

FREE SOIL TOWNSHIP ZONING ORDINANCE

EFFECTIVE DATE: JANUARY 1, 2022

An ordinance to establish zoning districts, provisions and regulations for the Township of Free Soil, pursuant to Act 110 of the Public Acts of 2006 (the Michigan Zoning Enabling Act), as amended, and any other applicable laws; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Planning Commission and Zoning Board of Appeals; to designate a violation of the Ordinance as a municipal civil infraction subject to civil fines and other sanctions; and to repeal all ordinances or parts of ordinances in conflict herewith, including the existing Mason County Zoning Ordinance and all amendments thereof.

(As recommended by the Zoning Commission pursuant to the
May 11, 2021, public hearing.)

EXECUTIVE SUMMARY AND USER GUIDE

This Executive Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance, to make the document easier to understand and use. Like every municipal zoning ordinance, this Zoning Ordinance regulates the development and use of land by dividing the Township into “zoning districts”, sometimes commonly referred to as “zones”. This Zoning Ordinance establishes four such zoning districts as noted in Section 4.1, and as shown on the zoning Map.

This Zoning Ordinance also is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district. The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses”. A use listed as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and therefore generally requires no prior land use approval. A “special land use” is recognized as requiring prior land use approval, pursuant to standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community. Articles 5-9 of this Zoning Ordinance indicates the permitted uses and special land uses for each of the five zoning districts.

Article 10 specifies other requirements applicable in each zoning district, such as the minimum requirements for property (“lot”) in each zoning district, and “setback” and other location requirements for buildings and other structures in each zoning district.

Some provisions of the Zoning Ordinance are intended to apply generally throughout the Township, such as the “General Provisions” in Article 12. Other articles of this Zoning Ordinance regulate specific matters that may also apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Such provisions of the Zoning Ordinance include the following articles and subject matters:

- Article 11 – Accessory Buildings/Structures and Accessory Uses
- Article 16 – Parking and Loading Spaces
- Article 17 – Signs

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:

- Step 1: Find the property on the official zoning map and determine the “zoning district” in which the property is located.
- Step 2: Make sure the property meets the minimum “lot” requirements for that zoning district and is therefore “buildable” pursuant to the Schedule in Article 10; or is otherwise a legal buildable “nonconforming lot” pursuant to Section 15.8 (Article 15 also includes special provisions pertaining to

"nonconforming" uses and building/structures lawfully established before the enactment of this Ordinance).

- Step 3: Refer to the proper Article covering that zoning district from Articles 5-9; and determine whether the intended land use is listed there as either a "permitted use" or a "special land use".
- Step 4.a: If the intended land use is listed as a "permitted use" in the zoning district in which the property is located, check Section 14.2 to see whether that use is subject to a "site plan review" requirement. If so, other provisions of Article 14 will apply.
- Step 4.b: If the intended land use is listed as a "special land use" in the zoning district in which the property is located, review Article 13 for information about applying for special land use approval and the "standards" that must be shown to be complied with before the Planning Commission can grant such approval, after a public hearing. Section 13.3 specifies what are sometimes called the general standards that apply to all special land uses; but Section 13.7 includes additional specific standards that are required of certain special land uses. Note: the "site plan review" requirements of Article 14 apply to all special land uses.
- Step 5: For every permitted use or special land use check whether additional regulations are applicable from either the Article 12 "General Provisions" or other articles dealing with specific subjects, such as the articles listed above in the bullet points.

User hint: Many words and terms used in this Zoning Ordinance are given a specific definition in Article 3. It is therefore important to refer to Article 3 to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in this Ordinance is defined in accordance with its customary or common meaning.

Finally, other parts of this Zoning Ordinance address what may be called "administrative" matters, including the following articles on the indicated subjects:

- Article 18: Planning Commission/Zoning Commission
- Article 19: Zoning Board of Appeals
- Article 20: Administration and Enforcement of Zoning Ordinance
- Article 21: Violations and Sanctions
- Article 22: Amendments and District Changes

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ARTICLE 1 - SHORT TITLE AND PURPOSE

- 1.1 **SHORT TITLE:** This ordinance shall be known as the Free Soil Township Zoning Ordinance.
- 1.2 **PURPOSE:** The Zoning Districts established by this ordinance and the regulations specified for each such district have been developed in accordance with the continuing formulation of a Land Use Plan for the physical development of Free Soil Township as a part of Mason County. This ordinance is also designated to limit the location, height, number of stories, and size of buildings, dwellings, and structures that may be erected or altered, and the specific uses for which such dwellings, buildings, and structures may be erected, used, or altered in the various zoning districts. This ordinance also provides establishment of yards and other open spaces, and other sanitary, safety and protective measures to dwellings, buildings, and structures. In their application and interpretation, the provisions of this ordinance shall be held to be minimum requirements adopted to promote the public safety, health, and general welfare. Among other purposes, these provisions are designated to conserve and protect lands, water and other natural resources in the Township for their most suitable purposes, whether for residences, recreation, industry trade, service, or other appropriate uses, to ensure that uses of land shall be situated in appropriate locations and relationships; to preserve productive agricultural lands for agricultural use, and to protect such lands against encroachments by incompatible non-agricultural uses; to reduce hazards to life and property; to ensure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid inappropriate concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets, and other public facilities; to facilitate the economical and efficient provision of adequate streets and highways, educational and recreational facilities, energy, sewage, drainage and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Free Soil Township.
- 1.3 **SCOPE:** It is not intended by this ordinance to appeal, abrogate, annul, or interfere with existing provisions of other laws or ordinances except those specifically or implied repealed by the ordinance, or with any private restrictions placed upon property by covenant, deed, or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provision of this ordinance shall control.

ARTICLE 2 - INTERPRETATION OF LANGUAGE

2.1 RULES OF INTERPRETATION OF ZONING ORDINANCE TEXT: The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other similar entity, or a combination thereof.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
 - A. "and" indicates that all the connected items, conditions, provisions, or events shall apply; and,
 - B. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
9. Any word or term not herein specifically defined shall be considered to be defined in accordance with its customary or common meaning.
10. The word "he" shall mean he or she.

ARTICLE 3 - DEFINITIONS

1. Accessory Building: A building subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building or the use of the land, and which is not attached by any part of a common wall or common roof to the principal building. Where an accessory building is attached to a principal building, such accessory building shall be considered part of the principal building.
2. Accessory Structure: A structure (which is not a building) subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building, and which is not attached to the principal building. (This definition shall include swimming pools, satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.)
3. Accessory Use: A use of a building, lot or portion thereof, which is incidental and subordinate to the principal use of the lot.
4. Accessory Wind Energy Structure: An accessory structure using wind to generate electrical power intended to primarily serve the needs of the occupants of the premises on which the structure is located, rather than to generate power for a utility grid serving other premises.
5. Adult Book and/or Video Store: An establishment having, as a substantial or significant portion of its stock in trade or business, books, video tapes, compact discs, computer software, computer services, magazines and other periodicals or writings which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.
6. Adult Live Entertainment Establishment: Establishments which may include a night club, tavern, bar, restaurant, or similar commercial establishment, regardless of whether alcoholic beverages may or may not be served, which feature (a) persons who appear nude or in a state of nudity or semi-nude and/or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
7. Adult Mini-Motion Picture Theater: An enclosure with a capacity of ten or fewer persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.
8. Adult Motion Picture Theater: An enclosure with a capacity of greater than ten persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or

relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

9. Adult Novelty Business: A business establishment that has as a substantial or significant portion of its activity the sale of devices or paraphernalia designed or used for sexual stimulation or arousal.
10. Adult Panorams: An establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, computer software or computer services showing 'specified sexual activities" or "specified anatomical areas".
11. Agricultural Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables; including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon.
12. Alter (or Alteration): A change in the supporting members of a building or structure; or an addition, diminution, change in use or conversion of a building or structure; or the removal of a building or structure from one location to another.
13. Automotive and Machinery Repair Shop: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration, including body and paint work.
14. Automotive Sales Area: An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment or similar equipment.
15. Automotive Service Station: A building or structure designed or used for the retail sale of fuel, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, or servicing; but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.
16. Basement: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.

17. Bed & Breakfast Inn: A use which is subordinate to the principal use of a single-family dwelling in which transient guests are provided a sleeping room and board in return for compensation for a period not to exceed seven days.
18. Billboard: Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes not related to the premises or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon. Also see "sign" definitions.
19. Blighted Area: A portion of the land, developed or undeveloped, improved or unimproved, with business or residential uses, marked by a demonstrated pattern of deterioration in physical, economic, or social conditions, and characterized by such conditions as functional or economic obsolescence of buildings or the area as a whole, physical deterioration of structures, substandard building or facility conditions, improper or inefficient division or arrangement of lots and ownerships and streets and other open spaces, inappropriate mixed character and uses of the structures, deterioration in the condition of public facilities or services, or any other similar characteristics which endanger the health, safety, morals, or general welfare of the public, and which may include any buildings or improvements not in themselves obsolescent, and any real property, residential or nonresidential, whether improved or unimproved, the acquisition of which is considered necessary for rehabilitation of the area.
20. Boarding or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation on a weekly or monthly basis to more than two persons other than members of the family occupying such dwelling.
21. Building: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons, animals, or property of any kind. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
22. Building Code: The nationally recognized model building, mechanical, plumbing, and electrical code(s) in effect in Free Soil Township (whether administered by Mason County, or the Township directly).
23. Building or Structure Height: The vertical distance measured from the average grade at the building or structure foundation to the highest point of the building roof or structure.
24. Building Line: The line adjacent to a building to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.
25. Building Official/inspector: The person or persons appointed by the County (or the Township or State, as applicable) to inspect buildings for conformance to the building codes effective in this Township.

26. Building/Structure Setback Line (Minimum): The line which pertains to and defines those minimum setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this ordinance.
27. Cabin Camp: A use of a lot consisting of three or more separate cabins providing sleeping quarters for transient occupancy only.
28. Child (Family) Day Care Home: A private residence properly registered or licensed under 1973 Public Act, as amended MCL 722.111 et seq), in which 1-6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
29. Child (Group) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended, (MCL 722.111 at seq), in which 7-12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
30. Child Day Care Center: A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center is not, however, intended to include any of the following:
- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 - B. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
31. Church: A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.

32. Commercial Recreational Enterprise: A facility providing athletic or other recreational use on a commercial basis, including golf driving range, miniature golf, baseball batting cage, ice- or roller-skating rink, bowling alley, or other similar and compatible recreational use, with such similarity and compatibility to be determined, if necessary, by the Zoning Board of Appeals.
33. Communication Tower (or Tower): Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes any supporting apparatus; provided that for purposes of these provisions of the Zoning Ordinance this term shall not include any tower/antenna under 50' in height that is owned and operated by a federally licensed amateur radio station operator or that is used exclusively for receive-only antennas.

A tower/antenna within the scope of this definition shall not be considered to be either "Public Utility Service Facilities" or as "Essential Services" for purposes of this Ordinance, as those terms are defined in this Ordinance.

34. Contiguous: Adjoining; actually, touching at a point or common boundary line.
35. Contractor's Workshop: A business base for a contractor who provides personal services directly to clients in the electrical, plumbing, heating, painting, woodworking, or similar occupations, where any production, assembly or fabrication of a product is by the owner and/or not to exceed two employees, and where there is no manufacturing, assembling or fabrication of products on a wholesale basis for other persons or businesses.
36. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for (excluding day care facilities).
37. Deck: A structure consisting primarily of flooring which is raised above the ground level, and which may be constructed as part of the principal structure or building, or as an accessory structure.
38. District (or Zoning District): An area within which certain designated uses of land and buildings are allowed and all others are prohibited, yards and other open spaces are required, and lot areas, building height limits and other requirements are established.
39. Dwelling or Residence: A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to

dwellings. A recreational vehicle, tent, automobile, portable building, or temporary dwelling as defined herein, shall not be considered a dwelling for the purpose of this ordinance.

- A. Dwelling, Multiple-Family: A building containing three or more separate dwelling units designed for residential use.
 - B. Dwelling, Single-Family: A detached building containing only one dwelling unit designed for residential use.
 - C. Dwelling, Two-Family: A detached building containing two separate dwelling units designed for residential use.
 - D. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living and cooking facilities for not more than one family.
 - E. Temporary Dwelling: A transient, seasonal, or recreational accommodation, such as a hunting lodge or cabin in a cabin camp.
40. Earth Removal and Commercial Excavation: The digging and/or screening and washing of soil, sand, gravel, rock, minerals, clay, or other earthen material from a land surface for a commercial, manufacturing, or industrial purpose other than the improvement, development, grading and selling of land; but not including any quarrying, asphalt manufacturing or concrete or cement manufacturing operations.
41. Essential Services: The erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith. This term is not intended to include Public Utility Service Facilities, Communication Towers, Accessory Wind Energy Structures or Utility Grid Wind Energy Systems (in each instance as defined in this Ordinance).
42. Family: One or more persons related by blood, marriage, or adoption, including those related as foster children or servants, and not more than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one dwelling under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary and resort-seasonal in character or nature.
43. Family Business: An occupation business or activity which is incidental to the principal residential use of the property (but which is not a home occupation).
44. Farm: Any parcel of land used for the raising of agricultural products, livestock, poultry, or dairy products on a commercial basis, and uses incidental thereto. Farm includes a farm dwelling and

necessary accessory farm structures within the property boundaries and the storage of crops produced thereon as well as equipment used in farming operations.

45. Farm Accessory Structures: Any building or structure other than a dwelling, moved upon, maintained, used, or built on a farm, which is essential to and customarily used on farms of that type for the pursuit of their agricultural activities.
46. Floor Area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. This definition shall not include any space devoted to off-street parking or loading, or areas of utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), attached garages, or basements.
47. Foster Care Facility:
 - A. Foster Care (Small Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCL 400.701 et seq), or 1973 Public Act 116, as amended (MCL 722.111 et seq), which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.
 - B. Foster Care (Large Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCL 400.70 1 et seq), or 1973 Public Act 116, as amended (MCL 722.111 et seq), which provides resident services, supervision, and care for 7-20 persons 24 hours a day.
48. Golf Course: A comparatively large area of land laid out for the game of golf, which may include a clubhouse/pro shop providing locker facilities and the sale of food/beverages and golf related merchandise.
49. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground, the grade shall be the average elevation of the ground adjacent to the walls.
50. Health Department: The Mason County Health Department, or other comparable governmental agency.
51. Home Occupation: Any occupation or activity carried out for gain and conducted as an accessory use in a residential dwelling unit, which has all of the following characteristics:
 - A. The occupation is operated in its entirety by the person or persons residing in the dwelling.
 - B. The occupation is operated in its entirety within the dwelling unit, and not in a garage or accessory building.

- C. The occupation is clearly incidental and secondary to the residential use of the building and does not utilize more than 20% of the gross floor area of the dwelling, or 300 square feet, whichever is less.
 - D. All goods sold from the premises are created on the premises or are incidental to services sold on the premises.
 - E. There is no public display on the premises of articles offered for sale; and the dwelling has no exterior evidence indicating it is being used for any purpose other than that of a dwelling, except a nameplate sign not exceeding one square foot in area containing the name and occupation of the occupant of the premises.
 - F. Noise or other objectionable characteristics associated with the home occupation are not discernible outside the dwelling.
52. Horse Boarding or Riding Stable: A facility where four or more horses are boarded for others and/or where riding horses are rented and/or where horse riding lessons are given, including the indoor and outdoor facilities for same.
53. Institutional or Public Use: Churches, schools teaching academic subjects, public parks, cemeteries, libraries, and other public or semi-public uses, including governmental administration or service.
54. Interior Boundary Line: A property boundary line which is not contiguous to or within a street.
55. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
56. Junk/Salvage Yard: Any place where the storing, dismantling, wrecking, and disposition of junk is carried on, including automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials. This term does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance, and also does not include the non-commercial storage of inoperable vehicles and farm equipment in accordance with all applicable ordinances.
57. Kennel: The housing or keeping of more than three dogs and/or cats on a lot or in a structure, for any purpose whatsoever, either permanently or temporarily, excluding not more than one litter per year of less than six months of age.
58. Land Use Permit: An authorization issued by the Zoning Administrator indicating that the proposed use and location of a building or structure conforms with the pertinent provisions of this ordinance, including the setback and yard requirements.
59. Livestock: Domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.

60. Lot: A parcel of land with frontage on a public street or a private road, as provided in this Ordinance, and separated from other parcels by legal description, deed or subdivision plot; provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, or as may otherwise be lawfully required by the Township to render the property buildable in conformance with this Ordinance, and in such cases the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines of what may be referred to as a "Zoning Lot".
- A. Lot Area: The total horizontal area within the lot lines of a lot, including the area of the adjoining street right-of-way within the boundaries of the lot.
 - B. Lot Depth: The average horizontal distance from the front lot line to the rear lot line.
 - C. Corner Lot: A lot situated at the intersection of two (2) or more streets.
 - D. Double Frontage Lot: A lot other than a corner lot having frontage on two (2) more or less, parallel streets.
 - E. Lot Frontage: The length of the front lot line of a lot.
 - F. Interior Lot: A lot other than a corner lot with one (1) lot line fronting on a street.
 - G. Waterfront Lot: A lot having frontage directly upon a natural or man-made lake, river, stream, pond, or other waterway.
 - H. Lot Lines: Any line dividing one (1) lot from another or from the street right-of-way, and thus constituting property lines bounding a lot.
 - I. Front Lot Line: In the case of an interior lot abutting on (1) one public or private street, the front lot line shall mean the line separating the lot from the street right-of way. In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from that street which is designated as the front street in the plat and/or in the request for a building or zoning compliance permit.
 - J. Rear Lot Line: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed 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 any case when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.
 - K. Side Lot Line: Any lot boundary line 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 lot line.
 - L. Lot of Record: A lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Mason County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded with the county.
 - M. Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line intersects the side lot lines.
 - N. Zoning Lot: Two or more contiguous lots or portions of lots in single ownership, where the grouping of such lots for zoning purposes is allowed by this Ordinance. In such instances the

outside perimeter of the group of lots shall constitute the front, rear, and side lot lines of what may be referred to as a "zoning lot".

61. Massage Parlor: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include any hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons where massages are administered only to the hand, feet, scalp, face, neck or shoulders. This definition shall not be construed to include the practices of massage therapists who meet one or more of the following criteria:
 - A. Proof of graduation from a school of massage licensed by the State of Michigan;
 - B. Possession of official transcripts verifying completion of at least 300 hours of massage training from a community college or university in the United States; plus, three references from massage therapists who are professional members of a massage association referred to in this Section;
 - C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
 - D. A current occupational license from the State of Michigan or any other state.
62. Mini-Storage Facility: A facility with one or more completely self-enclosed buildings containing separate and individualized units rented or leased solely for the storage of personal property.
63. Mobile Home: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equaling, or exceeding twelve (12) feet in width and sixty (60) feet in length, and not motorized or self-propelled. Modular, prefab, pre-cut or sectional dwelling units which require being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which are non-movable after erection, shall not be considered a mobile home, if same complies with the Township Building Code and the provisions of this ordinance. Recreational Vehicles, as defined in this Ordinance, are not mobile homes.
64. Mobile Home Park: A specifically designated parcel of land designed and developed to accommodate three (3) or more mobile home sites for continual and non-recreational residential use.
65. Mobile Home Site: A plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.
66. Motel: A group of attached or detached dwellings not more than two stories in height containing three or more guest rooms which are provided for overnight and other transient occupancy only, including auto courts, motor lodges, tourist homes, and similar transient lodging facilities not

otherwise within the scope of another term defined in this Ordinance (such as Bed & Breakfast Inn, Boarding or Rooming House, Cabin Camp, etc.).

67. Non-Conforming Use, Building/Structure or Lot of Record:

- A. Non-Conforming Use: A use which lawfully occupied a building/structure or land prior to the enactment of this ordinance or amendments thereto, and that does not conform to the use regulations of this ordinance for the zoning district in which it is located.
- B. Non-Conforming Building/Structure: A building/ structure or portion thereof lawfully existing prior to the enactment of this ordinance or amendments thereto, and which does not conform to the provisions (e.g., set-backs, height, lot coverage) of this ordinance for the zoning district in which it is located.
- C. Non-Conforming Lot of Record: A lot or parcel lawfully existing of record prior to the enactment of this ordinance and which does not conform to the provisions of this ordinance (i.e., area, width, etc.).

68. Occupied: The word occupied includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

69. Parking Area, Off-Street: An area (not utilizing any portion of a public street right-of-way) providing vehicular parking spaces along with adequate drives and aisles.

70. Parking Space: That area required by this Ordinance for the parking or storage of one automobile or other motor vehicle.

71. Permitted Use: A use listed as a "permitted use" in a zoning district is recognized as a use of land which is harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the various applicable provisions of this Ordinance, but otherwise it is considered to be a lawful use not requiring special or extraordinary controls or conditions.

72. Planning Commission: The Free Soil Township Planning Commission as established as provided by law. This term is also intended to mean 'Zoning Commission'.

73. Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.

74. Principal Use: The main, primary, or predominant use of a lot.

75. Private Road: A private right-of-way for vehicular access to abutting properties which has been lawfully established in accordance with this Ordinance and any other applicable ordinances of Free Soil Township, and any other applicable county or state laws, rules and regulations.

76. Professional Business Offices: Offices that host a business that is required to have a license, degree, certification, or registration that provides services to the public between the hours of 6 am and 8 pm. Example of business types allowed but not limited to are as follows – legal, medical (no overnight care), accounting, engineering, and consulting.
77. Public Utility: Any person, firm, corporation, municipal department, or board duly authorized under governmental regulation to furnish to the public either transportation, water, gas, electricity, telephone, cable, television, steam, or sewage disposal services.
78. Public Utility Service Facilities: Gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures; provided this definition is not intended to include Communication Towers, Accessory Wind Energy Structures or Utility Grid Wind Energy Systems (as provided in this Ordinance).
79. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.
80. Recreational Vehicle Campground: A recreational oriented facility for the overnight or short-term use of recreational vehicles and tents, including a year-round residence for the facility owner/operator; may also be known as a recreational vehicle park.
81. Roadside Stand: A temporary or permanent building or structure used by the residents of the property for the purpose of selling produce grown on the premises, or in the immediate vicinity together with incidental related products.
82. Setback (Building or Structure): The minimum horizontal distance required to exist between a building or structure (including steps or porches) and the front, side, or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.
83. Sexually Oriented Businesses: Sexually oriented businesses include any of the following or any combination of the following:
- A. Adult book and/or video store.
 - B. Adult motion picture theater.
 - C. Adult mini-motion picture theater.
 - D. Adult novelty store.
 - E. Massage parlor.
 - F. Adult live entertainment establishment.
 - G. Adult panorams.

84. Signs: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons. Also see Article 17 of this Ordinance for additional definitions of related terms.
85. Single Ownership: Ownership by the same individual(s) or entity; provided that property owned by one or both spouses, and corporations or other entities in which two or more individuals are directors of each entity (or their spouses) shall be considered to have the same ownership for purposes of this ordinance.
86. Special Land Use: A use listed as a "special land use" in a zoning district is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility's needs, and other similar characteristics) as necessitating prior Planning Commission authorization pursuant to specified standards in order to safeguard the general health, safety and welfare.
87. Specified Anatomical Areas: Human genitals less than completely or opaquely covered including the pubic region, buttocks, and female breasts below a point immediately above the top of the areolae or human male genitals in a discernible state of tumescence, even if opaquely covered.
88. Specified Sexual Activities:
- A. Sex acts, actual or simulated, including human masturbation, sexual intercourse, oral copulation, or sodomy; or
 - B. Fondling or other erotic touching of genitals, pubic regions, buttocks or female breasts;
 - C. Human genital sexual stimulation or arousal; or
 - D. The display of human genitals in a state of sexual stimulation, arousal, or tumescence.
89. Street: A dedicated public right-of-way, other than an alley, over which the public has the right of vehicular access.
90. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
91. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory structure for the purpose of determining required yard spaces and maximum lot coverage.
92. Substantial Or Significant Portion (of a sexually oriented business): A business or establishment which has any of the following:

- A. 20% or more of its stock, materials or services provided relating to or describing "specified sexual activities" and/or "specified anatomical areas".
 - B. 20% or more of the useable floor area of the building is used for the sale, display or provision of services describing or relating to "specified sexual activities" and/or "specified anatomical areas".
 - C. Advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, which describes or relates to "specified sexual activities" and/or "specified anatomical areas".
93. Utility Grid Wind Energy System: A wind energy system consisting of one or more structures designed and primarily intended to generate electrical power for a utility grid, rather than to generate power to primarily serve the needs of the occupants of the premises on which the system is located.
94. Variance: A modification of the literal provisions of a dimension or other requirement, as opposed to the use of the property, which is granted when strict enforcement would cause practical difficulties because of circumstances inherent in the individual property on which the variance is granted.
95. Yard, Side-Rear-Front: A general term applied to the space on a lot or parcel, which contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.
96. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.
- A. Front: An open space extending across the full width of a lot between the front line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
 - B. Rear: An open space extending across the full width of a lot between the rear lot and the nearest line of a building, porch, or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch, or projection thereof.
 - C. Side: An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or projection thereof.
97. Zoning Administrator: The person or persons appointed by the Township Board to administer this ordinance; may also be known as the Zoning Ordinance Enforcement Officer.
98. Zoning Commission: The statutory Zoning Commission (formerly known as the Zoning Board) established pursuant to the Michigan Zoning Enabling Act (2006 Public Act 110, as may be amended). This term is also intended to mean (Planning Commission).

ARTICLE 4 - CLASSIFICATION AND USE DISTRICTS

4.1 **ZONING DISTRICTS:** For the purpose of this ordinance, Free Soil Township is hereby divided into the following zoning districts to be known as:

R-1	Single Family Residential District
R-B-F	Residential – Business – Farming District
R-B	Residential – Business District
R-M	Residential – Miscellaneous District

4.2 **ZONING MAP AND ZONING DISTRICT BOUNDARIES:** The locations and boundaries of the zoning districts are hereby established as shown on the official Zoning Map of Free Soil Township, as may be amended from time to time, which accompanies and is hereby made a part of this ordinance. Where uncertainty exist as to the boundaries of zoning districts as shown on the zoning map, the following rules of interpretation shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be constructed to follow such centerlines.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines, lakes or stream beds shall be construed as following such shorelines, lakes or stream beds and in the event of change in the location of shorelines, lakes or stream beds shall be construed as moving with the shorelines, lakes or streams bed.
5. Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following such property lines, section lines, or other lines of a government survey as they exist as of the date of enactment of this ordinance or applicable amendment thereto.

4.3 **PERMISSIVE ZONING CONCEPT:** Land uses are allowed in the various zoning districts by express specific designation in this ordinance. Where a use is not so designated it is prohibited, unless construed by the Zoning Board of Appeals to be sufficiently similar to use expressly allowed. No land contained within any zoning district within Free Soil Township shall be used for any purpose other than those uses specially allowed in the district in which the building or land is located, except as otherwise provided herein.

ARTICLE 5 - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

- 5.1 **STATEMENT OF PURPOSE:** This district is designed primarily for single family and other residentially related uses which do not require public water or sewer services or other residentially related uses, and agricultural production.
- 5.2 **PERMITTED USES:**
1. Agricultural production
 2. Single-family dwelling
 3. Child (family) day care home
 4. Boarding or rooming house
 5. Essential services in accordance with Section 12.16
 6. Foster care facility
 7. Home occupation as defined in Article 3
 8. Private club, fraternal lodge, and similar meeting and social facility for not-for-profit civic or social organization
 9. Roadside stand
- 5.3 **SPECIAL LAND USES:**
1. Bed and Breakfast Inn
 2. Child (group) day care home
 3. Convalescent or nursing home
 4. Family business
 5. Golf course
 6. Institutional or public use
 7. Public utility service facilities
 8. Earth removal and commercial excavation
- 5.4 **DENSITY AREA, HEIGHT BULK AND PLACEMENT REQUIREMENT:** In accordance with Article 10.
- 5.5 **SITE PLAN REVIEW:** In accordance with Article 14.
- 5.6 **OFF-STREET PARKING REQUIREMENT:** In accordance with Article 16.
- 5.7 **SIGNS:** In accordance with Article 17.
- 5.8 **ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES:** In ordinance with Article 11.

ARTICLE 6 - R-B-F RESIDENTIAL BUSINESS FARMING DISTRICT

- 6.1 **STATEMENT OF PURPOSE:** This district is designed to accommodate single- and two-family residential uses and other residentially related uses; resort/recreational uses and various types of businesses associated with those uses; and farming operations.
- 6.2 **PERMITTED USES:**
1. Agricultural production
 2. Single-family dwelling
 3. Child (family) day care home
 4. Boarding or rooming house
 5. Essential services in accordance with Section 12.16
 6. Foster care facility
 7. Home occupation as defined in Article 3
 8. Private club, fraternal lodge, and similar meeting and social facility for not-for-profit civic or social organization
 9. Roadside stand
 10. Two family dwelling
 11. Bed & Breakfast
 12. Tree nurseries
 13. Automotive service station
 14. Bait Shop
 15. Boat Livery
 16. Restaurant
 17. Local Retail Stores
 18. Professional Business Offices
- 6.3 **SPECIAL LAND USES:**
1. Child (group) day care home
 2. Convalescent or nursing home
 3. Family business
 4. Golf course.
 5. Institutional or public use
 6. Public utility service facilities
 7. Earth removal and commercial excavation
 8. Automotive and machinery repair shop
 9. Recreational vehicle campground
 10. Resort/Cabin camp
- 6.4 **DENSITY AREA, HEIGHT BULK AND PLACEMENT REQUIREMENT:** In accordance with Article 10.

- 6.5 SITE PLAN REVIEW: In accordance with Article 14.
- 6.6 OFF-STREET PARKING REQUIREMENT: In accordance with Article 16.
- 6.7 SIGNS: In accordance with Article 17.
- 6.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In ordinance with Article 11.

ARTICLE 7 - R-B RESIDENTIAL BUSINESS DISTRICT

7.1 **STATEMENT OF PURPOSE:** This district is designed to accommodate various uses and allowed in the Residential-Business-Farming District, as well as residential uses with greater density (multiple family dwelling), mobile home park and commercial uses. In a portion of the US-31 corridor located along or near the westerly boundary of the Township.

7.2 **PERMITTED USES:**

1. Agricultural production
2. Single-family dwelling
3. Child (family) day care home
4. Boarding or rooming house
5. Essential services in accordance with Section 12.16
6. Foster care facility
7. Home occupation as defined in Article 3
8. Private club, fraternal lodge, and similar meeting and social facility for not-for-profit civic or social organization
9. Roadside stand
10. Two family dwelling
11. Bed & Breakfast
12. Tree nurseries
13. Automotive service station
14. Bait Shop
15. Boat Livery
16. Restaurant
17. Local Retail Stores
18. Motel
19. Professional Business Offices

7.3 **SPECIAL LAND USES:**

1. Child (group) day care home
2. Convalescent or nursing home
3. Family business
4. Golf course
5. Institutional or public use
6. Public utility service facilities
7. Earth removal and commercial excavation
8. Automotive and machinery repair shop
9. Recreational vehicle campground
10. Resort/Cabin camp
11. Multi family dwelling

12. Mobile Home Park

13. Used Car Lot

7.4 DENSITY AREA, HEIGHT BULK AND PLACEMENT REQUIREMENT: In accordance with Article 10.

7.5 SITE PLAN REVIEW: In accordance with Article 14.

7.6 OFF-STREET PARKING REQUIREMENT: In accordance with Article 16.

7.7 SIGNS: In accordance with Article 17.

7.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In ordinance with Article 11.

ARTICLE 8 - R-M RESIDENTIAL MISCELLANEOUS DISTRICT

- 8.1 **STATEMENT OF PURPOSE:** This district is designed to accommodate various uses, including low-impact manufacturing and industrial uses, in a limited portion of the US-31 corridor near the western boundary of the Township.
- 8.2 **PERMITTED USES:**
1. Agricultural production
 2. Single-family dwelling
 3. Child (family) day care home
 4. Boarding or rooming house
 5. Essential services in accordance with Section 12.16
 6. Foster care facility
 7. Home occupation as defined in Article 3
 8. Private club, fraternal lodge, and similar meeting and social facility for not-for-profit civic or social organization
 9. Roadside stand
 10. Two family dwelling
 11. Bed & Breakfast
 12. Tree nurseries
 13. Automotive service station
 14. Bait Shop
 15. Boat Livery
 16. Restaurant
 17. Local Retail Stores
- 8.3 **SPECIAL LAND USES:**
1. Child (group) day care home
 2. Convalescent or nursing home
 3. Family business
 4. Golf course
 5. Institutional or public use
 6. Public utility service facilities
 7. Earth removal and commercial excavation
 8. Automotive and machinery repair shop
 9. Recreational vehicle campground
 10. Any industrial use for manufacturing or processing which is not of such a nature as to create noise, vibration, odor, smoke, liquid waste, light, or other type of impact causing the use to be objectionable to surrounding properties.
 11. Sexually oriented business

- 8.4 DENSITY AREA, HEIGHT BULK AND PLACEMENT REQUIREMENT: In accordance with Article 10.
- 8.5 SITE PLAN REVIEW: In accordance with Article 14.
- 8.6 OFF-STREET PARKING REQUIREMENT: In accordance with Article 16.
- 8.7 SIGNS: In accordance with Article 17.
- 8.8 ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: In ordinance with Article 11.

ARTICLE 9 - R-M RESIDENTIAL MISCELLANEOUS DISTRICT

**THIS ARTICLE IS RESERVED FOR POSSIBLE FUTURE ADDITION OF ANOTHER
ZONING DISTRICT**

ARTICLE 10 - SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

PRINCIPAL BUILDING OR STRUCTURE	R-1	R-B-F	R-B	R-M
Minimum Lot Frontage (Feet)	100	100	100	100
Minimum Lot Width (Feet)	175	175	175	175
Minimum Lot Area (SQ. FT.)	17,500	17,500	17,500	17,500
Maximum Building & Structure Height (Feet) ¹	43	45	45	45
Maximum Gross Floor Area Per Dwelling Unit on 1 st Floor (Feet)	720	720	720	720
- Single Family	----	720	720	720
- Two Family	----	----	720	----
- Multiple Family	----	----	720	----
Minimum Front Yard Setback (Feet)	30	30	50	30
- Non-waterfront Lot	30	30	50	30
- Waterfront Lot				
Minimum Side Yard (Feet) ²	20	20	30	20
Minimum Rear Yard (Feet)	20 ³	20	50	20
- Non-waterfront Lot	50	50	50	50
- Waterfront Lot				

¹ See Section 12.14 for exceptions from general building/structure height limitation.

² In all districts the minimum side yard requirement for a dwelling may be reduced to eight feet on each side on legal nonconforming lots with a lot of width of less than 100 feet. In all districts the minimum side yard setback of a principle building or structure other than a dwelling shall be increased for each side yard by one foot for each five feet by which the overall side dimension of the building or structure exceeds 40 feet.

³ In the R-1 District the rear yard setback for a non-waterfront lot shall be 20 feet or such greater distance as may be necessary to maintain a rear yard area of not less than 40% of the total lot area.

ACCESSORY BUILDINGS/STRUCTURES	R-1	R-B-F	R-B	R-M
Minimum Front Yard Setback (Feet) ⁴	50	50	50	50
Minimum Side Yard (Feet)	20	10	10	10
Minimum Rear Yard (Feet)	10	10	10	10
- Non-Waterfront Lot	50	50	50	50
- Waterfront Lot				
Maximum Building/Structure Height (Feet) ⁵	35	35	35	35

⁴ Permissible roadside stands are not required to comply with the generally applicable front yard setback requirement but shall not be located within any public or private road right of way.

⁵ See Section 12.14 for exceptions from general building/structure height limitation.

ARTICLE 11 - ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES

11.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: The following regulations are applicable to accessory buildings/structures and accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district.

1. Except as may be specified to the contrary elsewhere in this Ordinance, in all zoning districts there is no specific limitation on the number of accessory buildings/structures per zoning lot.
2. Accessory buildings/structures shall be located only in the rear yard or side yard, except in the following circumstances:
 - A. Farm accessory structures used in conjunction with agricultural production may be located in the front, rear, and side yards, subject to applicable setback requirements.
 - B. Accessory buildings/structures on waterfront lots may be located in the front, rear, and side yards, subject to applicable setback requirements.
3. All accessory buildings and structures, including private garages, whether attached or detached, are subject to the lot, yard and area requirements specified in Article 10 of this Ordinance.
4. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
5. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot under single ownership, which shall include a lot separated from the main lot by a street.
6. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the principal use with which it is commonly associated, and shall be aesthetically compatible with the associated principal use.
7. An accessory building may include "guest quarters", subject to the following:
 - A. If the guest quarters are intended to be used or actually being used as a permanent dwelling unit, the guest quarters shall comply with the minimum standards for dwellings specified in Section 12.5 of this Ordinance.
 - B. If the guest quarters are intended to be used or are actually being used as only a temporary dwelling, the guest quarters shall comply with the requirements in Section 12.15.1 of this Ordinance.
8. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:

- A. For a single unit dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
 - B. For any principal use other than a single unit dwelling, 10% of the gross floor area.
9. Accessory buildings/structures may be used only for purposes accessory to uses allowed in the zoning district in which it is located.
10. Where a building/structure is initially constructed as the principal structure but is subsequently to be rendered an accessory building/structure due to other construction (such as a dwelling), all such construction shall be proceeded with so as to fully comply with all applicable requirements in this Article. (The intent of this provision is to require "accessory" type buildings to be sited so as to permit sufficient space for development of a future principal structure in compliance with all applicable regulations of this Ordinance).

11.2 **ACCESSORY WIND ENERGY STRUCTURES:** Any lot in any zoning district may have located thereon one accessory wind energy structure, as defined in this Ordinance, as an accessory use to the residential or other conforming principal use of the premises, subject to compliance with all of the following requirements and regulations:

1. On-site Use: The wind energy structure shall be designed and intended to primarily serve the premises on which the structure is located.
2. Permissible Type:
 - A. A tower-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the height limitation determined pursuant to subsection 3.A. herein.
 - B. A roof-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the height limitation determined pursuant to subsection 3.B. herein.
3. Height:
 - A. The total height of a tower-mounted wind energy structure shall not exceed 120 feet, including the tip of the rotor blade at its highest point (measured from ground grade), or such lesser height as is necessary to comply with the setback/location requirements in subsection 4 herein. In addition, the rotor blade shall have a ground clearance of at least 20 feet when the blade tip is at its lowest point.
 - B. The total height of a roof-mounted wind-energy structure shall not exceed 10 feet above the peak height of the roof on which the structure is located.
4. Setback/Location: The wind energy structure shall have a setback from all lot lines equal to at least the height of the structure, including the tip of the rotor blade in its highest position. Any part of an anchoring system for the wind energy structure, such as guy wire anchors, may

be located within this required setback distance, but shall comply with all minimum setbacks for accessory structures in the pertinent zoning district as specified in Article 10 of this Ordinance. A tower-mounted wind energy structure and its anchoring system shall also be located in compliance with Section 11.1.2 (accessory structure location).

5. Noise and Other Potential Interferences: The wind energy structure shall not generate noise exceeding 55 dB(A) as measured at or beyond every boundary line of the subject premises; shall not produce any physical vibrations that are humanly perceptible at or beyond the lot boundaries; and shall not cause any electromagnetic interference at or beyond the lot boundaries.
6. Construction Codes and Other Regulatory Standards: The wind energy structure and all anchoring systems shall comply with all applicable building and electrical code requirements, and any other applicable regulations imposed by federal or state law; in each instance to the extent such standards and regulations are not less restrictive than the provisions of this Ordinance.
7. Safety Standards: The wind energy structure shall be designed and operated so as to include all of the following in addition to such features as may be required by the codes and regulations referenced in the preceding paragraph:
 - A. An automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding of the rotor blades.
 - B. Lightning protection.
 - C. The use of color or other devices to cause any guy wires or other ground anchoring system for the structure to be clearly visible from the ground to a vertical height of at least six feet above the ground.
 - D. (Tower-mounted type) A non-climbable tower design up to at least 12 feet above the ground at the tower base.
8. Visual Impact: All wind energy structure installations shall use measures to reduce the visual impact of the structure to the occupants of adjoining properties and the general public, including all of the following specific measures:
 - A. All components of the wind energy structure, including any aboveground anchoring system, shall be finished in a single, nonreflective, non-obtrusive neutral color (except as provided in subsection 7.C.), which shall be maintained throughout the life of the structure.
 - B. A wind energy structure shall not be illuminated or have lighting of any kind; except to the extent mandated by the Federal Aviation Administration or other applicable governmental authority, which shall be shielded to the extent possible to reduce glare and visibility from the ground.
 - C. The wind energy structure shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the structure; except non-obtrusive lettering

and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.

9. Maintenance and Removal: The wind energy structure and all related systems shall be properly maintained in accordance with the manufacturers recommendations and so as to be operable as designed. The Planning Commission may require the applicant to submit the manufacturer's recommendations with respect to maintenance and the anticipated life of the structure. The structure shall be dismantled and removed if it is not being properly maintained or if its use for generating electricity has been abandoned. The Planning Commission may require adequate assurances of future compliance with this structure dismantling and removal requirement, including performance guarantees to the extent allowed by law.
10. Pre-installation Administrative Review and Land Use Permit: Before beginning any on-site work associated with the installation of a wind energy structure the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Section, including any requirements incorporated by reference, and shall obtain a land use permit for the structure pursuant to Section 12.4 of this Ordinance.

ARTICLE 12 - GENERAL PROVISIONS

These general provisions shall apply to all zoning districts unless specifically stated otherwise.

- 12.1 **ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF:** No structure, land or premises shall hereafter be used or occupied, and no building shall be erected, moved, removed, reconstructed, extended, or altered, except in conformity with this Ordinance.
- 12.2 **WATER SUPPLY AND SEWAGE FACILITIES:** Every building or structure intended for human occupancy, in whole or in part, shall be provided with a potable water supply and sewage disposal facilities approved by the County Health Department.
- 12.3 **BUILDING PERMITS:** No building or structure shall hereafter be constructed, erected, enlarged, altered, moved, or reconstructed until all applicable permits have been obtained as required by the Building Code.
- 12.4 **LAND USE PERMITS:** No building or structure, other than accessory structures, shall be constructed, enlarged, altered, moved, or reconstructed upon any premises, or otherwise occupied or used in whole or in part, until a land use permit has first been obtained from the Zoning Administrator certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this Ordinance. This land use permit requirement shall also apply to a building or structure that is exempt from a building permit requirement pursuant to the Building Code. Beginning January 1, 2022, all land use permits must be processed and filed through the Free Soil Township Zoning Administrator.
- 12.5 **MINIMUM STANDARDS FOR DWELLINGS:** A dwelling shall comply with the following standards:
1. It shall have a minimum width along each exterior front, side, or rear wall elevation of 24 feet with at least one-third of each front, side or rear elevation also having a depth of 24 feet. The word "elevation" shall mean the total length of the front, side or rear wall of a dwelling facing in the same general direction regardless of whether the wall is designed with projections, indentations, or other irregular configurations.
 2. Legal non-conforming lots that are 60 feet wide and less can reduce the minimum structure width from 24 feet to 22 feet but shall meet the minimum 720 square feet, 1st floor requirement.
 3. It shall have a minimum gross floor area in accordance with the requirements of Article 10 for the applicable zoning district and shall have a minimum floor to ceiling height of 7.5 feet.
 4. It shall be permanently attached to a solid foundation constructed on the site in accordance with the building Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system

or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code.

5. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling. If the dwelling is on a slab-type foundation the slab shall consist of approved materials and shall be at least four (4) inches in thickness.
6. The dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the County Health Department.
7. The dwelling shall contain steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
8. All additions of rooms or other areas shall be constructed with an appropriate foundation and permanent attachment to the principal structure and shall be aesthetically compatible with the principle structure.
9. The dwelling shall comply with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and in compliance with such amended standards as from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Building Code, then, and only in that event, the less stringent federal or state standards or regulations shall apply. In addition, all dwellings shall meet or exceed applicable roof snow load and strength requirements.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent allowed or required by state law.

12.6 USED DWELLINGS: All the dwelling standards in Section 12.5 of this Ordinance apply to a used dwelling which is to be installed in the Township. A land use permit shall be obtained for any used dwelling proposed to be installed in the Township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the application for a land use permit. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development (HUD), the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.

- 12.7 **BASEMENT DWELLINGS:** The use of a basement of a partially built building as a dwelling is prohibited in all zones. The use of a basement more than four (4) feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside; provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this ordinance to prevent the construction or occupancy of earth sheltered housing complying with all applicable requirements.
- 12.8 **PRINCIPAL BUILDING/USE:** No lot shall contain more than one principal building or use, provided that groups of apartment buildings or retail business buildings under single ownership on the same lot shall be deemed a principal use collectively.
- 12.9 **REQUIRED LOT, YARD, AREA OR OTHER SPACES:** All lots, yards, areas, or other spaces shall comply with the lot, front yard, rear yard, side yard, parking area and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered, or reduced. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building. (See Article 10 of this Ordinance for the lot, yard, and area requirements of the various zoning districts.)
- 12.10 **CORNER LOTS:** Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on one abutting street only.
- 12.11 **TRAFFIC VISIBILITY AND CORNER CLEARANCE:** On any corner lot in any zone no solid fence, retaining wall or other structure, or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.
- 12.12 **DOUBLE FRONTAGE LOTS:** In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the development approval process and in requests for a building permit.
- 12.13 **WALLS AND FENCES:** Except as provided by Section 12.11, retaining walls and fences are permitted in the required yards of all zones. Walls and solid fences of not more than six (6) feet in height are permitted in side or rear yards in any zone. Well maintained wire protective fencing without height limitation is permitted in all yards in all zones.
- 12.14 **HEIGHT EXCEPTIONS:** The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, noncommercial television and radio antennas, communication towers/antennas (except as otherwise specifically regulated in this

Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, fire towers, and accessory wind energy structures (except as otherwise specifically regulated in this Ordinance). Smokestacks, chimneys, cooling and fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks and roof structures for other necessary appurtenances are also permitted above the height limitations provided they are located from all adjoining property lines a distance equal to at least one and one-half their height.

12.15 **TEMPORARY DWELLING PERMITS:** The following temporary uses are allowed by special temporary permit from the Zoning Administrator, as regulated herein:

1. Temporary Dwelling While Permanent Dwelling Constructed: A mobile home or other temporary dwelling not complying with all the dwelling standards in Section 12.5 of this Ordinance may be used as temporary living or working quarters for up to 180 days while a permanent dwelling is being constructed on the same premises; provided the temporary dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the County Health Department. A reasonable extension of the 180-day limit, not exceeding another 180 days, may be granted if substantial progress has been made towards completing the permanent dwelling and the dwelling can be completed with due diligence during the extension period.
2. Temporary Occupancy of Recreational Vehicle: A recreational vehicle or tent may be situated and occupied for temporary recreational purposes upon premises within any zoning district allowing single family dwellings, subject to the following conditions and limitations:
 - A. Not more than three recreational vehicles and/or tents are allowed per lot.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. Such a recreational vehicle or tent may not be occupied for more than 120 days, calculated cumulatively, within any calendar year.
 - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
 - E. Such a recreational vehicle or tent must be situated and occupied in compliance with all applicable regulations of the Health Department regarding drinking water and waste disposal.
 - F. When not in use such a recreational vehicle or tent must be stored neatly in the rear yard or side yard or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.
3. Temporary Occupancy of Licensed Recreational Vehicle: Motor homes, travel trailers, and other recreational housing that can be licensed are allowed to remain on private, vacant properties within the Township with the purchase of a recreational seasonal sticker from the Township. This sticker will allow these units to remain on site from January 1 to December 31 of each year. The cost of this sticker is \$100 and can be purchased by requesting a Temporary

Land Use Permit from the Free Soil Township Zoning Administrator. These stickers must be placed on said units, so they are most visible to the inspector.

- A. This only allows unit to be temporarily used but does not allow units as permanent dwellings. Units must also conform to all health department codes and regulations.
4. Construction Project Identification Signs and Storage Buildings: The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect identification signs in connection with a construction project on the premises may be authorized by the Zoning Administrator for not more than 6 months. An extension of the permit for not more than 6 additional months may be granted if the construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site at frequent intervals during construction and within 15 days after completion or abandonment of the construction work.
5. Subdivision Office: A temporary occupancy of a dwelling in a new subdivision or similar housing project to be used as a sales and management office may be authorized by the Zoning Administrator for not more than 12 months.

Beginning January 1, 2022, all special temporary permits must be processed and filed through the Free Soil Township Zoning Administrator. All of the foregoing temporary uses shall be terminated upon expiration of the permit.

12.16 **ESSENTIAL SERVICES:** Essential services may be located in any zone following the review and approval of a site plan by the Zoning Administrator prior to installation, upon determining that all aspects therein conform to the requirements of this ordinance, and that the physical layout and relationship of improvements will provide for the convenience safety and welfare of the general public and will not adversely affect existing or potential adjacent primary permitted uses provided, however, that the repair, maintenance or replacement of existing essential services in residential zones shall not be subject to the site plan requirement, and essential services may be located in any non-residential zone without being subject to this provision.

12.17 **EXCAVATION OF TOPSOIL:** Topsoil shall not be stripped, excavated, or otherwise removed on any premises for sale or for use other than on the premises, except when in connection with construction and grading operations, the topsoil is in surplus amounts, as a product of authorized excavation of muck, peat, sand, gravel, or other mineral deposits, or as otherwise provided by this Ordinance. All such activities shall conform to the sedimentation and erosion control regulations enforced by Mason County and shall be undertaken in compliance with Section 12.18 of this ordinance.

12.18 **EARTH REMOVAL AND FILLING:** Earth removal and filling shall be subject to the following regulations:

1. Zoning Approval Not Required: Zoning approval is not required for excavations or filling for building construction purposes pursuant to a building permit issued under the Building Code.
2. Zoning Approval Required by Zoning Administrator: Except as provided in subsection 1 above, earth removal and/or fill operations involving an area not exceeding 20,000 square feet shall not be initiated without administrative approval of a site plan by the Zoning Administrator. An applicant for such administrative site plan approval shall submit to the Zoning Administrator all of the following information with a site plan for the property involved with the proposed earth removal and/or filling operations:
 - A. The names and addresses of the parties of interest in the subject premises, setting forth their legal interest in the premises, and the names and addresses of the persons or contractors responsible for the earth removal and/or filling operations.
 - B. The legal description of the property where operations are proposed.
 - C. A detailed statement as to exactly what type of machinery and equipment will be used, and the estimated period of time that the proposed operations will take.
 - D. A detailed statement as to exactly what type of material is proposed to be removed or deposited.
 - E. The existing grades and final proposed post-operations grades.
 - F. Such other information as may be reasonably required by the Zoning Administrator to make a determination as to whether a permit shall be issued or not.
 - G. Upon receipt of an administratively complete application, and payment of such application fee as may be established by the Township Board for such matters, the Zoning Administrator shall make an administrative determination on the site plan pursuant to the site plan approval criteria specified in Section 14.6 of this Ordinance. Administrative approval of a site plan under this provision shall be valid for six months.
3. Zoning Approval Required by Planning Commission: Earth removal and/or filling operations involving an area exceeding 20,000 square feet shall not be initiated unless the subject property is zoned for earth removal operations under this Ordinance, and all special land use permit and site plan approvals required by this Ordinance have been obtained from the Planning Commission.
4. Approved Fill Material; Site Reclamation: Only sand, soil, clay, dirt, stone, brick and concrete shall be used as fill, and all such materials shall be leveled off with a minimum of six (6) inches debris-free top cover suitable for the growing of turf within six (6) months of the permit issuance date.

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

12.20 OPEN SPACE PRESERVATION/CLUSTERING: In order to comply with Section 506 of Public Act 110 of 2006, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance land may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, the land is served by a public sewer system and is zoned at a density equivalent to 3 or fewer dwelling units per acre.
2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
4. The development option provided pursuant to this Article has not previously been exercised with respect to the subject property.

The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

1. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 506 of Public Act 110 of 2006 (MCL 125.3506)
2. The Land Division Act/Subdivision Control Act (MCL 560.101 et seq.).
3. The Land Division Ordinance and any other ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
4. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
5. Rules for on-site sewage disposal for land not served by public sewers.

As used in this section the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course; but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

A residential development proposed pursuant to this section shall be submitted to the Planning Commission for review and a determination as to whether the development complies with the open space preservation/clustering provisions of PA 110 of 2006, and all other applicable laws and ordinances, including the applicable provisions of the Zoning Ordinance.

STEP BY STEP GUIDE FOR LAND USE, TEMPORARY AND SIGN PERMIT



**Average time depending on Staff availability, completion of application and meeting schedules - approximately 30 – 60 days*

(1/2022)

**FREE SOIL TOWNSHIP
PLANNING COMMISSION
FEE SCHEDULE**

Fees for Land Use Permits as established by Resolution of the Free Soil Township Board under and pursuant to the provisions of the Free Soil Township Zoning Ordinance.

Permit for Temporary Dwelling.....	\$50.00
Renewal Permit for Temporary Dwelling.....	\$50.00
Mobile Home Powered, Trailer Camper, Portable Dwelling.....	\$50.00
Temporary Occupancy of Licensed Recreational Vehicle.....	\$100/Year
Permit for Dwellings up to 750 sq. feet.....	\$75.00
Over 750 sq. feet will be an additional.....	\$.10 per SQ. FT
Outbuildings up to 500 sq. feet.....	\$50.00
Over 500 sq. feet will be an additional.....	\$.10 per SQ. FT
Building additions up to 500 sq. feet.....	\$50.00
Over 500 sq. feet will be an additional.....	\$.10 per SQ. FT.
Special Land Use Permit.....	\$300.00 Minimum Fee
(Upon review of the Planning Commission)	
Sign, Billboard or Advertising device.....	\$2.00 Per SQ. FT.
Fence Permit.....	\$50.00
Earth Removal.....	\$150.00
Zoning Board of Appeals/Variance.....	\$300.00
Special Meeting	\$300.00
(Any public notification costs incurred by Free Soil Township are in addition to Permit Fees)	

LAST UPDATE: 1/2022

ARTICLE 13 - SPECIAL LAND USES

13.1 **EXPLANATION OF SPECIAL LAND USES:** In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as special land uses within the various zoning classifications set forth in the ordinance. Such special land uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without property controls and limitations, might cause it to be incompatible with the other uses allowed in such zoning district and accordingly detrimental thereto.

13.2 **SPECIAL LAND USE PROCEDURE:**

1. All applications for special land use permits shall be filed with the Planning Commission and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a special land use permit.
2. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the special land use permit shall at all times be on the applicant.
3. Following such hearing the Planning Commission shall either grant or approve, deny, or approve with conditions a permit for such special land use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and shall be filed with the Zoning Administrator and the Township Clerk.
4. All special land uses are also subject to site plan review pursuant to Article 14 of this Ordinance.
5. Special timeline rule for special land use application involving Sexually Oriented Business. To comply with decisions of the federal and state courts finding sexually oriented business to implicate constitutionally protected rights, the following special rules shall apply to all applications for special land use approval of a sexually oriented business:
 - A. The Planning Commission shall hold its hearing on the application not later than 45 days after receiving an administratively complete application unless the applicant consents to an extension.
 - B. The Planning Commission shall make its decision on the special land use application not later than 30 days after the hearing is held, unless the applicant consents to an extension.
 - C. If the applicant files a timely appeal of the Planning Commission decision on the special land use application or otherwise timely initiates legal action in a court of competent jurisdiction regarding the validity of the provisions of this Ordinance on

which the decision was based, the township shall not impede efforts to obtain a prompt judicial adjudication determination on a claim alleging a denial of constitutionally protected rights, to the extent such an expedited judicial determination is required by relevant case law of precedential significance at that time.

13.3 **CRITERIA FOR DECISION:** Special land uses are not allowed to be engage in within a particular zone in which they are listed in this Ordinance unless and until the Planning Commission approves with conditions a special land use permit. Such approval shall be granted when the Planning Commission finds from the evidence produced at the hearing that:

1. The size, nature and character of the use will be compatible with the other uses expressly allowed within the zoning district, especially where the location of the use is adjacent to or in close proximity to residential dwellings, with the imposition of conditions if necessary; and
2. The proposed use will be compatible with the natural environment of the area, and with the capabilities of public services and facilities affected by the land use; and
3. The proposed use is consistent with the land use plan for physical development of Free Soil Township, as embodied in this ordinance and in any master plan approved by the Township; and
4. The proposed use will not in any manner be detrimental or injurious to the use of development of adjacent properties and of the occupants thereof, or to the general neighborhood; and
5. The proposed use will not adversely affect the public health, safety, and general welfare of the community; and
6. The proposed use will be in accordance with the character and adaptability of the land at issue; and accommodate all off-street parking requirements imposed by this Ordinance; and
7. The general standards hereinabove required by the allowance of such a special land use can and will be met at all times by the applicant; and
8. The specific standards as may be set forth in this ordinance for the particular use can and will be complied with at all times. (See Section 13.7.)

13.4 **CONDITIONS IMPOSED UPON APPROVED SPECIAL LAND USES PERFORMANCE GUARANTY:**

1. Basis for Conditions: Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - B. Be related to the valid exercise of the police power, and purposes that 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 insure compliance with those standards.
2. Condition Limiting Duration of Temporary Use: The Township Planning Commission shall have the right to limit the duration of a special land use where the same is of a temporary nature.
 3. Performance Guaranty: To ensure compliance with the Zoning Ordinance and conditions imposed at the time of special land use approval, the Planning Commission may require a performance guaranty in the same manner as authorized by Section 14.6.5 of this Ordinance with respect to site plan approval.

13.5 COMPLIANCE WITH APPROVAL: An approved special land use which at any time fails to comply with the terms of the permit, or any provision of this Ordinance, shall cease to be a lawful use and shall be subject to revocation in accordance with Section 13,6, in addition to the legal sanctions and remedies generally applicable to any violation of this Ordinance.

13.6 REVOCAION OF SPECIAL LAND USE PERMITS: All special land uses for which a permit has been approved by the Planning Commission shall be subject to the following provisions, as a condition upon every such approved special land use:

1. Zoning Administrator Revocation Recommendation: The Zoning Administrator may recommend revocation of a special land use permit upon determining a probable violation of the terms and conditions of a special land use permit or related provisions of this Ordinance. The Zoning Administrator shall provide written notice of the revocation recommendation to the permit holder/property owner by personal delivery or regular mail, and also to the Secretary of the Planning Commission by personal delivery or regular mail.
2. Planning Commission Review of Revocation Recommendation: The Planning Commission shall review the Zoning Administrator's recommendation to revoke a special land use permit, and hold a public hearing thereon preceded by notice in accordance with statutory provisions governing special land use matters.
3. Revocation of Special Land Use Permit: After notice and public hearing as provided herein the Planning Commission may vote, by a majority of its membership, to revoke a special land use permit upon verifying the grounds for the Zoning Administrator's revocation recommendation, by a preponderance of the evidence presented thereon at the hearing, and upon a further finding that the underlying violations have not been cured, and are not likely to be cured within a reasonable period of time as established by the Planning Commission.

Written notification of a Planning Commission determination to revoke a special land use permit shall be provided to the permit holder and property owner by personal delivery or regular mail. Premises for which a special land use permit has been revoked by the Planning Commission shall be used only as allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district.

4. A determination of the Planning Commission revoking a special land use permit may be appealed to the Zoning Board of Appeals within 21 days of the determination.

13.7 **SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL LAND USES:** The following specific standards shall be required of the particular special land uses designated in this section pursuant to Section 13.3.8 of this Ordinance, in addition to the standards specified in Section 13.3.1-7 of this Ordinance:

SPECIAL LAND USE	MINIMUM REQUIRED STANDARDS
Child (Group) Day Care Home	1
Sexually Oriented Business	2

*The minimum required standards enumerated below are referred to by the numbers following each special land use.

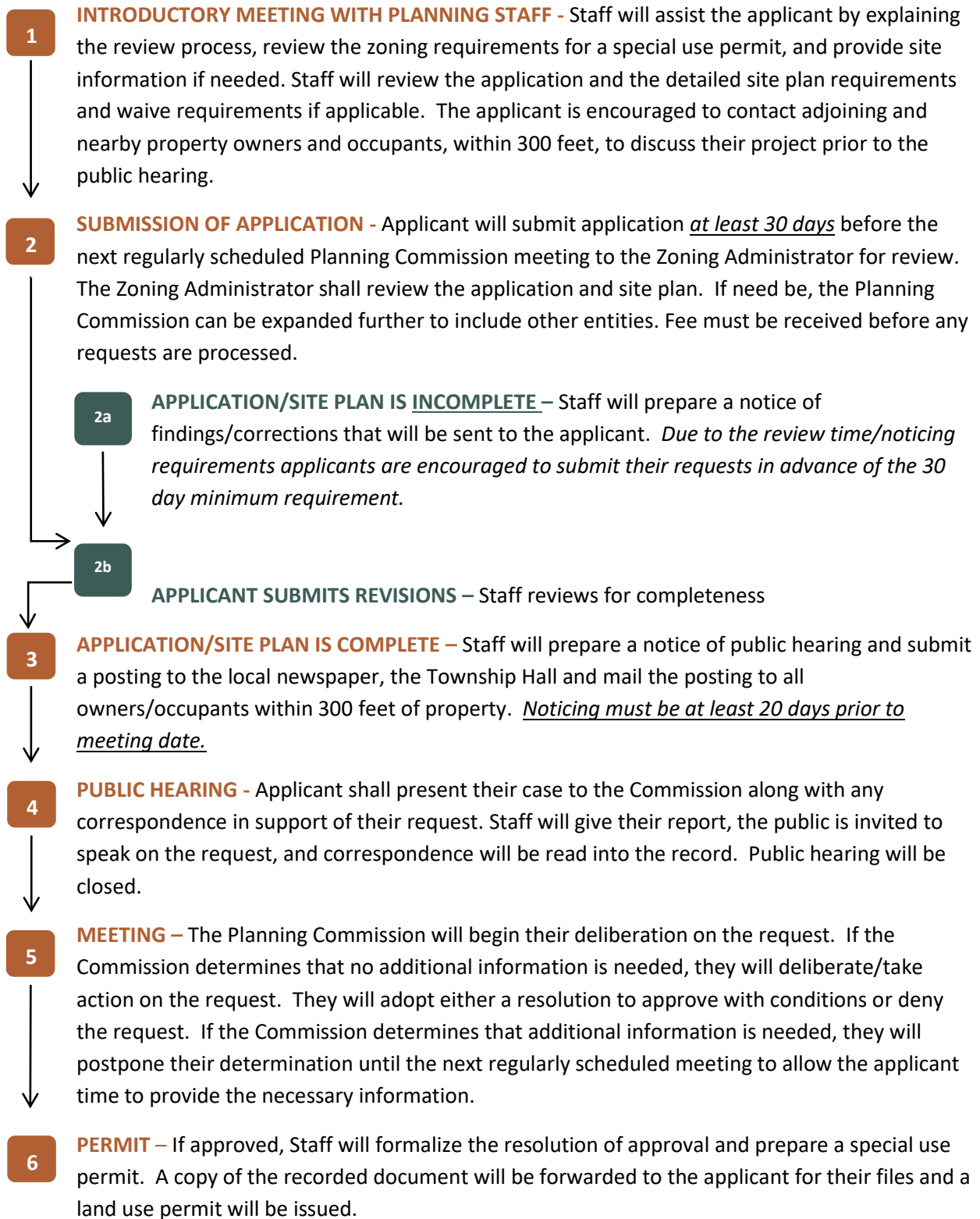
1. Child (Group) Day Care Home:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - a. Another state licensed group day care home.
 - b. Another adult foster care shall group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (Public Act 218 of 1979, as amended MCL 400.701 et seq.).
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under Article 6 of the Michigan Public Health Code (Public Act 368 of 1978, as amended MCL 333.6101 et seq.);
 - d. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least five (5) feet high and non-climbable in design.

- C. It maintains the property consistent with the visible characteristics of the neighborhood.
 - D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
 - E. It meets all applicable sign regulations set forth in this ordinance.
 - F. It meets all applicable off-street parking requirements set forth in this ordinance.
2. Sexually Oriented Businesses: This Ordinance recognizes that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a general downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is therefore considered necessary and in the best interest of the orderly and better development of the community to prohibit the concentration of such uses in a particular location and require their dispersal throughout the zoning district of the township where such uses are allowable, to thereby minimize their adverse impact to the best extent possible on any other permissible use. The following standards must therefore be met for special land use approval of a sexually oriented business, in addition to all other standards specified in this Ordinance for special land use approval:
- A. A sexually oriented business shall not be located within in 1,000 feet of any other sexually oriented business; or within 500 feet of any pre-existing residential use, school, child day care center, church, public park, or other public facility; in each instance as measured along a straight line forming the shortest distance between any portion of the respective properties.
 - B. The business shall operate only between the hours of 8:00 a.m. and 10:00 p.m.
 - C. There shall be a manager on the premises at all times.
 - D. No one under the age of 18 shall be allowed on the premises.
 - E. No product or service for sale or gift, or any picture or other representation thereof, including a sign, which relates in any way to "specified sexual activities" or "specified anatomical areas" shall be displayed so as to be visible from the street or exterior of the premises.

STEP BY STEP GUIDE FOR SPECIAL LAND USE PERMIT



**Average time depending on Staff availability, completion of application and meeting schedules - approximately 30 – 60 days*

ARTICLE 14 - SITE PLAN REVIEW

- 14.1 **PURPOSE:** The intent of this Article is to provide for consultation and cooperation between the land developer and the Planning Commission, in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.
- 14.2 **USES SUBJECT TO SITE PLAN REVIEW:** The following uses shall not be conducted upon any land or in any building/structure, nor shall a land use permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this Ordinance pertaining to site plans:
1. Special land uses.
 2. Open space preservation developments/site condominium developments.
 3. Multiple-family dwellings.
 4. Mobile home parks.
 5. Office and commercial buildings and developments.
 6. Industrial buildings or developments.
 7. Earth removal activities, where site plan approval is required pursuant to Section 18.3.
- 14.3 **SKETCH PLAN REVIEW:** Preliminary sketches of site and development plans may be submitted to the Planning Commission. The purpose of the sketch stage is to allow discussion between the developer and the Planning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:
1. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
 2. Legal description of the property.
 3. Drawings showing tentative plans.
- 14.4 **FORMAL SITE PLAN APPLICATION CONTENT:** All formal site plan review applications shall include, in addition to 1 and 2 above, the following:
1. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
 2. All lot and/or property lines shown and dimensioned, including building setback lines.
 3. The location, type and height of all existing and proposed structures on and within one hundred feet of the subject property.

4. The location and dimensions of all existing and proposed acceleration and deceleration lanes, sidewalks, curb openings, signs, exterior lighting, parking spaces, drives and aisles, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc.
5. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
9. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
10. The location of all fire hydrants.
11. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or wash water, or hazardous materials.
12. The size, type, and location of all existing and proposed floor drains.
13. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater, including the point of discharge for all associated drains and pipes.
14. The location of all areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.
15. The percentage of the property covered by buildings, and the portion reserved for open space.
16. A property survey by registered surveyor.
17. The existing and proposed contour of the property, and its relationship to adjoining lands [two-foot intervals, minimum].
18. The location of all lakes, rivers, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
19. The front, side, and rear elevations for all buildings on the property. Also, with respect to site plans involving multiple dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review but may be required by the Planning Commission where deemed necessary to properly evaluate compliance with the criteria for site plan approval).
20. A description of the operation proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
21. A statement of the environmental impact of the development, to the extent not addressed by the description of the operation, as required above.

22. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by products.
23. The proposed number of shifts to be worked and the maximum number of employees on each shift.
24. (For mobile home parks only.) The lot size, setbacks, trailer pads, patios, and complete park layout for mobile home parks.
25. Any other information reasonably deemed necessary by the Planning Commission.
26. The Planning Commission may waive any of the above enumerated requirements whenever the Planning Commission determines that such requirement is not necessary for a specific site plan due to the fact that:
 - A. The Planning Commission finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - B. The Planning Commission finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non monetary nature in carrying out the strict letter of the condition, and the Planning Commission finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

14.5 FORMAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES:

1. The applicant shall submit the site plan and all related information to the Zoning Administrator (or other designee of the Planning Commission) at least 14 days before the Planning Commission meeting at which the applicant would like to have the site plan reviewed.
2. The Zoning Administrator (or other designee of the Planning Commission) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness" and shall identify all concerns relating to the ordinance criteria for approval of the site plan.
3. A site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting, without the permission of the Chairperson of the Planning Commission.
4. When the Zoning Administrator (or other designee of the Planning Commission) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with a sufficient number of copies of the administratively complete site plan and all related information to enable the Zoning Administrator to distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Planning Commission and to the Building Official no later than 7 days prior to the Planning Commission meeting at which the applicant would like to have the site plan reviewed. The Zoning Administrator shall retain 1 copy of the

administratively complete site plan and all related information submitted by the applicant and shall file 1 copy of same with the Township office to be available for public examination.

14.6 SITE PLAN APPROVAL:

1. The Planning Commission shall approve or disapprove, or approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and the criteria set forth in this Ordinance. Prior to reviewing or approving a site plan the Zoning Administrator and Planning Commission may request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Building Official, the Township Attorney, and such other officials as they may determine to be advisable or necessary with respect to a particular site plan.
2. Criteria for Site Plan Review: The site plan shall be reviewed by the Planning Commission and approved upon a finding that:
 - A. The proposed use will not have a harmful effect on the surrounding neighborhood development, and any adverse effect upon surrounding property is minimized by appropriate screening in the form of fencing, walls and/or landscaping.
 - B. There is a proper relationship between the existing streets and proposed service drives, acceleration and deceleration lanes, and driveways and parking areas so as to ensure the safety and convenience of pedestrian and vehicular traffic.
 - C. The adverse effects resulting from the locations of buildings and accessory structures are minimized to the occupants of adjacent properties.
 - D. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
 - E. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained as practicable, where they afford a barrier or buffer between adjoining properties being put to different use or where they assist in preserving the general appearance of the area, and any grade changes are in keeping with the general appearance of neighboring developed areas and not detrimental to erosion control.
 - F. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
 - G. The proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules and regulations.
 - H. The development plan is consistent with the purposes of zoning regulation in Free Soil Township, as set forth in Section 1.2 of this Ordinance.
 - I. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or discharges to the air, surface of the ground groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.

- J. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.
- K. The Planning Commission shall not approve a site plan if any part of the site plan or the intended use or development of the subject property does not comply with all applicable provisions of the Ordinance.
- L. Conditions: The Planning Commission may impose reasonable conditions on the approval of a site plan pursuant to the authority of the Planning Commission to impose conditions on the approval of a special land use as prescribed in Section 13.4.1 of this Ordinance.
- M. Performance Guaranty:
 - a. To ensure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering one hundred percent (100 %) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Township Clerk upon site plan approval to insure faithful completion of the improvements.
 - b. The Planning Commission by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate Township officials demonstrating the ratio of work completed on the required improvements.
 - c. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to ensure completion using so much of the security deposit as is necessary for such purpose.
 - d. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. "Improvements" does not include the entire project which is the subject of zoning approval.

14.7 **MODIFICATIONS:** Any modifications of the site plan desired by the Township shall be so stated to the applicant. Site plan approval may then be granted contingent upon the revision of the site

plan by the applicant to the satisfaction of the Planning Commission. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices.

- 14.8 **CONFORMITY TO APPROVED SITE PLAN:** Property which is the subject of site plan approval must be developed in strict conformity with the approved site plan for that property, including any site plan modifications approved by the Planning Commission and variances granted by the Zoning Board of Appeals in accordance with this Ordinance.
- 14.9 **REVOCATION:** Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approval at least ten days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval of the development if the Planning Commission determines that a violation in fact exists and has not been remedied prior to such hearing.
- 14.10 **TERM OF APPROVAL:** The site plan approval shall be valid for a period of one year. One six month time extension may be granted by the Planning Commission upon a showing of good cause. At the end of the approval period, including any extension granted by the Planning Commission, if no building permit has been obtained and on site development actually begun the site plan approval becomes void, and the developer shall submit a new application for approval before any construction or earth change is commenced.

ARTICLE 15 - NONCONFORMING USES, BUILDINGS/STRUCTURES, AND LOTS

- 15.1 **SCOPE OF REGULATIONS:** This article governs lawfully established conforming uses, buildings, structures, and lots, and nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 15.2 **CONTINUATION OF NONCONFORMING USES AND BUILDINGS/STRUCTURES:** Except where specifically provided to the contrary and subject to the provisions of this Article, a lawful use, building/structure or lot which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued even though such use, building/structure or lot does not conform with the provisions of this ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 15.3 **REPAIR, MAINTENANCE AND RECONSTRUCTION OF NONCONFORMING USE OR BUILDING/STRUCTURE:** Such ordinary repairs and maintenance work as may be necessary to keep a conforming use or building/structure in sound condition or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonable anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% of the fair market value at the time of such damage or destruction, said building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this ordinance. Where such damage or deconstruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction, the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months from the time of the damage or destruction.
- 15.4 **EXEMPTION TO REPLACE EXISTING NONCONFORMING MANUFACTURED HOUSING UNIT:** The Township may approve an exemption to replace nonconforming unit with the following restrictions:
1. The structure has been damaged beyond 50% of its total value.
 2. The structure does not or cannot meet present day codes for occupancy.
 3. The replacement unit must have a minimum of 800 square feet.
 4. The replacement unit must be inspected prior to its placement on site by a Township Administrator or designee.
 5. The homeowner must complete a Land Use Permit and explain why they are requesting an exemption including a drawing of their parcel with the location of the replacement structure in proximity to lot lines, roads or other structures.
 6. The Land Use Permit fee will be based on 10 cents per square foot (the same other structures).

- 15.5 **EXPANSION OF NONCONFORMING USE OR BUILDINGS/STRUCTURE:** A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
1. Such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this ordinance and does not aggravate the existing nonconforming condition or,
 2. Such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Article 19 of this ordinance and upon showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 15.6 **CHANGE OF NONCONFORMING USE:** A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning board of Appeals pursuant to Article 19 of this ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use.
- 15.7 **DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USES AND BUILDINGS/STRUCTURES:**
1. Reestablishment: A nonconforming use shall not be reestablished after it has been changed to a conforming use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.
 2. Discontinuation: A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.
- 15.8 **NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT:** The provisions of this Article shall also apply to uses, building/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provision of this ordinance.
- 15.9 **EXISTING NONCONFORMING LOTS:** Any lot of record created prior to the effective date of this ordinance that fails to comply with the minimum requirements of its zoning district may be developed for a lawful conforming use if the lot conforms in all respects to the requirements of the Zoning Ordinance in effect as of the date of such recording, and complies with all other current requirements of this ordinance. A nonconforming lot shall otherwise be buildable only pursuant to a variance approved by the Zoning Board of Appeals.

ARTICLE 16 - PARKING AND LOADING SPACES

- 16.1 **GENERAL OFF-STREET PARKING REQUIREMENT:** In all zoning districts, every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Article. No parking area or space, or loading/unloading facilities which exist at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished, or reduced in any manner below the requirements established by this Ordinance.
- 16.2 **PARKING SPACE SIZE AND ACCESS:** Each off-street parking space required by this Article shall be at least nine feet in width and 180 square feet in area, exclusive of access drives or aisles. Handicapped parking spaces shall be provided in accordance with state law. There shall be adequate provision for ingress and egress to all parking spaces.
- 16.3 **BUILDING ADDITIONS:** Whenever an addition is made to an existing building, the parking area shall be increased sufficiently to comply with the requirements of this Article.
- 16.4 **MIXED OCCUPANCIES AND JOINT USE:** The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use; provided, that requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in this Article.
- 16.5 **PROHIBITED DESIGN:** All off-street parking areas that make it necessary for any vehicle to back out directly into a public street are prohibited.
- 16.6 **PARKING SPACES FOR USES NOT SPECIFIED:** In the case of a use not specifically mentioned in this Article in the Table of Off-Street Parking Requirements, the applicable requirement for the number of off-street parking spaces shall be as required for an analogous specified use or a specified use with similar parking demands.
- 16.7 **FRACTIONAL SPACES:** When the calculation of the required number of parking spaces pursuant to this Article results in a fractional space, any fraction up to and including one half shall be disregarded, and fractions over one half shall require one parking space.

16.8 **TABLE OF OFF-STREET PARKING REQUIREMENTS:** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table and shall be irrevocably reserved for such use and shall comply with the requirements of this Article.

Note: Notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times an adequate number of off-street parking spaces and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and patrons of the property. Thus, depending upon individual circumstances a greater number of parking spaces may be required in order to comply with this overriding requirement.

1. Residential

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A	Residential, one family and two family	Two (2) for each dwelling unit
B	Residential, multiple family	Two (2) for each dwelling unit
C	Mobile home park	Two (2) for each trailer or mobile home site and one (1) for each employee
D	Boarding or rooming house	One (1) for each sleeping room
E	Child day care home, group, or family; foster care facility	One (1) for each employee not residing in the facility.

2. Institutional and Recreational

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A	Church	One (1) for each three (3) seats based on maximum seating capacity in the main unit of worship
B	Hospital	One (1) for each 600 square feet of gross floor area

C	Convalescent or Nursing Home	One (1) for each 600 square feet of gross floor area
D	Elementary and Junior High School	One (1) for each employee, in addition to the requirements of the auditorium
E	Senior High School	One (1) for each employee and one (1) for each ten (10) students, in addition to the requirements of the auditorium
F	Private club or lodge hall	One (1) for each three (3) persons allowed within the maximum occupancy.
G	Private golf club, swimming pool club, tennis club, or other similar uses	One (1) for each two (2) member families or individuals
H	Golf courses open to the general public, except for miniature or 3 par courses	Six (6) for each golf hole and one (1) for each employee
I	Auditorium, gymnasium, indoor theater, stadium, sports arena, or similar place of assembly	One (1) for each three (3) seats or six (6) feet of bench space

3. Business and Commercial

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A	Automotive service station	Two (2) for each lubrication stall, rack or pit; and one (1) for each employee
B	Auto Wash	One (1) for each employee
C	Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) chairs and one (1) space for each additional chair
D	Drive-in establishment	One (1) for each 40 square feet of gross floor area, with a minimum of twenty-five

		(25) spaces
E	Establishment for sale and consumption, on the premises, of beverages, food or refreshments	One (1) for each 75 square feet of gross floor area, or one (1) for each three (3) persons of maximum capacity, which ever is greater.
F	Furniture and appliance household equipment, repair shop, showroom for plumber, decorator, electrician or similar trade, show repair and other similar uses	One (1) for each 200 square feet of gross floor area
G	Laundromat and coin operated drycleaner	One (1) for each two (2) washing machines.
H	Miniature golf course	Three (3) for each golf hole and one (1) for each employee
I	Funeral home	One (1) for each 100 square feet of gross floor area
J	Motor vehicle sales and service establishment, trailer and boat sales and rental showrooms	One (1) for each 100 square feet of gross floor area
K	Open air business, except otherwise specified herein.	One (1) for each 600 square feet of lot area
L	Retail store, except otherwise specified herein.	One (1) for each 200 square feet of gross floor area

4. Offices

	USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A	Bank, savings, and loan	One (1) for each 100 square feet of gross floor area
B	Business or professional office, except as indicated in the following item (C)	One (1) for each 400 square feet of gross floor area

C	Professional offices of medical or dental, or similar professions	One (1) for each 100 square feet of gross floor area

5. Industrial

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
Wholesale or warehouse establishment	One (1) for every one and one-half (1 1/2) employees in the largest working shift
Business or professional office, except as indicated in the following item (C)	One (1) for every one and one-half (1 1/2) employees in the largest working shift, or one (1) for every 2000 square feet of gross floor area, whichever is greater

16.9 **PARKING VARIATION:** Where it can be demonstrated that the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, a site plan with lesser parking area may be approved by the Planning Commission, provided all the following conditions are present:

1. The use does not provide on-site services to the general public.
2. The maximum number of employees and visitors during any one eight-hour period can be demonstrated to be less than the parking space requirements provided by this ordinance.
3. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made part of the site plan.
4. An open landscaped area meeting the required area of this Article is shown reserved for future parking.
5. Site plan approval of lesser requirements shall be valid only for the stated use. An Occupancy Permit for a new use shall not be issued unless a new site plan is reviewed, and parking arrangements are found to be in accordance with the requirements of this ordinance.

16.10 **ADDITIONAL REQUIREMENTS FOR NON-RESIDENTIAL USES IN ALL DISTRICTS:** All commercial, industrial, and other non-residential (dwelling) land uses shall comply with the following parking requirements in all zoning districts, in addition to the preceding sections of this Article:

1. All off-street parking facilities required pursuant to this Article shall be located on the same parcel as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
2. All off-street parking spaces shall be at least 10 feet from any property line or street.
3. All off-street parking facilities shall be drained so as to prevent run-off on adjacent properties or public streets.
4. Off-street parking areas which adjoin premises situated in the R-1 Single Family District shall be set back at least 30 feet from all property in that District and shall be effectively screened by either a dense evergreen planting, fence, or retaining wall, not less than four feet or more than eight feet in height, as determined, with respect to type and height of screening, by the Planning Commission in the site plan review process.
5. Lighting of off-street parking areas shall be designed and arranged so as to reflect the light away from all adjacent residentially used lots, regardless of the zoning district in which such lots are situated.
6. All off-street parking areas shall be maintained condition.
7. All off-street parking areas providing space for more than four vehicles shall have the individual parking spaces marked on the surface of the parking area.
8. Sufficient on-premises loading/unloading space shall be provided in such a manner as to avoid undue interference with public use of the streets or any access aisles for off-street parking areas. For any commercial or industrial use requiring more than four off-street parking spaces pursuant to this Article, the loading/unloading areas shall be conducted in side or rear areas of the building, and shall not in any manner utilize the required off-street parking spaces.

ARTICLE 17 – SIGNS

17.1 **PURPOSE AND INTENT:** The purpose of this Article is to regulate and limit the construction and reconstruction of various types of signs, including billboards, to protect the public health, safety, and general welfare. These regulations are therefore designed to restrict or prohibit signs which would, by reason of their size, location, construction, or manner of display, endanger life or property, confuse, or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise be inconsistent with other allowed land uses or contrary to the public welfare.

17.2 **DEFINITIONS:** For purposes of this Article, or elsewhere in this Ordinance, the following words and terms shall have the designated meanings:

1. **Accessory Sign:** A secondary sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
2. **Area (Surface Area):** The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. If a sign is designed to have matter displayed on more than one side, then all such sides shall be included in computation of surface area.
3. **Billboard:** Any outdoor sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is made, produced, assembled, stored, distributed, leased, sold, or conducted off the premises upon which the sign is located.
4. **Election/Campaign Signs:** Signs advertising candidates for any public office, or soliciting votes in support of or against any ballot proposition or issue, at any general, primary, special, school or other election. These types of signs shall, by their nature, also be considered "Temporary"; provided, however, that permanent Billboards advertising such political matters shall not constitute an Election/Campaign sign for purposes of this Article.
5. **Free-Standing Sign:** A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
6. **Identification Sign:** A sign that only identifies the name and street address of the owner or resident of the premises.
7. **Illuminated (or illumination):** Any artificial means of lighting any portion of a sign, either directly or indirectly.
8. **Institutional Bulletin Board:** A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution, and the announcement of its institutional services or activities.
9. **Number (of signs):** Except as otherwise provided in this Article with respect to Billboards, for the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized

relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

10. Off-Premises (or off the premises): A sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is situated.
11. On-Premises (or on the premises): A sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the premises upon which the sign is situated.
12. On-Premises Advertising Sign: Any sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
13. Portable Sign: A type of free-standing sign not permanently anchored or secured to either a building or the ground.
14. Real Estate Sign: A sign advertising the sale, rental or leasing of the land or buildings upon which the sign is located, or buildings under construction and intended for sale, rental or leasing upon completion of construction.
15. Sign Face: The portion of a sign containing any advertising or other content, and including any trim pieces, moldings, or other decorative materials surrounding the advertising or other content.
16. Subdivision Sign: A sign placed at the primary entrance to a subdivision or other similar housing development, such as a mobile home park, containing information only about that housing development.
17. Temporary Sign: A type of sign which may or may not have a structural frame, and which because of its function, such as advertising seasonal produce sales, holiday or civic events, political candidates or issues, or other short-term matters, is not intended or usually designed to be permanent.
18. Wall sign: A sign which is attached directly to or painted upon a building wall or window.

17.3 **SIGNS ALLOWED/PROHIBITED**: Signs are allowed to be located according to the zoning district in which they are situated in accordance with the provisions of this Article pertinent to the particular zoning district, in accordance with Section 17.4 governing signs allowed in all zoning districts, and further in accordance with the General Provisions section of this Article governing certain aspects of signs in all zoning districts. A sign not expressly allowed in a specific zoning district or generally allowed in all zoning districts pursuant to this Article is prohibited.

17.4 **SIGNS ALLOWED IN ALL ZONING DISTRICTS**: The following types of signs shall be allowed in all zoning districts subject to the lighting, maintenance and locational regulations in Section 17.9 of this Ordinance, and any other applicable laws:

1. Flags and insignia of any government, except when displayed in connection with commercial promotion.

2. Legal notices posted by any governmental body.
3. Identification, informational or directional sign, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, Mason County or Free Soil Township.
4. Governmental use signs erected by governmental bodies to designate hours or activity or conditions for use for parks, parking lots, recreational areas, governmental buildings, or other public places.
5. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.
6. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
7. Signs posted to control or prohibit trespassing, hunting, or fishing upon private property or public property.
8. Essential service signs designating utility line, railroad lines, hazards, or precautions, property erected and placed by a public or private utility company or railroad or a governmental entity.
9. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
10. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
11. Temporary Election/Campaign signs.
12. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 300 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
13. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
14. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the Township Board, based upon the following standards:
 - A. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
 - B. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangements shall be made for the prompt removal of the sign or display after the conclusion of the matter being promoted.

- C. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
- D. The sign or display shall not constitute a traffic hazard.
- E. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.

15. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.

17.5 **SIGNS IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT:** The following types of signs are allowed in the R-1 District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; and such signs, including all supporting members and overhangs, shall be set back in accordance with the applicable setback requirements for accessory buildings/structures in the district, except as otherwise specified in this Article for a particular type of sign:

- 1. One non-illuminated Identification sign per dwelling unit, not exceeding two square feet in area.
- 2. One or more signs that serve only to identify the name of a farm, farm owner, types of crops, or types of livestock produced thereon, not exceeding an aggregate total of eight square feet for all such signs pertaining to the same farm or farm parcel.
- 3. One non-illuminated name plate sign for a lawful home occupation, not exceeding nine square foot in area, and containing only the name and occupation of the occupant of the premises.
- 4. One on-premises institutional bulletin board per institutional or public use, not exceeding 32 square feet in area.
- 5. One temporary sign per lot advertising for sale produce raised on the premises, not exceeding 32 square feet in area.
- 6. One on-premises advertising sign per lot, relating to a conforming nonresidential use on the premises, other than a sign for a use specifically provided for herein, not exceeding 32 square feet in area and 8 feet in length.
- 7. Two on-premises subdivision signs, placed at the primary entrance to the housing development, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

17.6 **SIGNS IN THE R-B-F RESIDENTIAL-BUSINESS-FARMING DISTRICT:** The following types of signs are allowed in the R-B-F District:

- 1. Signs, as allowed in the R-1-District pursuant to Section 17.5 of this Ordinance; except the provision for an on-premises advertising sign is replaced by subsection 2 herein.

2. One on-premises advertising sign per lot relating to a conforming nonresidential use on the premises, other than a sign for a use specifically provided for herein, complying with the following requirements:
 - A. The total sign area shall not exceed 50 square feet; and the length of the sign shall not exceed 10 feet.
 - B. The height of the sign shall not exceed 12 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
3. Illumination is allowed, such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on the any portion of an adjacent streets, the path of on-coming vehicles, or any adjacent premises. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.

17.7 SIGNS IN THE R-B RESIDENTIAL-BUSINESS DISTRICT: The following types of signs are allowed in the R-B District:

1. Signs, as allowed in the R-1 District pursuant to Section 17.5 of this Ordinance; except the provision for an on-premises advertising sign is replaced by subsection 2 herein.
2. One on-premises advertising sign per lot, relating to a conforming nonresidential use on the premises, other than a sign for a use specifically provided for herein, complying with the following requirements:
 - A. The total sign area shall not exceed 80 square feet, and the length of the sign shall not exceed ten feet; provided, however, that the maximum sign area shall be 125 square feet for conforming lots fronting on U.S. 31.
 - B. The height of the sign shall not exceed 12 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
 - C. The sign, including all supporting members and overhangs, shall be set back a minimum of ten feet from the adjoining street right-of way line.
 - D. The sign shall have a side yard setback of at least 30 feet.
3. In addition, not more than five accessory signs, including wall signs, are allowed for on premises advertising associated with a conforming nonresidential use, complying with the following requirements:
 - A. The combined area of all such accessory signs shall not exceed 100 square feet, or, in the case of wall signs, 15% of the total area of the wall to which the signs are attached, not to exceed 100 square feet; provided, however, in cases where a commercial

building houses multiple business enterprise each of which exclusively occupies a distinct portion of the building accessed by a separate entrance, each such separate business enterprise shall be allowed wall signs covering not more than 15% of the total front wall space pertaining to such business entity, not to exceed 100 square feet.

- B. All wall signs shall project no more than 18 inches from the wall and shall be no more than eight feet above the abutting grade.
 - C. Free-standing or portable accessory signs (not wall signs) shall comply with the height, setback and placement requirements applicable to the primary advertising sign allowed pursuant to subsection 2 of this section.
4. Billboards shall be allowed only on conforming lots in this District fronting on U.S. 31, in accordance with the following regulations:
- A. Not more than three billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the same highway. The linear mile measurement shall not be limited to the boundaries of Grant Township. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) having only one face visible to traffic proceeding from any given direction on the highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Billboard structures otherwise having more than one billboard face, including V-type billboards, are prohibited.
 - B. No billboard shall be located within 1,500 feet of another billboard abutting either side of the highway.
 - C. No billboard shall be located within 200 feet of the R-1 or R-M District; or within 300 feet of an existing dwelling, church, or school in any District. If the billboard is illuminated, this required distance shall instead be 300 feet.
 - D. No billboard shall be located closer than 30 feet from a public right-of-way; or 35 feet from any interior boundary lines of the premises on which the billboard is located.
 - E. The surface display area of any side of a billboard shall not exceed 300 sq. feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces shall not exceed 300 sq. feet.
 - F. The length of the billboard shall not exceed 24 feet.
 - G. The height of a billboard structure shall not exceed 24 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
 - H. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building. A billboard may be illuminated, provided such 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.

- I. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering US 31, shall in addition to complying with the above conditions also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

17.8 **SIGNS IN THE R-M RESIDENTIAL-MISCELLANEOUS DISTRICT:** The following types of signs are allowed in the R-M District:

1. Signs, as allowed in the R-1 District pursuant to Section 17.5 of this Ordinance; except the provision for an on-premises advertising sign is replaced by subsection 2 herein.
2. One on-premises advertising sign per lot, relating to a conforming nonresidential use on the premises, other than a sign for a use specifically provided for herein, complying with the following requirements:
 - A. The total sign area shall not exceed 32 square feet; and the length of the sign shall not exceed 8 feet.
 - B. The height of the sign shall not exceed 12 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
3. Illumination is allowed, such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on the any portion of an adjacent streets, the path of on-coming vehicles, or any adjacent premises. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.

17.9 **GENERAL PROVISIONS AND REQUIREMENTS:** The following provisions and requirements shall be applicable to all types of signs in all zoning districts, unless specifically stated to the contrary in this Article:

1. No free-standing Advertising Sign or Billboard shall be erected without a land use permit for same being first obtained from the Zoning Administrator or such other appropriate official as may be designated by the Township Board, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance.

2. No sign shall be erected at any location where, by reason of position, size, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or so as to interfere with, mislead or confuse vehicular or pedestrian traffic.
3. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.
4. Subject to the preceding restriction, signs may be illuminated unless prohibited by another Section of this Article applicable to a particular type of sign. Where illumination is allowed such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on to any portion of an adjacent street, the path of on-coming vehicles, or any adjacent premises.
5. All signs shall be designed and constructed in such a manner as to withstand all wind and other weather conditions normally expected to occur in the area. All signs shall be properly maintained and repaired so as to assure proper alignment of structure, continued structural soundness, and continued readability of message, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements.
6. Temporary signs shall be removed from view of public roadways and adjoining properties within five days after the event or matter to which they pertained has been concluded.
7. All lawful nonconforming signs and sign structures shall be subject to the regulations governing nonconforming uses and nonconforming structures in Article 15 of this Ordinance.

ARTICLE 18 - PLANNING COMMISSION/ZONING COMMISSION

- 18.1 **CREATION, POWERS AND JURISDICTION:** The Planning Commission shall have all such powers and jurisdiction and as otherwise provided by applicable law and ordinance.

ARTICLE 19 - ZONING BOARD OF APPEALS

19.1 **CREATION:** There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws and by the provisions of this ordinance to the end that the objectives of this ordinance are observed, public safety and general welfare secured, and substantial justice done.

19.2 **MEMBERSHIP/ELECTION OF OFFICERS:** The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Zoning Board of Appeals shall consist of three members; one member shall be a member of the Planning Commission. The Zoning Board of Appeals shall elect a chairman and a secretary. A member of the Township Board may be a regular member of the Zoning Board of Appeals but shall not serve as Chair of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may also appoint not more than two alternate members of the Zoning Board of Appeals for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such situations the alternate member shall serve until a final decision as been made. An alternate member of the Zoning Board of Appeals shall have the same voting rights, when called to serve, as a regular member.

19.3 **TERM:** The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Zoning Board shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

19.4 **JURISDICTION AND POWERS:** The Zoning Board of Appeals shall have all powers and jurisdiction granted by applicable laws and as prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:

1. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to 19-1 be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. To act upon all questions as they may arise in the administration of this Ordinance, including interpretation of the zoning map.
3. To grant variances from dimensional requirements of the Zoning Ordinance or from any other nonuserelated requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
4. To consider a request to expand, extend, enlarge, alter, or change a nonconforming use or building/structure as Provided by Article 15 of this Ordinance.
5. To hear and decide such other matters as the Zoning Board of Appeals is required to consider under a provision of this Ordinance.

19.5 **EMPLOYEES:** The Zoning Board of Appeals may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

19.6 **MEETINGS/RULES OF PROCEDURE:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of its regular members is present. The Zoning Board of Appeals may adopt such rules of procedure consistent with applicable statutes, this zoning ordinance, and other local ordinances as it deems necessary to the proper performance of its duties and the proper exercise of its powers.

19.7 **APPEALS:** Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order of the Zoning Administrator. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 21 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer from whose decision or order the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the circuit court.

19.8 **VARIANCE STANDARDS AND CONDITIONS:**

1. **Standards:** No variance from any provision or requirement of this Ordinance shall be approved by the Zoning Board of Appeals unless it finds all of the following from the evidence presented:
 - A. There are practical difficulties in the way of carrying out the strict letter of the provision or requirement, by reason of the exceptional narrowness, shallowness, size

or shape of the specific property at issue, or by reason of exceptional topographic conditions or some other unusual or extraordinary condition related to the subject property, rather than being derived from the personal circumstances of the applicant/owner/occupants of the subject property.

- B. The variance will not affect any adjoining property or other property in such a manner as to be of substantial detriment to such property.
- C. The variance will allow the spirit of the ordinance provision or requirement to be observed, and public safety secured.
- D. The variance is necessary for substantial justice to be done, e.g. to ensure that the property may be used in a manner specified by the zoning classification and similar to other properties in the same zone.

2. Additional Legal Principles: In determining whether the standards for variance relief have been shown to be satisfied the Zoning Board of Appeals shall be governed by the following additional legal principles:

- A. The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
- B. The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.
- C. Increased costs associated with complying with the strict letter of the ordinance are not a basis for variance relief.
- D. Increased financial return if variance relief is granted is not a basis for variance relief.
- E. The Zoning Board of Appeals may find the standards for relief from the strict letter of the ordinance have been shown to be satisfied but not to the extent of the variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.

3. Conditions: Upon determining the standards for variance relief have been shown to be satisfied, the Zoning Board of Appeals may attach conditions upon the variance in the same manner the Planning Commission is authorized to impose conditions upon an approved special land use as specified in Section 13.4.1 of this Ordinance.

19.9 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

19.10 APPLICATION SITE PLAN REQUIREMENTS: A site plan, plot plan or other acceptable diagram showing the general development plan of the property which is the subject of a variance or appeal request shall be submitted with each such request. The plan shall show, at a minimum, the location of all abutting streets, the location of all existing and proposed buildings and structures,

the types of buildings and their uses, and the existing or proposed setback of each building or structure which is the subject of the variance or appeal request, and all pertinent lot lines.

- 19.11 **PUBLIC HEARINGS:** Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter preceded by notice as required by law.
- 19.12 **DECISIONS:** The Zoning Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.
- 19.13 **TIME LIMITS:**
1. If a variance is granted or other action by the applicant is authorized, the necessary permit shall be secured, and the authorized action begun within six months after the date the variance is granted or said variance shall be deemed abandoned and withdrawn.
 2. No application for a variance which has been denied shall be reheard for a period of one year from the date of the last denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exists on the basis of either newly discovered evidence or proof of changed conditions which were not known to the applicant or the Board at the time of the initial hearing.
- 19.14 **VOTE NECESSARY FOR DECISION:** The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its membership.
- 19.15 **MINUTES AND RECORDS:** The secretary shall keep minutes of the Zoning Board of Appeals proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals examinations and official actions; all of which shall be filed with the Township Clerk and be a public record.
- 19.16 **LIMITATION OF BOARD ACTION:** Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this ordinance, and where the Zoning Board of Appeals considers that any specific provision is inappropriate it shall submit to the Planning Commission a request for review of said provision.

ARTICLE 20 - ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- 20.1 **ZONING ADMINISTRATION AND ENFORCEMENT:** The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.
- 20.2 **ZONING ADMINISTRATOR APPOINTMENT:** The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.
- 20.3 **ZONING ADMINISTRATOR DUTIES:** The Zoning Administrator shall have the following duties and responsibilities:
1. **Investigation of Violations:** The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law.
 2. **Inspections:** The Zoning Administrator shall make periodic inspections of property subject to an approved site plan and/or special land use permit approval to ascertain that the requirements of this ordinance are being complied with during the construction/implementation of the approved development.
 3. **Administrative Review of Site Plans:** The Zoning Administrator shall review site plans and related materials as specified in Section 14.5 of this Ordinance.
 4. **Issuance of Land Use Permits:** The Zoning Administrator shall review and act on applications for land use permits pursuant to Section 12. 4 of this Ordinance, for temporary permits pursuant to Section 12.15 of this Ordinance, for sign permits pursuant to 17.9.1 of this Ordinance, and for such other permit matters as the Zoning Administrator may be assigned responsibility by this Ordinance.
 5. **Coordination with Building Official:** The Zoning Administrator shall promptly inform the Building Official of all issued and denied land use permits, and otherwise coordinate with the Building Official with respect to all permit applications reviewed by the Zoning Administrator under this Ordinance that may have implications for the responsibilities of the Building Official.
 6. **Records:** The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, and a record of all fees submitted with applications. The same shall form a part of the records of his office and shall be readily available.
 7. **Other Duties:** The Zoning Administrator shall perform such additional duties related to administration and enforcement of the Zoning Ordinance as are prescribed by law or as may from time to time be assigned by the Township Board.

8. Meeting Attendance: The Township Board may require the Zoning Administrator to attend meetings of the Township Board, Planning Commission, and Zoning Board of Appeals, and keep the members of same informed of matters pertaining to zoning.

20.4 **ZONING FEES**: The Township Board is authorized to establish, by motion, fees for consideration of all applications for a permit or other approval by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board under this Ordinance, including but not limited to: land use permit, sign permit, special land use permit, site plan review, variance, ordinance interpretation, appeal of Zoning Administrator determination, rezoning of property, or amendment of Zoning Ordinance text. Said fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting. All such fees applicable to a particular application shall be paid to the Township in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting and may take effect immediately or upon such later date as the Board may specify.

ARTICLE 21 - VIOLATIONS AND SANCTIONS

21.1 VIOLATION:

1. Any person who violates, disobeys neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
2. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
3. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
4. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:
 - A. 1st Offense – Minimum Fine of \$150.00
 - B. 2nd Offense – Minimum Fine of \$300.00
 - C. 3rd or subsequent offense – Minimum Fine of \$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

21.2 NUISANCE PER SE: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

21.3 AUTHORITY TO COMMENCE LEGAL ACTION: The Township Supervisor, the Zoning Administrator, and such other persons as the Township Board may properly designate, may institute such legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or to sanction any violation of this Ordinance; provided that actions in the Circuit Court shall be authorized by the Township Board.

ARTICLE 22 - AMENDMENTS AND DISTRICT CHANGES

- 22.1 **INITIATION OF AMENDMENTS:** Amendments of this Ordinance (text or rezoning) may be initiated by the Planning Commission or Township Board, or by any interested person by application.
- 22.2 **AMENDMENT APPLICATION PROCEDURE:** All amendments of this Ordinance initiated by application shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such applications shall include the following:
1. The applicant's name, address, and interest in the application.
 2. In the case of a rezoning application:
 - A. The legal description of the land proposed to be rezoned.
 - B. All existing street addresses within the property proposed to be rezoned.
 - C. The present and requested zoning classification of the property proposed to be rezoned.
 - D. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
 - E. A fully dimensioned map showing the property proposed to be rezoned, including all public and private rights-of-way and easements bounding and intersecting same, and showing the zoning classification of all abutting lands.
 - F. The name, address and interest of every person having a legal or equitable interest in any land which is proposed to be rezoned.
 3. In the case of a text amendment application, the proposed text to be added and/or the existing text to be revised/deleted.
 4. The changed or changing conditions in a particular area or in the Township generally that make the proposed rezoning or text amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 5. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- 22.3 **AMENDMENT PROCEDURE:** After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as may be amended, and any other applicable laws.

ARTICLE 23 - SEVERABILITY/REPEAL/EFFECTIVE DATE

- 23.1 **SEVERABILITY:** In case any article, section or provision of this ordinance shall be held invalid in any court, the same shall not affect any other article, section or provision of this ordinance, except so far as the article, section or provision declared invalid shall be inseparable from the remainder of any part thereof.
- 23.2 **REPEALING PRIOR ZONING ORDINANCE:** The prior Mason County Zoning Ordinance and all amendments hereto are hereby repealed in their entirety and replaced by this Ordinance; provided, however, that the adoption of this ordinance shall not prevent or bar the continuance or institution of proceedings for offenses committed in violation of the existing Zoning Ordinance before the effective date of this Ordinance.
- 23.3 **EFFECTIVE DATE:** This Ordinance shall take effect on the eighth day, after publication or on such later date as may be required by law.