it with modifications.
7. No public hearing is necessary, and if approval is given by the Planning Commission, the Township Board shall accept and record site maps and plans, dedicated streets, properties, and open spaces, rights-of-ways, and any additional dedications within the development.
8. If the plan is disapproved by the Planning Commission, reasons for the denial should become part of the public record as well as presented to the developer in written form.

F. Approval Standards.

1. **Permitted Uses.** The following uses may be allowed in a PUD. Mixed uses are encouraged.

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

- a. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
 - b. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
 - c. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in the R-1 District.
2. **District Standards.** Minimum development standards set forth by the original district in which the proposed PUD is located shall act as a general guideline. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.
3. **Density.** Density increases may be allowed for PUDs over and above those allowed in the zoning district. It should be controlled by one (1) owner or group of owners and be planned and developed as a single unit.
4. **Lot Size Variations.** Lot sizes shall be computed using gross acreage computation. Land use for public utilities such as easements and flood plain areas shall not be included in determining gross development area. A fixed percentage of streets within the proposed development shall be subtracted from the gross area figure. This net result shall then be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum residential units allowed. Density increases are to be allowed for the following amenities:
- a. If the required open space is improved (i.e. seeded or sod grass, recreational facilities, etc.), the maximum density increase permitted shall be two hundred (200) percent.
 - b. If the required open space is left unimproved (i.e. in its natural state), the maximum density increase permitted shall be one hundred (100) percent.
5. **Open Space.** The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas, within developments. Open space shall herein be described as common for use by all property owners in the PUD. Required open space shall comprise at least twenty-five (25) percent of the total gross areas. Any portions of the PUD

site, if deemed environmentally significant, may upon review by the Planning Commission, be preserved in their natural state.

6. **Environmental Design Requirements.** The Planning Commission shall require the following: preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation, and the planting of vegetation or placement of protective cover on slopes of ten (10) percent or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.
 7. **Traffic Circulation.** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.
 8. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact on adjacent properties, residents, or public facilities.
 9. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.
- G. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.6](#).

Section 7.25 Site Condominiums

A. Intent.

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

B. General Requirements.

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.

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

2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use and shall comply with all zoning requirements of this Ordinance.
- a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use, unless otherwise allowed by this Ordinance.
 - c. Setbacks shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review and Special Use Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and Special Use review by the Planning Commission and Township Board in accordance with [Article 5](#) and [Article 6](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
- a. **Application.**
 - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) and [Article 6](#) of this Ordinance. All procedures and standards of [Article 5](#) and [Article 6](#) shall apply to site condominium projects.
 - (2) All condominium site plans shall include the information required in Section 66 of [1978 PA 59](#), as amended (Condominium Act, being MCL 559.166).
 - (3) The application shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the [County Register of Deeds](#) for review and approval by the Planning Commission and Township Board.
 - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements, and building envelopes shall be shown on the site plan.
 - b. **Deed Restrictions, Master Deed, By-Laws.**
 - (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

(2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

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

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

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

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

Section 7.26 Commercial Events Facilities

A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.

B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100) feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The

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

Planning Commission may approve the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.

- C. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300) feet from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by [subsection B](#) above.
- D. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 11 AM and shall terminate no later than 11 PM. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
- E. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without written consent of the Planning Commission as part of site plan review. The Planning Commission shall determine that no public nuisance will be established. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12 PM, shall be terminated by 11 PM. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries. Sources of amplified sound (such as speakers) shall be located no less than one thousand (1,000) feet from the property boundary.
- F. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless such overnight accommodations are included in the applications and approved through site plan review. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
- G. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
- H. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the [Health Department](#).
- I. **Number of Events.** The Planning Commission may limit the number of events allowed per year.

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

- J. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission in consultation with emergency responders and the **County Road Commission**, based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
- K. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and the vegetative cover.
- L. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.
- M. **Submittal Requirements.**
 - 1. In addition to the requirements in **Section 5.4**, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities.
 - 2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities, and the maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation must include setup and takedown times.
 - b. The event plan must provide the expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the Special Use permit, a new Special Use permit process shall be required.

N. The Planning Commission may grant a deviation from any of the **subsections A through L** above upon the following findings:

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

A request for deviation shall be considered as part of the Special Use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new Special Use permit process shall be required.

Section 7.27 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).
- B. Zoning approval is required for food trucks. The property owner shall submit a plot plan pursuant to **Section 5.2**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property. The number of food trucks allowed on a single lot shall be approved during the approval process. Any increase in the number of food trucks approved shall be considered an amendment and shall require a new approval process.
 - a. **Permitted Use.** The Planning Commission is responsible for issuing zoning permits for temporary food trucks (temporary food trucks are those that remain at a particular location for a maximum of one (1) week). A plot plan review is required.
 - b. **Special Use.** Food trucks that are proposed to remain on a lot for more than one (1) week require review of the Planning Commission through the Special Use process. The property owner shall submit a plot plan pursuant to **Section 5.2**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating.
- C. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- D. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public streets.

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

- E. All areas within twenty (20) feet of the food truck shall be kept clean and free of debris.
- F. Food trucks on township-owned property are not subject to this Section.

Section 7.28 Biofuel Production Facilities on Farms

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

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

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

- (a) Raw materials and fuel.
- (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

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

Section 7.29 Marijuana Primary Caregivers

A. Intent and Purpose.

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

B. Regulations for Primary Caregivers.

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

1. The primary caregiver shall be issued and at all times shall maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
2. Except when being transported as provided in [subsection 8](#) below, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from abutting streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.

5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within two thousand (2,000) feet of the lot on which another primary caregiver facility is located and shall not be located within two thousand (2,000) feet of a lot on which any of the following uses are located:
 - a. Any religious institution, church, or place of worship and its accessory structures.
 - b. Any public or private school, having a curriculum including kindergarten through 12th grade and its accessory structures.
 - c. Any preschool, child care, or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law.

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

D. Prohibited Uses.

Commercial marijuana Facilities as designed by [2016 PA 281, Medical Marijuana Facilities Licensing Act](#), MCL 333.27101 et seq. and commercial marijuana establishments as defined by [Initiated Law 1 of 2018, Medical Regulation and Taxation of Marijuana Act](#), MCL 333.27951 et seq. are prohibited.

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

Section 7.30 Solar Energy Facilities – Utility Scale

A. Property Owned by a Local Municipality.

Solar Energy Facilities are a Permitted Use on all property owned by a local municipality and are a Special Use on all non-municipally owned property in the AG and FR Districts.

B. Reflection/Glare.

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

C. Groundcover and Impervious Surface/Stormwater.

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

D. Screening.

Solar devices shall be screened from view from any residential district or residential use on non-participating lots by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather.

E. Setbacks.

The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all lot lines of non-participating lots. Solar panels will be kept at least one hundred (100) feet from a residence on a non-participating lot.

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

F. Wiring.

Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar array at maximum tilt.

G. Lighting.

Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

H. Sound.

The sound pressure level of a solar energy facility and all ancillary solar equipment shall not exceed forty-five (45) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above forty-five (45) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)).

I. Land Clearing.

Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

J. Access Drives.

New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation.

K. Fencing.

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

L. Repowering.

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

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

M. Reports.

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

N. Abandonment.

If a solar facility owner or operator has an intent to abandon, and, in fact, does abandon a solar facility for twelve (12) continuous months, the solar facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the Township will have the removal and restoration done at the owner/applicant’s expense.

O. Decommissioning Plan and Performance Guarantee.

- 1. A decommissioning plan is required at the time of application.
 - a. The decommissioning plan shall include:
 - (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. 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.

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

- (2) The projected decommissioning costs for removal of the solar energy facility and soil stabilization.
 - (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit – pursuant to [Section 9.5](#)).
2. The Township shall require a performance guarantee (pursuant to Section 9.5) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A solar energy facility owner may at any time:
- a. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

P. Agricultural Protection.

For sites where agriculture is a permitted use in a district, solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:

- 1. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
- 2. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
- 3. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the solar energy facility.
- 4. Siting the solar energy facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
- 5. Optional: Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres consistent with a purchase of development rights ordinance adopted in the Township.

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

Section 7.31 Solar Energy Panels – Accessory

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

A. Submittal Requirements.

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

B. Height.

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

C. Setbacks/Location.

1. Ground-mounted accessory solar energy panels.
 - a. Ground-mounted accessory solar energy panels shall not be located in the front setback for the principal building.
 - b. Ground-mounted accessory solar energy panels shall be setback back at least five (5) feet from the side and rear lot line. On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front setback along the street side lot line.
 - c. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.
 - d. If no solar access is available in the location required by this subsection, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.

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

2. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

D. Glare.

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

E. Nonconformities.

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

F. Building-Integrated Solar Panels.

Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in [subsections A through E](#) above.

Section 7.32 Wind Energy

A. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is evolving and the impact these technological changes may have on the use and placement of wind turbines within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbines that do not fully comply with the strict development standards of these regulations if, in the opinion of the Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties, or the immediate neighborhood.

B. Wind Energy System, Commercial/Utility-Scale.

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

1. **Site Plan Required.** A Special Use application for a utility-scale or commercial wind energy system or anemometer tower shall include a site plan pursuant to [Section 5.4](#).

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

2. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system, provided, however, this standard shall not apply to an anemometer tower. No wind energy system shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long-term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for Special Use.
3. **Minimum Site Area.** The minimum site area for a wind energy system or an anemometer tower erected prior to a wind energy system shall be as necessary to meet required setbacks and any other standards of this Ordinance.
4. **Setbacks.** Each proposed wind energy system or anemometer tower shall meet the following applicable setback requirements:
 - a. Each wind turbine shall be set back from any non-participating lot line a minimum distance at least equal to one and one-half (1.5) times the total height of the wind turbine.
 - b. Each wind turbine shall be set back from a public or private road right-of-way or existing easement a minimum distance at least equal to one and one half (1.5) times the height of the wind turbine as defined in the Ordinance.
5. **Maximum Height.** The maximum wind turbine height or the height of an anemometer tower erected prior to the wind turbine shall be consistent with technology needed to harness wind energy. The Planning Commission may take proposed height into consideration when determining impact on adjacent properties.
6. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than fifty (50) feet.
7. **Maximum Noise Levels.** Any proposed wind turbine shall result in the production of cumulative sound levels that are no more than (45) dBA (Leq (1 hour)) as measured at the lot lines on non-participating lots. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above forty-five (45) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)).
8. **Maximum Vibrations.** Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible at the lot lines on non-participating lots.
9. **Shadow Flicker.** Shadow flicker shall not exceed thirty (30) hours per year measured to the exterior wall of a dwelling or other occupied dwelling on a non-participating parcel. Mitigation

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

measures to minimize or eliminate potential impacts from shadow flicker shall include, but not be limited to:

- a. Change the proposed location of the wind turbine; or
- b. The wind turbine shall be turned off by manufacturer approved automated system during the period of time an inhabited structure receives shadow flicker; or
- c. The wind turbine shall be turned off during flicker events after thirty (30) hours/year of shadow flicker on an inhabited structure; or
- d. There is screening (forest, other building(s), topography, window treatments/blinds) which shields the inhabited structure from a direct line of sight to the rotors causing shadow flicker.

10. **Interference with Residential or Governmental Reception.** Any wind turbine shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception to neighboring areas.

11. **Landscaping.** Each proposed wind turbine shall meet the following landscaping requirements provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine would be minimal.

- a. The base of the wind turbine shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes.
- b. Existing natural landforms on the site which effectively screen the base of the wind turbine or anemometer tower from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
- c. Landscaping shall be designed to counter the effects of “shadow flicker” on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine.

12. **State or Federal Requirements.** Any proposed wind turbine or anemometer tower shall meet or exceed any standards and regulations of the [Federal Aviation Administration \(FAA\)](#), [Michigan Aeronautics Commission \(MAC\)](#), the [Michigan Public Service Commission](#), [National Electric Safety Code](#), and any other agency of the state or federal government with the authority to regulate wind turbines or other tall structures in effect at the time the Special Use is approved.

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

13. **Soil Conditions.** A proposal for any wind turbine or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the wind turbine is removed.
14. **Aesthetics and Lighting.** Any proposed wind turbine or anemometer tower shall meet the following requirements:
- a. Each wind turbine or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the **FAA** and **MAC**, be colored a neutral color so as to reduce visual obtrusiveness.
 - b. Each wind turbine, including all accessory structures, or anemometer tower shall, to the extent possible, use materials and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind turbine or anemometer tower, however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - c. Each wind turbine or anemometer tower shall not be artificially lighted unless required by the **FAA**, **MAC**, or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under **FAA** or **MAC** regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the **FAA** or **MAC**. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the **FAA** or **MAC**.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) Shall be shielded to the extent possible and acceptable to the **FAA** or **MAC** to reduce glare and visibility from the ground.
 - (5) Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.
 - d. Each wind turbine or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.

- e. Each wind turbine or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
15. **Sign.** A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the proposed wind turbine or anemometer tower erected prior to a wind turbine. No wind turbine or anemometer tower or site shall include any advertising sign.
16. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine. Such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. The following shall be submitted with the application for a Special Use:
 - (1) A listing of any hazardous fluids that may be used on-site shall be provided.
 - (2) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - (3) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - (4) A Hazardous Materials Waste Plan shall be provided.
17. **Repowering.**
- a. In addition to repairing or replacing wind energy components to maintain the system, a wind energy system may at any time be repowered without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. The repowering shall not result in non-compliance with the standards in this Section.
 - b. A proposal to change the project footprint of an existing wind energy system or to erect additional wind turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a wind energy facility will be reimbursed to the Township by the wind energy facility owner in compliance with established escrow policy.

18. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.
19. **Reports.** Wind energy production summary reports by month shall be provided annually for each wind turbine to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
20. **End of Useful Life.** At the end of the useful life of the wind energy system, the system owner:
- a. Shall follow the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or,
 - b. Amend the decommissioning plan with Planning Commission approval and proceed with [subsection B.20.a](#) above; or,
 - c. The Township reserves the right to approve, deny, or modify an application to modify an existing wind energy facility at the end of useful life, in whole or in part, based on ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify or repower a WES will be reimbursed to the Township by the wind energy facility owner in compliance with established escrow policy.
21. **Removal of Abandoned Wind Turbines or Anemometer Towers.** If an owner or operator of a wind turbine(s) or anemometer tower has an intent to abandon such and, in fact, does abandon a wind turbine(s) or anemometer tower for a period of twelve (12) continuous months, it shall be considered abandoned., and the owner of such wind turbine(s) or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the Township will have the removal and restoration done at the owner/applicant’s expense.
22. **Decommissioning Plan and Performance Guarantee.**
- a. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:

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

- (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. In addition to removing the wind turbine(s) or anemometer tower, the owner shall restore the site of the wind turbine(s) or anemometer tower to its original condition prior to location of the wind turbine(s) or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind turbine(s) or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
 - (2) The projected decommissioning costs for removal of the wind turbine and soil stabilization.
 - (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit).
- b. **Performance Guarantee.** The Planning Commission shall require the applicant to file a performance guarantee (pursuant to [Section 9.5](#)) equal to one and a quarter (1.25) times the estimated cost of the removal of the wind turbine(s) or anemometer at time of approval. Such escrow deposit or bond shall be maintained by successor owners and shall be a condition of a Special Use given pursuant to this Section.
- c. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A wind energy facility owner may at any time:
1. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 2. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

C. Wind Turbine, On-Site or Private.

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

1. The wind turbine shall be designed to primarily serve the needs of the property on which it is located.
2. **Plot Plan Submittal.** An application for the installation of an on-site or private wind turbine shall include a plot plan including the following information:

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

- a. Location of the proposed wind turbine.
 - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Design and Installation.** All wind turbines (ground and roof-mounted) shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer’s specifications.
 4. **Minimum Lot Size.** The minimum lot size for on-site or private wind turbine shall be as necessary to meet required setbacks and any other standards of this Ordinance.
 5. **Height.** The on-site or private wind turbine shall have a tower height of one hundred (100) feet or less.
 6. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
 7. **Setback.** The distance between an on-site or private wind turbine and the lot lines of adjacent lots shall be at least equal to the height of the tower including the top of the blade in its vertical position.
 8. **Guy Wires.** The use of guy wires shall be prohibited.
 9. **Noise.** The sound created by the system shall not exceed forty-five (45) dBA (Leq (1 hour)) at the nearest lot line of adjacent lots or, if the ambient sound is forty-five (45) dBA (Leq (1 hour)) or greater, then the maximum sound created by the system at the nearest lot line of adjacent lots shall be the ambient sound plus five (5) dBA (Leq (1 hour)).
 10. **Reception Interference.** Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
 11. **Number of Turbines (Horizontal or Vertical).** The number of wind turbines shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission.
 12. **Vibration.** Wind turbines shall not cause vibrations through the ground which are perceptible beyond the lot line of the zoning lot on which it is located.

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

13. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
14. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines of the zoning lot on which it is located nor impinge on any right-of-way or overhead utility line.
15. **Visual Impact.** All visible components of a wind turbine shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
16. **Roof-Mounted Wind Energy Systems.**
 - a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
 - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.
17. **Safety.** An on-site or private wind turbine shall have an automatic braking system to prevent uncontrolled rotation.
18. **Other Regulations.** On-site use of a wind turbine shall comply with all applicable state construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, [1959 PA 259](#), as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.) and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.

Section 7.33 Wireless Facilities

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

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

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

B. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.)**, co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure’s structural integrity.
 - b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
2. **New Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use in the districts stated in Article 4 and shall be evaluated using the procedures stated in **subsection C** below using the standards stated in **subsection D**.
3. **Other Wireless Communications Facilities.** Wireless communications facilities which do not fall under **subsections 1 or 2** (above) shall follow the same Special Use approval procedure and standards as uses listed in **subsection 2** (above)

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

- a. An application for Special Use approval of Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by **Section 5.4 (Site Plan Data Required)**.
- b. After an application for a Special Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- c. If, before the expiration of the fourteen (14) day period under **subsection C.b**, the Zoning Administrator notifies the applicant that the application is not administratively complete,

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

specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **subsection C.b** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

- d. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.7**.
- e. After a public hearing is held, the Planning Commission shall conduct a site plan review using the site plan review standards in **Section 5.5**, the Special Use standards in **Section 6.3**, and the standards contained in **subsection D** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

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

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

- a. **Ownership.** The applicant (owner/operator/agent) shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, agents, or successors shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.
- b. **Visual Impact.** The application for Special Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the Wireless Communications Facility-from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use before the public hearing. The Planning Commission may require screening of the site consisting of a vegetative buffer, fence/wall, berm, or some combination thereof.
- c. **Co-Location Feasibility.** The applicant shall provide documentation of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other

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

existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.

- d. **Height.** The tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions or two hundred (200) feet, whichever is less.
- e. **Setback.**

(1) **Towers.**

- (a) The tower shall be setback not less than one (1) times the height of the tower measured from the base of tower to all points on each lot line of a non-participating lot. The tower shall be designed to fall upon the property on which it is located.
- (b) The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one-half times (1 1/2) the height of the tower measured from its base at grade to its highest point. A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.
- (c) The tower may be guyed or free-standing. Guy cables and anchors shall comply with applicable zoning district setback requirements.
- (d) The tower and any ancillary building or buildings housing equipment needed for the operation of the tower shall not exceed the floor area and height minimally necessary for such equipment and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

(2) Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to each lot line of a non-participating lot. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect adjacent non-participating lots.

- f. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. If lighting is not required by the FAA, then towers shall not be lit at night.

- g. **Color.** The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by **Federal Communications Commission (FCC)** or **Federal Aviation Administration (FAA)** regulations. If alternate band painting is required by **FCC** or **FAA** regulations, the applicant shall provide documentation of such requirements and regulations.
- h. **Signs.** No signs other than signs required pursuant to federal, state, or local law and ordinance shall be allowed on an antenna or tower or site.
- i. **Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission** and **Federal Aviation Administration** regulations.
- j. **Abandonment.** If a Wireless Communications Facility owner or operator has an intent to abandon, and, in fact, does abandon a Wireless Communications Facility for twelve (12) continuous months, the facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within three (3) months of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the three (3) month period, the Township will have the removal and restoration done at the expense of, first, the Wireless Communications Facility owner or, second, the property owner.
- k. **Performance Guarantee.** As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the Wireless Communications Facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the Wireless Communications Facility. The deposit or bond shall be maintained by successor owners of the Wireless Communications Facility. If a performance guarantee is required, a review of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board.

E. Small Cell Wireless Facilities.

- a. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Facilities Deployment Act, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

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

b. **Special Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Planning Commission as a Special Use in the AG, FR, I-1, and R-1 Districts in accordance with the following procedures and standards:

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

- (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
- (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
- (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Article 8

Zoning Board of Appeals

Sec	Name	Pg
8.1	Creation & Membership	8-1
8.2	Meetings	8-3
8.3	Procedures	8-3
8.4	Jurisdiction & Variance Standards	8-5
8.5	Time Limits on ZBA Decisions	8-7
8.6	Resubmittal	8-7

Section 8.1 Creation & Membership

There is hereby established a Zoning Board of Appeals the membership, powers, and duties of which are described in Section 601 of [2006 PA 100, Michigan Zoning Enabling Act](#), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare assured and justice served.

A. Regular Members.

The Hillman Township Zoning Board of Appeals shall consist of three (3) members, the composition of which shall be guided by the following:

1. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
2. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages.
3. One (1) member may be a member of the Township Board of Trustees.
4. An employee or contractor of the Township Board of Trustees may not serve as a member of the Zoning Board of Appeals.

B. Officers.

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

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

C. Alternates.

The Township may appoint not more than two (2) alternate members. An alternate member may be called to serve as a regular member in the absence of a regular member. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member has the same voting rights as a regular member.

D. ZBA Member who is also Planning Commission Member.

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

E. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms so that not more than one (1) term expires in any given year. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

F. Removal of ZBA Member.

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

G. Expenses.

The total amount allowed the Zoning Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum which shall be appropriated annually in advance by the Township Board.

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

Section 8.2 Meetings

A. Required Hearings.

1. The Zoning Board of Appeals shall hear and decide all matters properly referred to the board, or upon which the board is required to act, under any ordinance adopted pursuant to **2006 PA 110**, as amended.
2. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of an application, and at such other times as such Board may determine or specify in its rules or procedure.
3. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 9.7**.

B. Open Meetings and Rules of Procedure.

1. All hearings conducted by said Board shall be open to the public in compliance with the **Open Meetings Act, 1976 PA 267**, as amended.
2. The Zoning Board of Appeals shall adopt its own rules of procedure
3. The Zoning Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

C. Quorum and Majority Vote.

1. The Zoning Board of Appeals shall not conduct business unless a majority of members are present, regardless of whether the members are regular members or alternate members.
2. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body, or to decide in favor of the appellant on any matter upon which they are required to pass under any such ordinance, or to effect any variation in such ordinance.

Section 8.3 Procedures

A. Request for a Hearing.

1. **Request for an Appeal.** An appeal from the ruling of the Township Zoning Administrator or Planning Commission concerning the enforcement or administration of the provisions of this

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

Ordinance may be taken to the Zoning Board of Appeals within thirty (30) days of the signed notice of decision by filing an application with the Township.

2. **Request for an Interpretation.** Requests for an interpretation may be made at any time by filing an application with the Township.
3. **Application Forms.**
 - a. The appellant shall file an application with the Zoning Board of Appeals, on forms to be furnished by the Zoning Administrator, specifying the grounds of the appeal or the request for interpretation.
 - b. The applicant shall submit five (5) copies of a completed application, with associated fees, surveys, plans, and data as required, or other information deemed reasonably necessary for making an informed decision on his or her appeal, not less than forty-five (45) days prior to the date of the hearing. An electronic copy of surveys, plans, and data shall be required.
4. **Fees.** The Township Board may from time to time prescribe and amend, by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk to be credited to the General Revenue Fund.
5. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
6. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice thereof to all parties concerned pursuant to **subsection C** below.

B. Stay.

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

C. Public Hearing.

1. **Public Hearing.** The Zoning Board of Appeals shall make no recommendations except in a specific case and after a public hearing conducted by said Board. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Upon determination of the date and

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

time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to [Section 9.7](#).

2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.

D. Decision.

1. **Final Decision.** The Zoning Board of Appeals shall render a decision within sixty (60) days of the public hearing. The final decision shall be in the form of a motion. Reasons for the decision must be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.
2. The Zoning Board of Appeals shall have the authority to dismiss a case if the grounds or cause is determined, by a majority vote, to be frivolous and without adequate grounds.
3. **Conditions.** The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in [Section 9.9](#). A violation of any conditions constitutes a violation of the Zoning Ordinance and subject to the applicant enforcement proceedings under the Zoning Ordinance.
4. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact. An appeal from a decision of a Zoning Board of Appeals shall be filed within whichever of the following deadlines comes first:
 - a. Thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the Chairperson.
 - b. Twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

Section 8.4 Jurisdiction & Variance Standards

A. Exercising Powers.

1. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all

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

the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken, and may issue or direct the issuance of a permit.

- 2. In deciding upon matters referred to or upon which it is required to act under this Ordinance, the Zoning Board of Appeals shall take into consideration the public health, safety, and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance.

B. Jurisdiction.

The Zoning Board of Appeals shall have the following powers:

- 1. **Appeals from Administrative Actions.** The Zoning Board of Appeals shall, when called upon, review, hear, and decide appeals from any order, requirements, decisions, or determination made by the administrative official and/or Planning Commission charged with administration or enforcement of this ordinance.
- 2. **Interpretation.** The Zoning Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this Ordinance and the accompanying zoning map.
- 3. **Granting Variances.** The Zoning Board of Appeals shall have the power to authorize specific variances from such non-use regulations as, but not limited to, lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements. In addition, when the acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54 leaves a lot in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted. The Zoning Board of Appeals may grant variances when the applicant demonstrates, in the official record of the hearing, that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship.
 - b. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

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

- d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

C. Powers Not Granted.

- 1. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law. Provided, however, the Zoning Board of Appeals shall have the authority to revise the Zoning Map, but only in conjunction with its authority to interpret district boundaries.
- 2. **Use Variances.** No variance shall be granted to permit the establishment within a district of any use which is not included in that district as a Permitted Use or a Special Use.
- 3. **Special Uses.** The Zoning Board of Appeals may NOT hear appeals from Planning Commission decisions concerning Special Uses.

Section 8.5 Time Limits on ZBA Decisions

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 8.6 Resubmittal

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to [Section 9.10](#) of this Ordinance.

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

Article 9

Administration & Enforcement

Sec	Name	Pg
9.1	Zoning Administrator	9-1
9.2	Planning Commission & Township Board	9-3
9.3	Zoning Permits	9-4
9.4	Fees	9-7
9.5	Performance Guarantee	9-9
9.6	Conflicting Regulations	9-10
9.7	Public Notification	9-10
9.8	Use of Consultants	9-12
9.9	Conditions	9-13
9.10	Rehearing	9-13
9.11	Violations	9-14
9.12	Action Table	9-15

Section 9.1 Zoning Administrator

A. Establishment of the Zoning Administrator.

1. The provisions of this Ordinance shall be administered by the Township Zoning Administrator, who shall be employed by the Township Board, subject to such conditions and at such rate of compensation as said board shall determine.
2. The Zoning Administrator may be assisted by any other Township employees and officials as he/she may delegate to enforce the provisions of this Ordinance. The Township Board may employ a Deputy Zoning Administrator to serve in the capacity of the Zoning Administrator when the Zoning Administrator is not available. The Deputy Zoning Administrator shall have the same duties and powers as the Zoning Administrator.
3. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall for the purpose of the Ordinance have the power of public officers.

B. Duties and Powers of the Zoning Administrator.

The Zoning Administrator shall administer and enforce this Ordinance in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. The Zoning Administrator shall, under no circumstances, be permitted to make changes to this Ordinance or to

vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator unless specifically authorized by this Ordinance.

1. **Zoning Permits.** The Zoning Administrator shall be responsible for the review of all zoning-related applications. The Zoning Administrator shall keep a copy of all applications received and a record of action taken on them and shall provide any applicant denied a permit the reasons for the denial in writing. The Zoning Administrator shall be responsible for:
 - a. The issuance of zoning permits for Zoning Administrator-approved uses listed in [Table 5.1](#).
 - b. The issuance of zoning permits for Planning Commission-approved uses listed in [Table 5.1](#) after Planning Commission review.
2. **Inspections.** The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.
3. **Compliance.** The Zoning Administrator shall be responsible for determining compliance with site plans and other approved zoning permits.
4. **Application.** The Zoning Administrator shall be responsible for taking applications for Zoning Ordinance text amendments, site plan review, Special Use permits, variances, appeals, or ordinance interpretation. The Zoning Administrator will also undertake whatever investigation of the requests is required by the Planning Commission or Zoning Board of Appeals prior to the presentation of the request.
5. **Records.** The Zoning Administrator shall be responsible for keeping records of all permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning permits issued.
6. **Complaints.** The Zoning Administrator shall respond in writing to all complaints regarding violations of the Zoning Ordinance within thirty (30) days. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the Planning Commission meetings.
7. **Violations.** The Zoning Administrator shall initiate appropriate action for proceedings to prevent, restrain, correct, or abate any illegal act in violation of this Ordinance.

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

- a. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, they shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Violations are regulated by [Section 9.11](#).

Section 9.2 Planning Commission & Township Board

A. Planning Commission.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Review.** The Planning Commission shall review Site Plans and issue approval, conditional approval, or denial.
2. **Special Use Review.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve, approve with conditions, or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.
3. **Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, public hearing, and Township Board approval.

B. Township Board.

1. **Adopting the Ordinance and Amendments.** On the recommendation of the Planning Commission, the Township Board adopts the Zoning Ordinance, making it the enforceable policy of township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
2. **Fee Schedule.** The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

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

Section 9.3 Zoning Permits

A. Zoning Permit Required.

No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued except in strict conformity with the provisions of this Ordinance unless the Zoning Administrator receives a written order from the Zoning Board of Appeals.

B. Review Process for Zoning Permit.

The Zoning Administrator shall have the power to issue zoning permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or any permits for any excavation or construction until he/she has inspected such plans in detail and found them in conformity with this Ordinance.

1. **Application.** The Zoning Administrator shall require that every application for a zoning permit be accompanied by an application and, as applicable, dimensioned plans or plats drawn to scale in accordance with the requirements in [Article 5](#) to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Ordinance. See [Table 5.1](#) for details on types of use, plan required, and approving body.
 - (1) Applications which are approved by the Zoning Administrator are reviewed by the Zoning Administrator for compliance with this Ordinance.
 - (2) Applications which are approved by the Planning Commission are reviewed according to the procedures contained in [Article 5](#) for site plans and [Article 6](#) for Special Uses.
2. **Fees.** Fees for inspections and the issuance of zoning permits or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Clerk in advance of the issuance of such permits.
3. **Inspections.** The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, or structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction. Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall revoke the zoning permit ([subsection E](#)). Failure of the permit holder to make proper notification of the

time for inspection shall cause revocation of the zoning permit, requiring issuance of a new permit before construction may proceed.

- a. **Inspection Prior to Construction.** Inspection shall occur at the time of staking out of the building foundation or location of the structure. The property owner is responsible for determining and marking the correct location of lot lines from which setbacks are measured. The recipient of any zoning permit for the erection, construction, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Zoning Administrator immediately when the property is staked out and ready for inspection.
- b. **Inspection After Construction.** Inspection shall occur upon completion of the construction authorized by the permit. The recipient of any zoning permit for the erection, construction, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

(1) Should the Zoning Administrator determine that the building or structure is not located according to the plan filed or is in violation of any provision of this Ordinance or any other applicable law, he/she shall so notify, in writing, the holder of the permit or their agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.

- 4. **Other Required Permits.** A zoning permit is required prior to the issuance of a building permit.
- 5. **Signed Copies.** One (1) copy of the application shall be returned to the applicant by the Zoning Administrator, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. The original and one (1) copy of the application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Administrator shall refuse to issue a permit, he/she shall state such refusal in writing with the cause and reasons for said refusal.

C. **Conformance with Approved Plans.**

Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by [Section 9.11](#).

D. **Expiration of Zoning Permit.**

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

1. **Work Not Started.** If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said zoning permit shall expire, it shall be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected.
2. **Work Not Completed.** If the work described in any zoning permit has not been substantially completed within two (2) years from the date of issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled zoning permit shall not proceed unless and until a new zoning permit has been obtained.
3. **Extension of Zoning Permit.** In either of above cases, within thirty (30) days of receiving such notice of expiration, a permit holder may request a one (1) year extension of the permit from the Zoning Administrator. The Zoning Administrator may grant the requested extension for an additional one (1) year if he/she finds good cause for the extension and that the zoning regulations governing the permit have not changed since the approval.
4. See [Section 6.5.A](#) for Expiration of a Special Use permit.

E. Revocation.

1. If the Zoning Administrator shall find that an approved zoning permit, including any conditions imposed, is not being adhered to, the Zoning Administrator shall give notice to the applicant, in writing, of the intent to revoke the zoning permit.
2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Zoning Administrator. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking the approval.
3. If the applicant notifies the Zoning Administrator, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Zoning Administrator may defer the revocation.
4. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within thirty (30) days of the notice to the owner of such revocation action.
6. See [Section 6.6](#) for revocation of a Special Use permit.

- F. **Stop Work Order.** Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this Ordinance or **2006 PA 110, the Michigan Zoning Enabling Act**, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated. Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed. Any person, firm, or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to **Section 9.11**.

Section 9.4 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may, from time to time, adopt by resolution a Fee Schedule establishing basic zoning fees related, but not limited to, to the following:
1. Zoning Permits.
 2. Special Uses.
 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Classification of unlisted property uses.
 5. Requests for variances from the Zoning Board of Appeals.
 6. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, the Zoning Board of Appeals, or the Zoning Administrator shall not be subject to a zoning fee.
 7. Site plan reviews.
 8. Requests for a planned unit development (PUD).
 9. Any other discretionary decisions by the Planning Commission, Zoning Board of Appeals, or Township Board.

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

B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

C. **Additional Fees.**

1. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Township Treasurer, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.
2. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.
3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
4. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
5. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

Section 9.5 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, the completion of conditions imposed by the Planning Commission which are located within the development, and site restoration. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or for each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public or site improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

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

Section 9.6 Conflicting Regulations

- A. The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare.
- B. **Conflicting Regulations.**
 - 1. **When this Ordinance is More Restrictive than Another Law, Ordinance, or Private Deed Restriction.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restrictions, then the provisions of this Ordinance shall govern except where legally superseded by such other law or ordinance.
 - 2. **When Another Law, Ordinance, or Private Deed Restriction is More Restrictive than this Ordinance.** Whenever the provisions of any other law, ordinance, or private deed restriction impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law, ordinance, or private deed restriction shall govern.
 - 3. **Conflicting Provisions within this Ordinance.** Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive or specific requirement shall prevail. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 9.7 Public Notification

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. **Published Notice.**

When the provisions of this Ordinance or the [Michigan Zoning Enabling Act](#) require that notice be published and/or given, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township, and mailed or delivered as provided in this Section.

B. **Content.**

All mailed and newspaper notices for public hearings shall:

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

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. **Notice.**

1. Except as noted in [Section 9.7.C.2](#) and [Section 9.7.C.3](#) below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 2. Newspaper publication as required in [Section 9.7.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
- 3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [Section 9.7.C.1](#) above.
- 4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- 5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.8 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Uses, site plans, rezonings, or other matters related to the planning and development of the Township.

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

Section 9.9 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements. Conditions shall:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 9.10 Rehearing

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
- 2. There has been a material change in circumstances regarding the Planning Commission’s or Zoning Board of Appeals' findings of fact, which occurred after the hearing.
- 3. The Township attorney, by written opinion, states that, in the attorney’s professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be

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

granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.11 Violations

- A. Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending **1961 PA 236**, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

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

- C. The Township Supervisor and Zoning Administrator are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9.12 Action Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it.

Table 9.12: Approval Process Reference Chart

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal	
Single-family dwellings, two-family dwellings, signs, fences, accessory structures, temporary dwellings, dwellings within non-residential, parking lots - §5.1	Applicant	ZA	No	----	----	ZBA	
Multiple-Family, Commercial, Industrial, Utility & Institutional Structures/Uses - §5.1	Applicant	PC	No (unless listed as Special Use)	----	----	ZBA	
Special Use	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	----	Circuit Court	
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Text amendment or Rezoning	Applicant, PC, or TB	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	----	
		County Planning Commission reviews amendment & provides comment (30 days)					
		Step 2: TB	No	----	----	----	
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on 8th day after publication.					
Zoning enforcement	ZA	----	----	----	----	ZBA	

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

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

Article 10

Adoption & Amendments

Sec	Name	Pg
10.1	Amendment to this Ordinance	10-1
10.2	Processing of Amendment	10-1
10.3	Rezoning Factors	10-3
10.4	Reversion of Rezoned Area	10-3
10.5	Conditional Rezoning	10-4
10.6	Severability	10-8
10.7	Rights & Remedies	10-8
10.8	Vested Right	10-8
10.9	Repeal & Savings Clause	10-8
10.10	Enactment & Effective Date	10-9

Section 10.1 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance or accompanying zoning map to be amended, supplemented, or changed pursuant to the authority and according to the procedures set forth in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of one (1) or more property owners in Hillman Township affected by such proposed amendment.

Section 10.2 Processing of Amendment

The procedure for amending this Ordinance or accompanying zoning map shall be as follows:

A. Filing of Amendment Application.

Each application for amendment shall be submitted to the Zoning Administrator on the standard form provided by the Township, accompanied by the proper fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held. Applications shall be submitted at least forty-five (45) days prior to the meeting date at which the public hearing will be held.

B. Planning Commission Action.

1. The Zoning Administrator shall transmit the amendment request to the Planning Commission.
 2. **Public Hearing.** The Planning Commission shall hold a public hearing for the amendment at the next regularly scheduled meeting or at a special meeting called for such purpose if the application was submitted at least forty-five (45) days prior to the meeting date. Notice of the public hearing shall be given pursuant to [Section 9.7](#).
 3. **Recommendation.** The Planning Commission shall, by motion, make a recommendation to the Township Board on the proposed amendment.
- C. **Submission to County Planning Commission.** Following the public hearing, the Township Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the amendment by the County, it shall be conclusively presumed that the County has waived its right for review. In the absence of a County Planning Commission, the proposed amendment shall be submitted to a county committee established for the purpose of coordinating zoning ordinances.
- D. **Submission to Township Board.** After the requirements of subsection C above have been fulfilled, the Township Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- E. **Township Board Action.**
1. **Additional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
 2. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8th) day after publication or at a later date as may be specified by the Township Board at the time of adoption. The notice of adoption shall contain:
 - a. Either a summary of the regulatory effect of the zoning ordinance amendment, including the geographic area affected, or the text of the zoning ordinance amendment.
 - b. The effective date of the zoning ordinance amendment.

- c. The place where and time when a copy of the zoning ordinance amendment may be purchased or inspected.

F. Resubmittal.

No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.

Section 10.3 Rezoning Factors

In reviewing an application for the rezoning of land, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to:

- A. Is the proposed rezoning reasonably consistent with the Master Plan?
- B. Are all of the uses allowed under the proposed rezoning compatible with other zones and uses in the surrounding area?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Will there be an adverse effect on property values in the adjacent area?
- E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- F. Whether any public services and facilities would be significantly adversely impacted by a development or use under the requested rezoning.
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

Section 10.4 Reversion of Rezoned Area

In the case of land which has been approved for a zoning change, construction on such parcel must begin within a period of one (1) year from approval of such zone change. If construction does not commence within this period, the Zoning Board may initiate a rezoning for the purpose of returning the land to the previous zoning designation or to another appropriate designation. The process for returning the land to its previous zoning designation must be in compliance with the amendment process as provided in this Ordinance.

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

Section 10.5 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

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

C. Planning Commission Review.

The Planning Commission, after a public hearing and consideration of the factors set forth in [Section 10.3](#) (except [10.3.G](#)), may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Montmorency County for not more than thirty (30) day review period, according to the provisions of Section 307 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. (See [subsection 10.2.C](#))

E. Township Board Review.

After receipt of the Planning Commission’s recommendation and the subsequent review by the County, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the [County Register of Deeds](#), or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.

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

- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

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

Hillman Township Zoning Ordinance

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

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

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.6 Severability

This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 10.7 Rights & Remedies

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 10.8 Vested Right

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

Section 10.9 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Hillman Township Zoning Ordinance in its entirety.

- B. The repeal of any Hillman Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, liabilities incurred there under, or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

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

Section 10.10 Enactment & Effective Date

- A. This Ordinance was adopted on December 11, 2023 by the Hillman Township Board of Trustees and will be effective December 27, 2023. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on September 11, 2023.
- B. Amendments to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

I hereby certify that the above Ordinance was adopted by the Hillman Township Board at a regular meeting held on December 11, 2023.

Township Clerk

Published: December 20, 2023

Effective Date: December 27, 2023

Affidavit of Publication Required.

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