

DRAFT
ZONING ORDINANCE



BRILEY TOWNSHIP
MONTMORENCY COUNTY, MICHIGAN

12423 JEROME STREET
PO BOX 207
ATLANTA, MI 49709
BRILEYTOWNSHIPMI.GOV

ADOPTED:

EFFECTIVE:

Briley Township Zoning Map

Montmorency County
Michigan



Zoning Districts

- R1: Restricted Residential District
- R-2: General Residential District
- A-1: Agricultural District
- FR: Forest Recreation District
- OT: Old Town District
- C-2: Heavy Commercial District
- I: Industrial District

Also see "Atlanta Downtown" Map

- Township Boundary
- Section Lines
- Parcels
- State Highways
- Roads
- Water



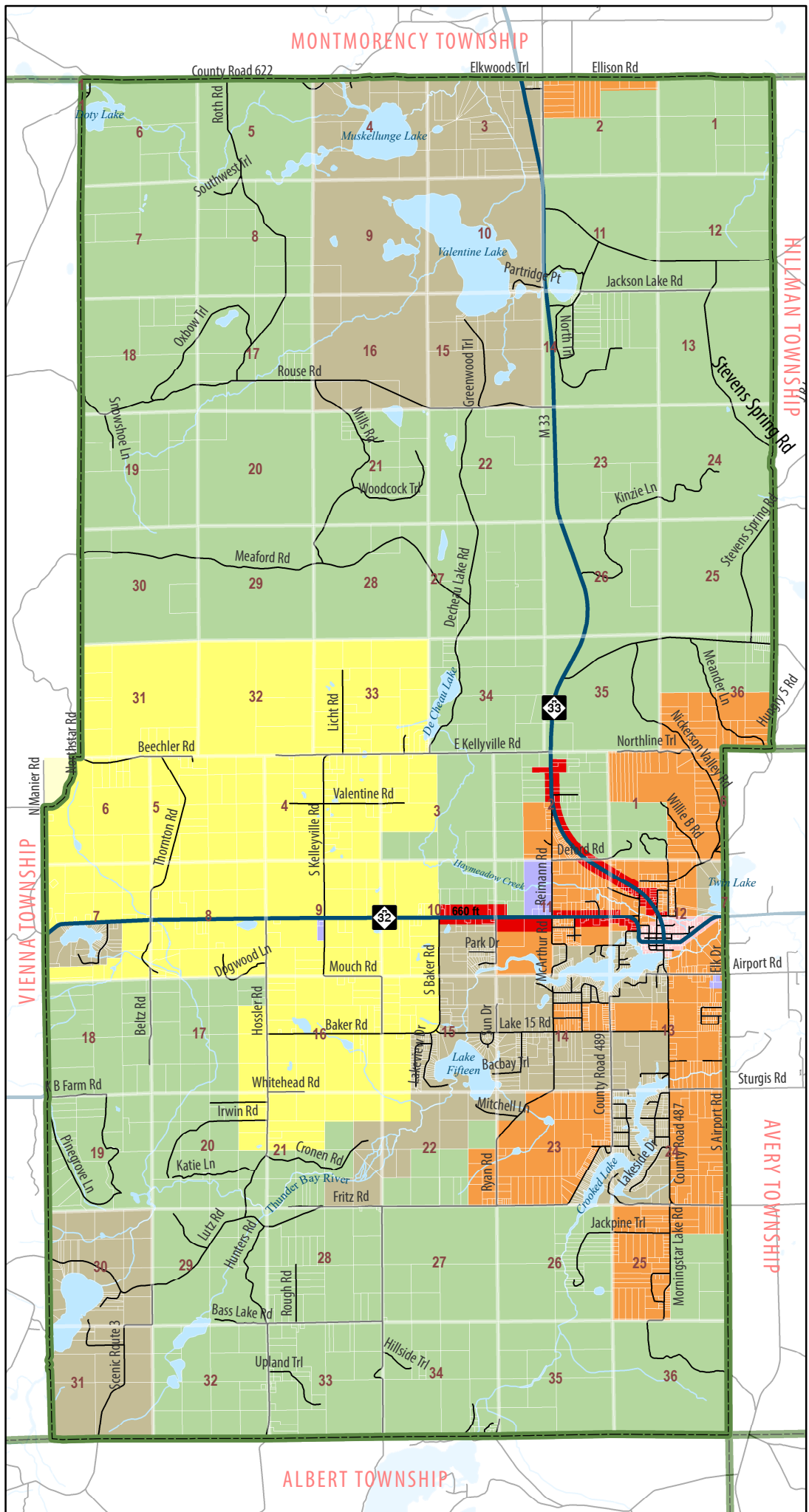
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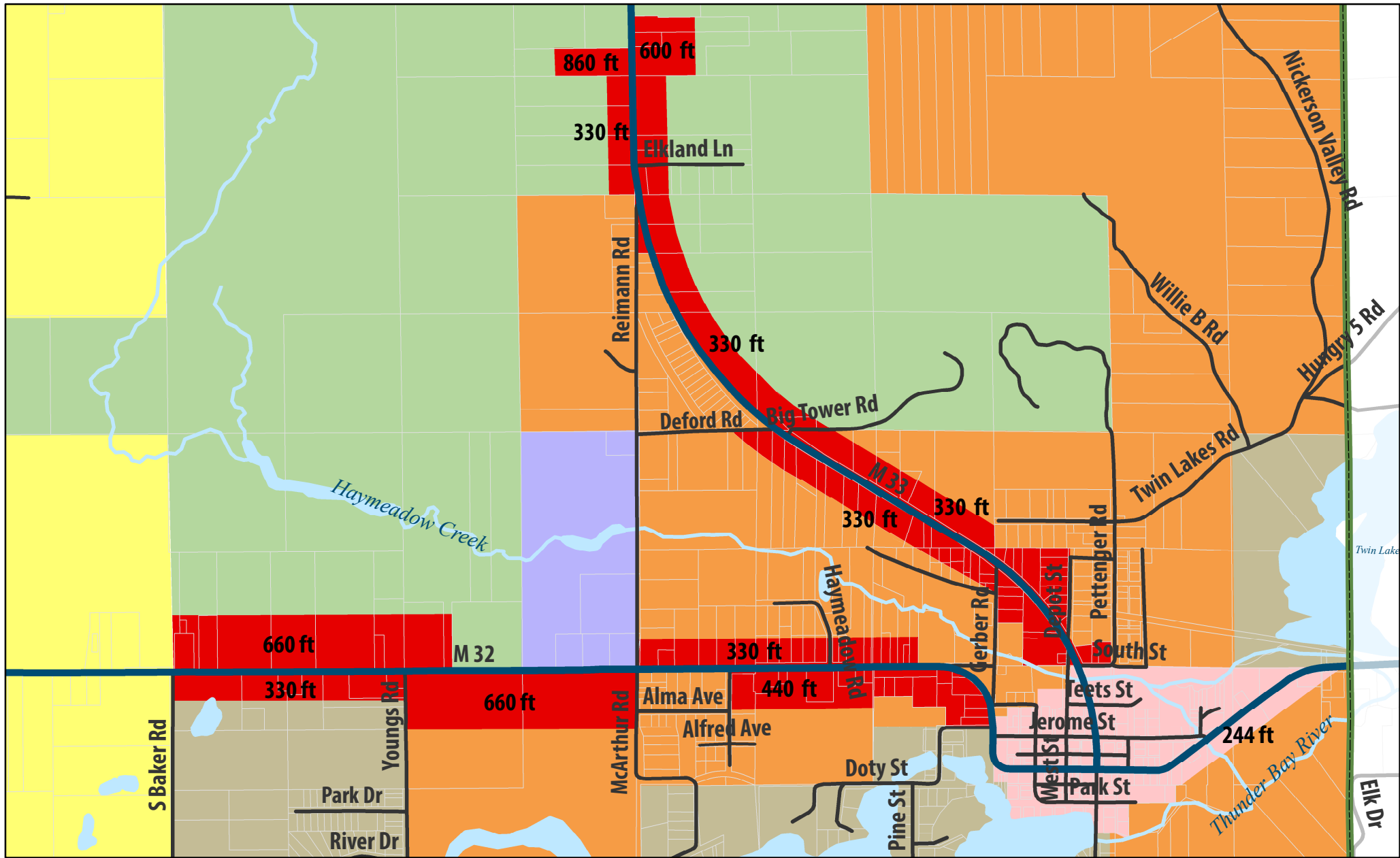
Adopted:
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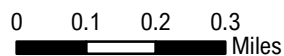
Atlanta Downtown Briley Township Zoning Map

Montmorency County, Michigan

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DRAFT 2-14-24

- Township Boundary
- State Highways
- Roads
- Water
- Parcels

Where the zoning district boundary is measured from the centerline of M-32 or M-33, the distance from the centerline is written in bold black numbers on this map (ex: 660 ft).



EAST OF EXPECTED
Northeast Michigan
COUNCIL OF GOVERNMENTS

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Briley Township ZONING ORDINANCE

Briley Township
Montmorency County
Michigan

Adopted:

Effective:

Prepared with the assistance of:

Northeast Michigan Council of Governments
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1 Title & Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

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BRILEY TOWNSHIP, MONTMORENCY COUNTY, MICHIGAN, HEREBY ENACTS:

Article 1

Title & Purpose

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Section 100 Title

This Ordinance shall be known and may be cited as the BRILEY TOWNSHIP ZONING ORDINANCE, and, within the following text, it may be referred to as this “Ordinance” or this “Zoning Ordinance.”

Section 101 Purpose

The purpose of this Ordinance is:

- A. To provide for the establishment of Zoning Districts.
- B. To encourage and regulate the use of land and location of buildings and structures for residence, trade, and industry to meet the needs of the township’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- C. To regulate dimensions of yards and other spaces.
- D. To ensure that use of the land is situated in appropriate locations and relationships.
- E. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities.
- F. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- G. To promote public health, safety, and welfare.
- H. To provide for administration, enforcement, penalties for violation, and amendment of this Ordinance.

Section 102 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

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Section 200 Rules Applying to Text

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise:

- A. Regulations pertaining to specific issues supersede more general regulations.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future.
- D. Words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for."
- F. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply in combination.

- 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- G. The word "lot" includes the words "plot" or "parcel."
- H. "Township" shall refer specifically to Briley Township.
- I. "Days" means calendar days unless otherwise stated.
- J. Unless defined in Section 201, words and terms used in this Ordinance shall be deemed to be used in the context of their ordinary and common usage.

Section 201 Definitions

A

Abutting. Having property or district line in common, e.g., two (2) lots are abutting if they have lot lines in common.

Access. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street (through direct access or an easement).

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

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit, in a detached building, or as a stand-alone structure. Accessory dwelling units shall be developed in accordance with the standards set forth in **Section 702** and only in those zoning districts where the use is listed as allowed.

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

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

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

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- A. **Adult Day Care Facility, Small Group.** An Adult Day Care Facility that receives up to six (6) adults for care.
- B. **Adult Day Care Facility, Large Group.** An Adult Day Care Facility that receives seven (7) to twelve (12) adults for care.

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

- A. The following additional definitions shall apply in the application of this Ordinance:
 - 1. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
 - 2. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks.
 - 3. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week, for two (2) or more consecutive weeks.
 - 4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
 - 5. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.
- B. An adult foster care facility **does not** include the following:
 - 1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 - 2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.

3. A hospital licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child-caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including:

- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).

- D. Farm stays.
- E. Gift shops for agriculturally-related products and crafts.
- F. Historical agricultural exhibits.
- G. Organized meeting space (weddings, birthdays, corporate picnics) – falls under the definition of **Commercial Event Facility**.
- H. Petting farms, animal display, and pony rides.
- I. Picnic areas (including rest rooms).
- J. Playgrounds, wagon/sleigh rides, nature trails.
- K. Restaurants related to the agricultural use of the site.
- L. Seasonal outdoor mazes of agricultural origin.
- M. Small-scale entertainment (concert, car show, art fair).
- N. Other agricultural tourism activities which the Planning Commission may designate.

Alley. A public right-of-way, not more than thirty (30) feet in width affording a secondary means of access to abutting property but not intended for general traffic circulation.

Alterations. Any change, addition, or modification in construction or type of use of occupancy, including change in the supporting structural members of a building such as walls, partitions, columns, beams, girders, or any change which may be referred to as "altered" or "reconstructed."

Apartment Building. See **Dwelling, Multiple-Family**.

Applicant. Any person that applies for a permit.

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

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

Attached. Any structure or part of a structure immediately abutting another structure or part of a structure and fastened securely to same by walls, a breezeway and/or a roof.

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

Auto Repair Garage. Any commercial building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to engine, body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire services and sales, or installation of equipment.

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

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Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. See diagram for **Story**.

Bed and Breakfast/Tourist Home. Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation for twenty-eight (28) days or less.

Berm. An earthen mound used for the purpose of landscaping, screening, or enclosure which is compacted and finished with adequate topsoil to support grass or other landscape materials.

Biofuel Production Facilities (on Farms).

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

Block. A property surrounded by streets or abutting one (1) side of a street and situated between the two (2) nearest intersecting streets or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Boarding House/Rooming House. An owner-occupied single-family dwelling containing guest rooms for three (3) or more individuals in which lodging is provided with or without meals for compensation and which is open to long-term (for more than twenty-eight (28) days) guests only (not to the traveling public).

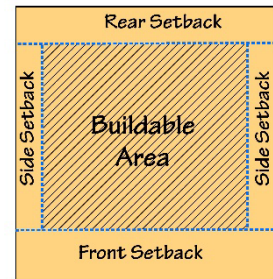
Breezeway. Any covered passageway with open sides between two (2) buildings.

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

Buffer. Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

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Buildable Area. The space remaining on a lot or lots after the minimum setback and open space requirements have been complied with.



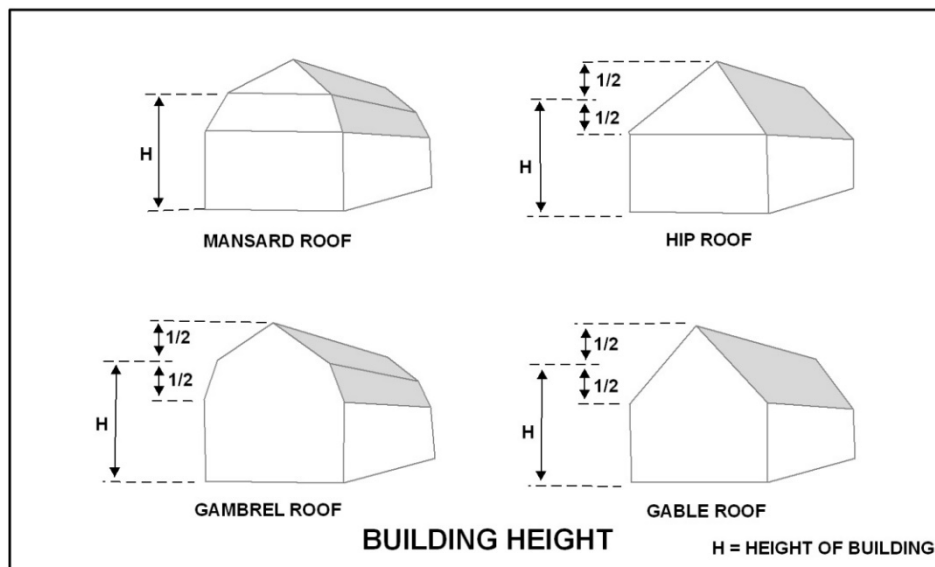
Building. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind. This definition shall include storage canopies (storage shelters using flexible material for sides and/or roof – also known as “fabric garages”).

Building, Principal. See *Principal Building*.

Building Height. The building height is the vertical distance measured from the established grade:

- A. to the highest point of the roof surface if a flat roof.
- B. to the deck of a mansard roof.
- C. to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Where a building is located on sloping terrain, the height shall be measured from the average ground level of the established grade at the building wall.



C

Cabin. Any building which is built, maintained, and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin or rental cabin, which may not maintain necessities of a “Dwelling Unit” such as electricity, indoor plumbing, and the like.

Cabin Court. Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for

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transients or tourists for a fee.

Campgrounds. Any lot, under the control of any person, where sites are offered for the use of the public, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

Canoe/Boat/Kayak Livery. A place where boats and/or canoes are stored, rented, sold, repaired, docked, and serviced. Includes the term “boat yard.”

Carport. A permanent roof-like shelter that is free-standing or extends from part of a building and is constructed of rigid material. A carport is considered an accessory structure.

Category 4 Site. A lot which is classified by the Michigan Department of Agriculture as “Category 4” according to the most current Generally Accepted Agriculture Management Practices (GAAMPS). Category 4 sites are sites which are primarily residential and considered, by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one-eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250) feet of the livestock facility (enclosed fencing).

Car Wash. A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

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

Change of Use. The alteration, addition to, or replacement of an existing use with a new use belonging to a different zoning classification. For the purpose of this definition, zoning classifications are those enumerated as separate items or categories within the lists of principal permitted or Special Uses in this Ordinance.

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

- A. **Family Child Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

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- C. **Child Care Center.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

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

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

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by a licensed professional, such as a physician, dentist, or the like. Patients are not lodged overnight.

Clinic, Animal. A building or group of buildings and/or structure(s) where domestic animals are admitted for examination, treatment, and care by a state-licensed veterinarian and related paraprofessionals and technicians and where such animals may be provided with overnight or short term housing. Also called Veterinary Clinic.

Club, Lodge, or Fraternal Organization. Buildings and facilities owned or operated by a corporation, association, person, or persons for social, educational, or recreational purposes but not for profit and open only to members and not the general public.

Commercial Event Facility. A designated open area on a lot; a tent, gazebo, or barn; and other specifically designed structures within which weddings, parties, meetings, family reunions, and corporate events are held for a fee. Also known as Convention Centers, Conference Centers, Banquet Halls, Wedding Venues, or Wedding Barns.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of

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goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Commission. Briley Township Planning Commission.

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

Conditional Rezoning. A rezoning in which the property owner voluntarily conditions the use of land to one (1) or more of the specified uses authorized in a particular zoning district.

Condominiums.

- A. **Condominium Act. 1978 PA 59**, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium, Site.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.

Convalescent or Nursing Home. A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing, and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity

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cases, drug addiction, alcoholism, mental disease, or for surgical or medical cases commonly treated in hospitals.

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

Cottage Industry. See *Home Occupation: Cottage Industry*.

Country Club. A private social and recreation facility providing one (1) or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and club house for members, their families, and invited guests.

D

Deck. A structure, of a single elevation or varying elevations, used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level. A deck may be open or partially or completely covered by a roof. A deck shall meet the setbacks of the principal building.

Density. The number of dwelling units on, or to be developed upon, a net acre of land.

Dock. A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

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

Driveway. That portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot.

Dwelling Unit. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having sleeping, cooking, and sanitary facilities. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit.

Dwelling, Manufactured/Mobile Home. See *Manufactured Home*.

Dwelling, Multiple-Family. A residential building containing three (3) or more dwelling units designed for residential use.

Dwelling, Single-Family. A building containing not more than one (1) dwelling unit designed for residential use.

Dwelling, Two-Family. A building containing not more than two (2) separate dwelling units designed for residential use.

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E

Easement. The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Electric Vehicle Charging Station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Facility. A public or private parking lot that contains multiple electric vehicle charging stations and which has a principal purpose of providing charging stations. This facility may also contain amenities such as a building for patrons to wait for their vehicles to charge, food service, restrooms, and similar amenities.

Erected. Built, constructed, reconstructed, extended, enlarged, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements which are not required for a building or structure, shall not be considered to fall within this definition.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings. Essential service buildings require site plan review. Telecommunication towers or facilities, alternative tower structures, wireless communication antennas, utility-scale solar panels, battery energy storage systems, and wind turbines are not included within this definition.

Egress. Means of exit.

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

Extractive and Mining Operations. The removal, by mining, of valuable natural resources from a property.

F

Family. A person or persons living in one (1) dwelling unit and related by blood, marriage, or legal adoption (and their domestic employees) and comprising a single-housekeeping unit or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character and cooking as a single housekeeping unit. This definition shall not include a society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization nor include a group of individuals whose association is temporary in character or nature.

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

Farm, Hobby. A lot with a residence used or intended to be used for farming purposes on properties other than Commercial Farms. Hobby farming includes keeping farm animals as pets and raising animals for household consumption or educational experience, raising crops vegetables, flowers, and general gardening activities. Dogs, cats, and other typical household pets are not regulated as a Hobby Farm.

Farm Market. An accessory farm structure operated for the purpose of selling agricultural products grown or produced on-premises or on other properties under the same ownership or management. A farm market may be a permanent or temporary structure. Also called a Roadside Stand.

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

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

Fences. Any permanent or temporary means, partition, structure, or gate erected as a dividing structure, barrier, or enclosure and not part of a structure requiring a building permit.

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

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

Flood Plain. The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute, at their maximum edge, the

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highest flood levels experienced in a period of one hundred (100) years. The one hundred (100) year flood plains are identified on Floodway Maps produced by **FEMA (Federal Emergency Management Agency)**.

Floor Area. The square footage of floor space measured from exterior to exterior wall for all floors but not including enclosed and unenclosed porches, breezeways, garages, attics, basements, and cellar areas.

Floor Area, Usable (UFA). The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities.

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

Food Truck Park. A lot or lots under the control of a person or entity upon which two (2) or more Food Trucks are located on a continual basis and which are offered to the public for the purpose of conducting commerce relating to the sale of prepared food or drink.

G

Game Farm. A farm or other rural property with captive game, licensed by the DNR, and used as a "hunt-for-fee" or similar commercial hunting operations in which animals are hunted and taken by clients or customers, who pay for the opportunity to hunt and take game species. Game farms may also be used to buy, breed, observe, and/or sell captive game species, as permitted by the Michigan DNR.

Gas and Oil Processing Facilities. Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil or allied products or substances.

Gasoline Service Station. Any land, building, or structure used for sale or resale of motor fuels, oils, or accessories or installing or repairing parts and accessories but not including repairing or replacing of motors, doors, or fenders or painting motor vehicles.

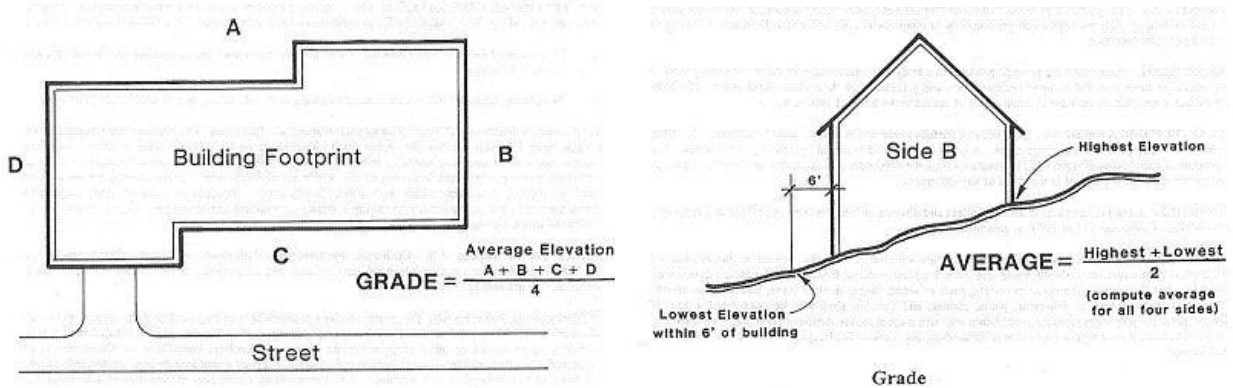
Gazebo. A free-standing structure which is at least fifty (50) percent open on each side, constructed of wood using the post and beam principle and consisting of light framework. The roof may be lattice, wood, or asphalt shingles. It may be round or have multiple sides.

Glare. The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade. For purposes of this Ordinance, the level of the ground abutting to the walls. In the case of lots with a

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sloping terrain, the grade shall be the average elevation of the ground abutting the walls.



Green Roof. A vegetated landscape built up from a series of layers that are installed on a roof surface as ‘loose-laid’ or modular (installed layer by layer on the roof or as pre-prepared layers in trays).

Greenbelt. A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Guest House. See *Accessory Dwelling Unit*.

H

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

Home Occupation. An occupation or profession customarily carried on by an occupant or a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes provided that the conditions of **Section 701** are met.

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

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.

Homeless Shelter. See *Residential Human Care Facility*.

Hospital. An institution providing health services primarily for in-patients and medical or surgical care of the

sick and injured including laboratories, out-patient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the developmentally disabled or mentally ill are not considered hospitals.

Hotel or Motel. A commercial building(s) in which sleeping rooms are offered primarily for transient occupancy to the traveling public and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Rooming houses, inns, bed and breakfast establishments, tourist homes, short term rentals, and multiple-family dwelling units are excluded from this definition.

I

Impervious Surface. Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives, and parking lots.

Improvements. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

Indoor Commercial Recreational Facilities. Public or private recreational facilities where activities are limited to the inside of the structure including theaters, skating rinks, bowling alleys, curling rinks, and other indoor sports and entertainment facilities.

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

Industry. A use engaged in manufacturing, fabricating, and/or assembly activities.

Ingress. Access or entry.

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis and which offers meals to the public for compensation.

J

Junk. For the purposes of this Ordinance, this term shall refer to any discarded, abandoned, damaged, deteriorated, inoperative, dismantled, or partially dismantled motor vehicles, machinery, appliances, products, merchandise, scrap metals, or materials (or parts thereof).

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Junk Yard. An open area where junk, waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk but does not include uses established entirely within enclosed buildings.

K

Kennel. Any lot or premises on which four (4) or more dogs more than six (6) months of age are groomed, bred, boarded, trained, or sold for remuneration.

L

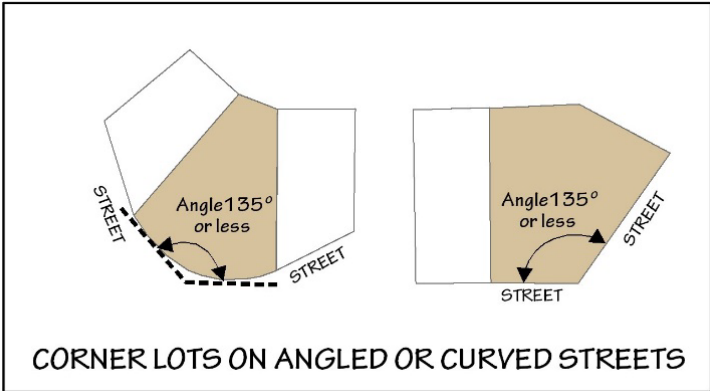
Landscaping. Any combination of existing or planted trees, vines, ground cover, flowers, or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

Livestock. Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately-owned cervids, ratites, swine, equine, poultry, and rabbits.

Loading Space. An off-street space for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel, tract, or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description. A site condominium unit is considered a lot. When multiple lots are used for a single-purpose, the lots together are considered one (1) lot for zoning purposes (sometimes referred to as a "zoning lot"). Also called Parcel.

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



Lot, Through. Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. The property owner shall choose which lot line shall be considered the front lot line.

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

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

Lot Coverage. The part or percent of the lot occupied by main and/or accessory buildings.

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

Lot Lines. The lines bounding a lot as defined herein:

A. **Front Lot Line.** In the case of an interior lot, the front lot line is the line separating said lot from the street. In the case of a corner lot, there shall be two (2) front lot lines. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. In the case of a waterfront lot, the ordinary high water mark on a waterfront lot shall be treated as the front lot line and the street side lot line shall be the rear lot line.

B. **Rear Lot Line.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long and lying within the side lot lines. In the case of a corner lot, the lot line opposite the front of the principal building shall be the rear lot line.

C. **Side Lot Line.** Any lot line other than a front or rear lot line.

Lot of Record. A lot, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such lot held in record ownership separate from that of the remainder thereof.

Lot Width. The horizontal distance, which is not necessarily parallel to the road right-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines (**Figure A**). In the case of irregularly shaped lots, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot (**Figure B**).

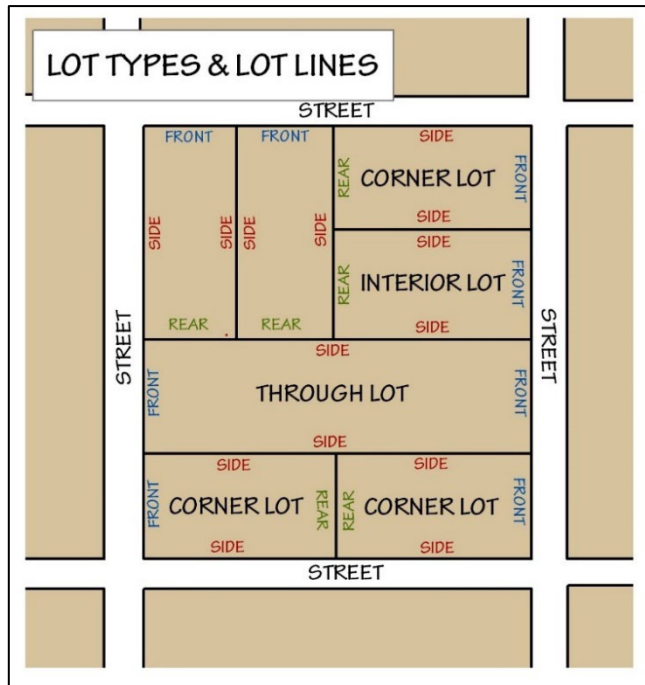


Figure A

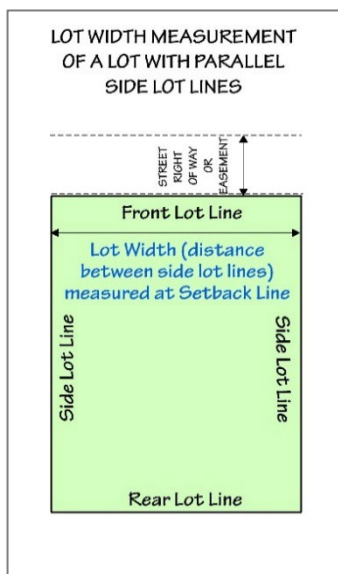
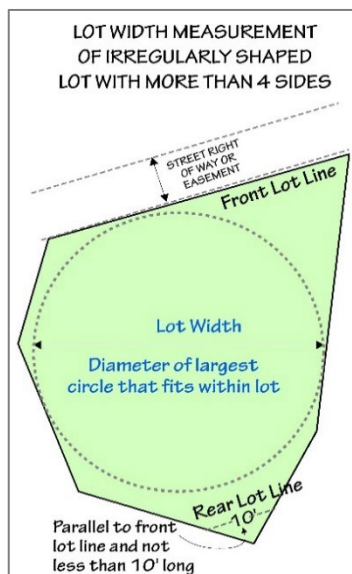


Figure B



M

Manufactured Home. A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a long-term dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and be installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. Includes the term mobile home.

Manufactured Housing Community. Any zoning lot upon which three (3) or more manufactured homes are located on a continual, non-recreational basis, regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use, accessory and incidental to such manufactured homes. Manufactured Housing Community is further defined by the **Mobile Home Commission Act**, 1987 PA 96, as amended.

Manufacturing, Heavy. The production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those facilities in which the modes of operation of the facility do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.

Manufacturing, Light. The production, processing, cleaning, testing, and distribution of materials, goods,

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

Marihuana Definitions: In addition to the following definitions, the Township adopts all definitions contained in any of the State rules, regulations, statutes, and administrative code enacted for the purpose of regulating medical marihuana facilities and adult use marihuana establishments. In the case of any difference in definition between the following marihuana definitions and those in the **Michigan Medical Marihuana Act**, the **Michigan Regulation and Taxation of Marihuana Act**, and the **Medical Marihuana Facilities Licensing Act**, those State laws shall prevail.

- A. **Enclosed, Locked Facility.** That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marihuana Act**, being MCL 333.26423).

- B. **Adult-Use Marihuana Establishment.** An enterprise at a specific location at which a licensee is licensed to operate under **Initiated Law 1 of 2018, Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.
 - 1. **Marihuana Grower.** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments, or as defined in the MRTMA.
 - 2. **Marihuana Microbusiness.** A person licensed to cultivate not more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments or as defined in the MRTMA.
 - 3. **Marihuana Processor.** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments or as defined in the MRTMA.
 - 4. **Marihuana Retailer.** A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older or as defined in the MRTMA.
 - 5. **Marihuana Secure Transporter.** A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments or as defined in the MRTMA.
 - 6. **Marihuana Safety Compliance Facility.** A person licensed to test marihuana, including certification for potency and the presence of contaminants or as defined in the MRTMA.

- C. **Medical Marihuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or

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marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.

1. **Marihuana Grower.** A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center or as defined in the MMFLA.
 2. **Marihuana Processor.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or as defined in the MMFLA..
 3. **Marihuana Provisioning Center.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act or as defined in the MMFLA..
 4. **Marihuana Safety Compliance Facility.** A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility or as defined in the MMFLA..
 5. **Marihuana Secure Transporter.** A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee or as defined in the MMFLA..
- D. **Marihuana.** That term as defined in the **Public Health Code**, MCL 333.1101 et seq., the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.; the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; the **Marihuana Tracking Act**, MCL 333.27901 et seq.; and the **Michigan Regulation and Taxation of Marihuana Act**, MCL 333.27951 et seq.
- E. **Person.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- F. **Primary Caregiver.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan Medical Marihuana Act**, being MCL 333.26423) who is at least 21 years old and who has been registered by **State Department of Licensing and Regulatory Affairs** or any successor agency to assist with a Qualifying Patients' use of medical marihuana.
- G. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- H. **Qualifying Patient.** That term defined in Section 3 of **Initiated Law 1 of 2008**, as amended (**Michigan**

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Medical Marihuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the **Michigan Medical Marihuana Act** and who has obtained a duly issued registry identification card from the **State Department of Licensing and Regulatory Affairs** or any successor agency.

Master Plan. The basic plan approved by the Planning Commission under the **Michigan Planning Enabling Act, 2008 PA 33**, as amended.

Mini-Storage. Groups of buildings that contain individual compartmentalized and controlled access stalls or lockers (sometimes in varying sizes) for dead storage of customer’s goods or wares.

Mixed Use Development. More than one (1) type of development on a single zoning lot.

Mobile Home. See **Manufactured Home**.

Motel or Motor Court. See **Hotel or Motel**.

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

N

Nonconforming Building. Any building or portion thereof legally existing on the effective date of this Ordinance, or amendment thereto, which is not in conformance with the standards of this Ordinance.

Nonconforming Lot. A lot of record that legally existed on the effective date of this Ordinance, or amendment thereto, which does not meet the dimensional requirements of this Ordinance.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, or amendment thereto, which does not comply with the standards of this Zoning Ordinance.

Nonconforming Use. A use which lawfully occupied a building or land on the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

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

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Nursery. A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include roadside stand.

Nursing Home. See *Convalescent or Nursing Home*.

O

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

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

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

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water are so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten (10) year flood limit line.

Outdoor Commercial Recreational Facilities. A commercial business that provides amusement facilities, such as, but not limited to, miniature golf, carnival rides, rebound tumbling facilities, and other similar attractions open to the general public.

Outdoor Display. A land area occupied and used for the display of merchandise offered for sale.

Outdoor Sales/Rental Facility. Includes uses substantially in the open air including sales and rental of the following (new or used): bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, contractor's equipment, lawn equipment, and similar items. Repair of such items may be an accessory use.

Outdoor Storage. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Owner. A person holding any legal, equitable, option, or contract of interest in land or building(s).

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P

Park. Properties and facilities owned or operated by any governmental agency or owned or operated by any private agency which are open to the general public for recreational purposes.

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

Patio. A paved open space, used for outdoor living purposes, and constructed of any materials providing a hard, durable surface, placed directly on the ground at ground level. A patio shall meet the setbacks of the principal building.

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

Permitted Use. A use by right which is specifically authorized in a particular zoning district.

Person. An individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Personal Services Establishments. Establishments offering services for a fee or other remuneration such as barber or beauty shops, clothing repair shops, health spas, massage therapy, and other similar uses.

Pet, Domestic. Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companions.

Pets, Exotic. Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, wild by nature, unusual in appearance, venomous, and can be potentially dangerous if they escape. Exotic animals could include but are not limited to nonhuman primates; venomous cold-blooded reptiles or other animals; constrictor snakes three (3) feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers, and tigers; non-domesticated carnivores like bears and wolves; sharks; ostriches or emu; venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

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

Planning Commission. The body appointed by the Township Board under the provisions of the **Michigan Planning Enabling Act, 2008 PA 33**, as amended, MCL 125.3801 et. seq. For the purpose of this Ordinance, the term Planning Commission is deemed to mean the Briley Township Planning Commission.

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Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of the **Land Division Act, 1967 PA 288**, as amended.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. Enclosed porches are considered part of the principal building.

Porch, Open. A covered or uncovered entrance to a building or structure which is unenclosed except for columns supporting a porch roof, projects out from the main wall of said building or structure, and has a separate roof or integral roof with the principal building or structure to which it is attached. Open porches are considered part of the principal building.

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

Principal Use. The primary or chief purpose for which a lot is used.

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

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

Pumphouse. A small building to house parts of a water system. A pumphouse shall be no larger than is necessary to house the elements of the water system.

R

Recreational Unit. Temporary recreational structure placed upon a campsite for the purpose of shelter. Examples include but are not limited to tents, campers, recreational vehicles, yurts, cabins, and similar units.

Recreational Vehicle. Any self-contained vehicle, without a sewer hookup, whether self-propelled or non-self-propelled, used or adapted to be used, or so constructed, as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a temporary dwelling place for one (1) or more persons, office, or other business.

Recreational Vehicle Park. Any lot upon which three (3) or more Recreational Vehicles are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use, accessory and incidental to such vehicles.

Resort. A commercial facility that provides lodging for the transient public which consists of cabins and/or rooms with or without kitchen facilities. A resort may provide indoor and outdoor recreational activities, commercial facilities such as sporting goods and/or a restaurant, may be self-contained, and may provide personal services customarily furnished at hotels. Ancillary commercial facilities and services may be utilized by guests and the

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public.

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

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

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

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

Road, Private. Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan, or the federal government.

Road, Public. Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan, or federal government.

Road Right-of-Way. A street, alley, or other thoroughfare or easement permanently established for the passage of persons or vehicles.

Rooming House. See **Boarding House/Rooming House.**

S

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

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Sanitary Landfill. An area planned and designed for the disposing of refuse, as defined by **Part 115 (Solid Waste Management) of 1994 PA 451 (Natural Resources and Environmental Protection Act)**, as amended, without creating nuisances or hazards to public health or safety.

School. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

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

Seasonal Use. Any use or activity that is not conducted during each month of the year.

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

Setback. The minimum required horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance. Provided, however, if a private easement is located within a lot and abuts a lot line, then the setback shall be the minimum required horizontal distance from the easement line closest to the center of the lot within which no building or structure can be placed, except as otherwise provided in this Ordinance. Setbacks are measured from the eave or overhang (dripline) of the building to the lot line.

- A. **Setback, Front.** The required setback measured from the front lot line or applicable easement line.
- B. **Setback, Rear.** The required setback measured from the rear lot line or applicable easement line.
- C. **Setback, Side.** The required setback measured from a side lot line or applicable easement line.

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

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies ten (10%) percent or more of the floor area or visible inventory within the establishment.

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

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

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

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified

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Anatomical Areas.

- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- K. **Specified Anatomical Areas.** Means and includes any of the following:
 - 1. Less than completely and opaquely covered.
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. **Specified Sexual Activities.** Means and includes any of the following:
 - 1. Human genitals in a state of sexual arousal.
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus.
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

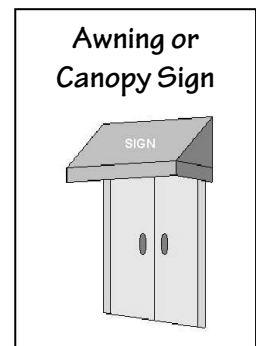
Shipping Container. A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship. Shipping containers include cargo containers, storage units, or other portable structures that are used for storage of items, including, but not limited to, clothing, equipment,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

Short Term Rental. A single-family dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of twenty-eight (28) days or less.

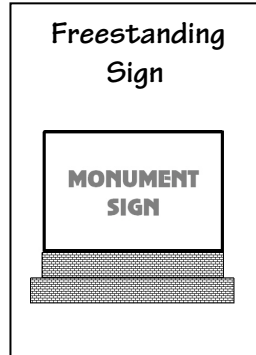
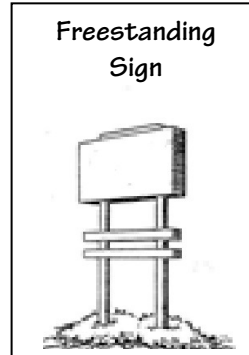
Sign. The use of any words, numerals, figures, devices, or designs by which anything is made known, such as to show a message, and is visible to the general public.

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

1. The sign has remained blank over a period of one (1) year.
2. The sign’s message becomes illegible in whole or substantial part.
3. A sign which has fallen into disrepair.



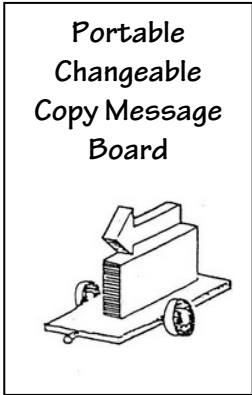
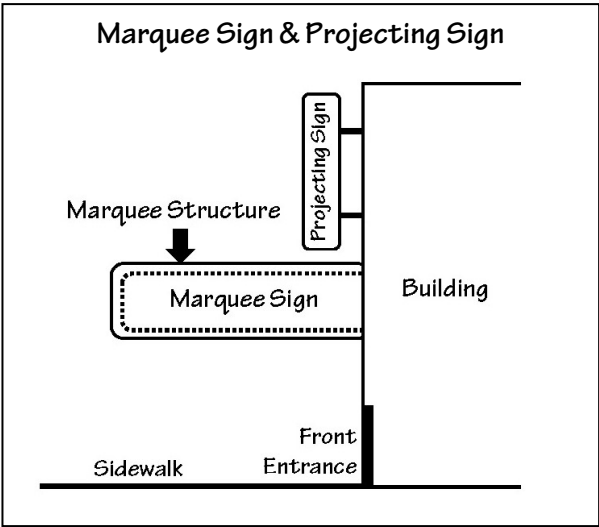
B. **Accessory Sign.** A permanent sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign. Accessory signs provide ancillary information to support the principal use of the premises.



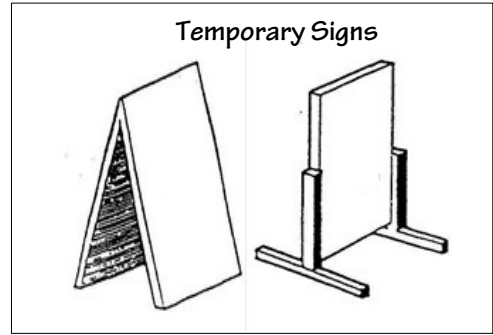
C. **A-Frame Sign.** Self-supporting temporary sign consisting of two (2) panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board.”

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

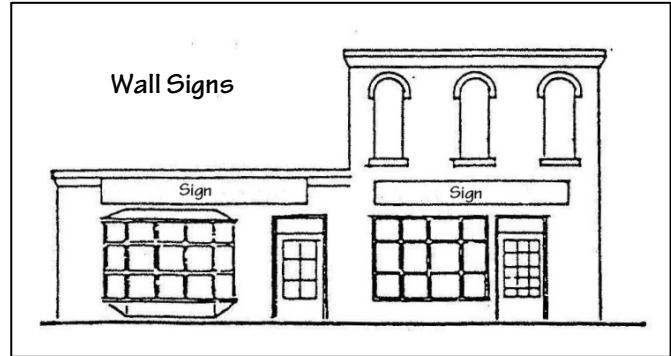
- E. **Cluster Sign.** An on-premises sign which is used for a complex of establishments on one (1) lot and contains multiple signs on one (1) structure and may include one (1) for each establishment and one (1) for the complex as a whole.
- F. **Freestanding Sign.** A sign supported by permanent uprights or braces in the ground. Freestanding signs include monument-style signs.
- G. **Marquee Sign.** Any sign attached to or supported by a marquee structure.
- H. **Message Center, Electronic.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
- I. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
- J. **Mural.** Any sign, message, or image painted directly onto the wall of a building.
- K. **Off-Premise Sign (Billboard).** Any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign which does not pertain to the premises or to the use of the premises on which the sign is located or to goods sold or services rendered or activities conducted on such premises.
- L. **Portable Changeable Copy Message Board.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.
- M. **Projecting Sign.** A sign, other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.
- N. **Roof Sign.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building or in the case of a building with a mansard roof or a gambrel roof, a sign that is above the deck line of the roof.



O. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



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



Sign Area. The entire area within a circle, triangle, parallelogram, or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) sign faces are placed back-to-back, and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

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

Sign Surface. That portion of a sign excluding its base, foundation, and erection supports on which is displayed information.

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

Small-Scale Craft Making. The production and sale of hand-made items including furniture, clothing, art, jewelry,

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toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar Energy Definitions.

- A. **Solar Energy Facility (Utility Scale).** A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

- B. **Solar Energy Panels (Accessory).** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site.
 - 1. **Building-Integrated Accessory Solar Energy Panels.** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

 - 2. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

 - 3. **Building-Mounted Accessory Solar Energy Panels.** A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.

- C. **Solar Collection Device.** The actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

- D. **Dual Use.** A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
 - 1. **Pollinator Habitat.** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

 - 2. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

 - 3. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

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- 4. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- E. **Maximum Tilt.** The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- F. **Minimum Tilt.** The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- G. **Non-Participating Lot(s).** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
- H. **Participating Lot(s).** One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
- I. **Repowering.** Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.
- J. **Wildlife-Friendly Fencing.** A fencing system with openings that allow wildlife to traverse over or through a fenced area.

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

Stable. A building used for housing horses.

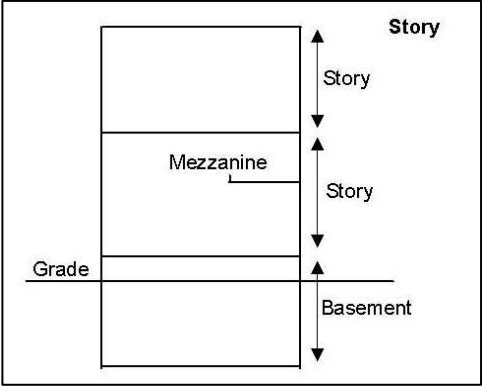
State-Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care.

Storage, Accessory. Storage which is accessory to the principal use of the premises.

Storage Facility. A building or property on which storage is carried out as the principal use of the property. See also **Mini-Storage**.

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Story. That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more. A basement shall be considered a full story only if fifty (50) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured and has the required ingress and egress per the adopted building code.



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

T

Temporary Building. A structure permitted by the Planning Commission to exist during periods of construction of the principal building/use or for special events.

Temporary Use. A use permitted by the Planning Commission to exist for limited periods of time.

Tiny Home. Any dwelling which does not meet the minimum dwelling unit size in that district.

Tower. See *Wireless Communications: Wireless Communications Support Structure*.

Townhouse. See *Dwelling, Multiple-Family*.

Township. Briley Township, Montmorency County, Michigan.

Township Board. The Briley Township Board.

Travel Trailer. See *Recreational Vehicle*.

U

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

Use, Accessory. See *Accessory Use*.

Use, Principal. See *Principal Use*.

Use, Temporary. See *Temporary Use*.

Usable Floor Area. See *Floor Area, Usable*.

V

Vacant Lot. A lot on which no principal building has been constructed or erected.

Variance. A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

W

Warehouse. A property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

Wind Turbine Definitions.

- A. **Wind Turbine.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- B. **Wind Turbine, Utility-Scale.** A wind turbine designed and used primarily to generate electricity by or for sale to utility companies.
- C. **Wind Turbine, On-Site.** A wind turbine designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- D. **Wind Turbine Height.** The distance between the ground and the highest point of the wind turbine, plus the length by which the rotor wind vanes or blades (in their highest position) mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine.
- E. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

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- F. **Anemometer.** A device used to measure wind speed.
- G. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- H. **Horizontal Axis Wind Turbine.** A wind turbine in which the rotor(s) rotate around a horizontal shaft.
- I. **Participating Lot.** One (1) or more lots under a signed lease or easement for development of a wind energy facility associated with the applicant project.
- J. **Non-Participating Lot.** One (1) or more lots for which there is not a signed lease or easement for development of a wind energy facility associated with the applicant project.
- K. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- L. **Vertical Axis Wind Turbine.** A wind turbine in which the rotor rotates around a vertical shaft.

Wireless Communications. Any FCC-licensed or authorized wireless communication service transmitted through the airwaves over frequencies in the electromagnetic spectrum including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Amateur Radio Antenna.** A freestanding or building-mounted antenna, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the **Federal Communications Commission.**
- C. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communication signals.
- D. **Antenna Array.** One (1) or more rods, panels, discs or similar devices used for the transmission or reception of wireless communications signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- E. **Co-Location.** The location of two (2) or more wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- F. **Height.** The distance measured from ground level to the highest point on the Wireless Communication Facility, including the antenna array.

- G. **Setback.** The required distance from the lot line of the lot on which the Wireless Communication Facility is located to the base of the Support Structure.
- H. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25') cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- I. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- J. **Wireless Communication Facility.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure. A Wireless Communication Facility also includes an antenna array attached to an existing building or structure.
- K. **Wireless Communication Facility (Ground-Mounted) – Also Called “Earth Station or Ground Station.”** A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).
- L. **Wireless Communications Support Structure (also known as “Tower”).** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

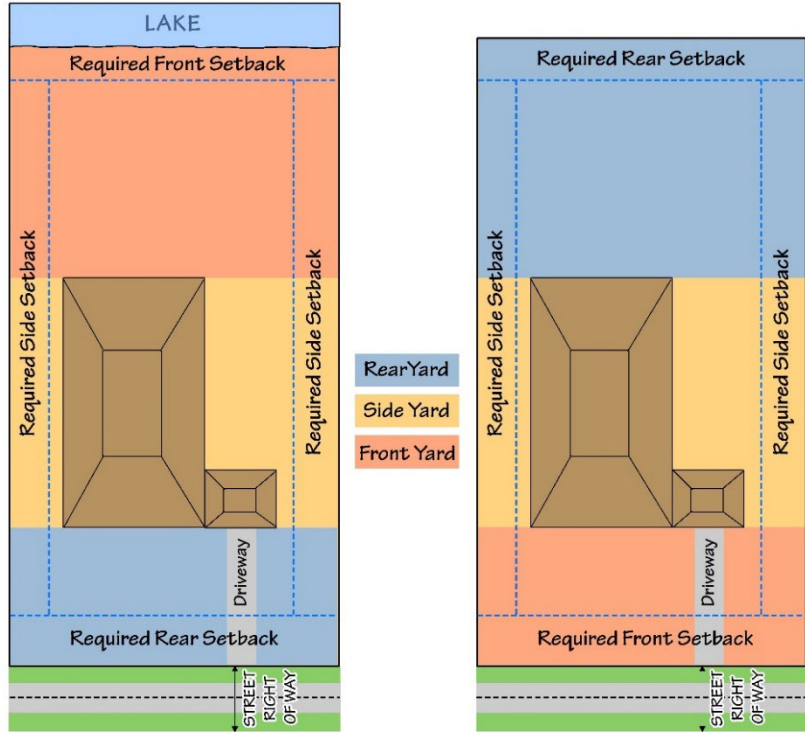
Yards. The space between a principal building, excluding steps and unenclosed porches, and a lot line.

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. For waterfront properties, the front yard is the waterfront yard.

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B. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building.

C. **Side Yard.** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point to the side lot line to the nearest point of the principal building.



Z

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

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning Board of Appeals. As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals whose duties and powers are detailed in **Article 8**.

Zoning District. A portion of Briley Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

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

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

Article 3

General Provisions

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Section 300 The Effect of Zoning

A. Conformance to Ordinance Required.

1. In order to carry out the intent of this Ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance and a zoning permit has been obtained.
2. Zoning affects every structure and use and extends vertically from the ground up.
3. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building, or structure shall be deemed a violation of this Ordinance and shall subject to the owner or occupant of the lot to the enforcement provisions of this Ordinance.

B. Uses, Activities, and Construction in Progress.

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

C. Zoning Lots.

When multiple lots are used together to meet the minimum requirements for width, area, setback, and other Ordinance requirements, the lots together are considered one (1) zoning lot for zoning purposes.

D. Minimum Lots and Yards.

1. No lot or lots in common ownership, nor yard, court, parking space, or any other place shall be divided, altered, or reduced as to be less than the minimum allowable dimensions as defined in this Ordinance except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If such areas are already less than the minimum allowable dimensions set forth herein, they shall not be divided, altered, or reduced further. An exception to subsection D.1 is provided in subsection D.2 below.
2. **Creation of a Temporary Nonconforming Lot.** A lot may be split which results in a nonconforming lot (a lot that does not meet the minimum lot width or area standards) only in the event that the resulting nonconforming portion of the lot is legally combined with another existing abutting lot. Until the lot is legally combined with another existing abutting lot, that newly created nonconforming lot shall not be developed.

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E. Maintenance of Required Elements.

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

F. Moving Buildings.

1. The moving of a building to a different location shall be considered the same as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.
2. If a building which currently exists in the Township is being moved to another location within the same zoning district in the Township and it does not meet the minimum dwelling unit size or width for that district, that building shall not be required to meet the district regulation for minimum dwelling unit size or width.
3. If a building which currently exists in the Township is being moved to a different district in the Township, the Planning Commission may waive the minimum dwelling unit size and width after site plan review.

Section 301 Principal Use/Principal Building Per Lot

No lot may contain more than one (1) principal building excepting groups of multiple-family dwellings, offices, retail business buildings, or other similar groups of buildings the Planning Commission considers to be principal buildings or uses unless otherwise allowed by this Ordinance.

Section 302 Access

A. Access to Public Road Required.

Any lot of record created after the effective date of this Ordinance shall have access to a public road, easement which provides access to a public road, or with access to an approved private road, except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of the Ordinance.

B. Driveways.

Driveways may be placed within the required front, side, or rear setbacks so as to provide access to the lot and/or buildings. Further, at-grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel, and similar materials shall not be considered structures and shall be allowed in any setback.

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Section 303 Water Supply & Sewage Disposal

All water supply and sanitary sewage disposal systems, either public or private, for any building hereafter erected, altered, or moved upon any premises shall be subject to compliance with **District Health Department #4** sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.

Section 304 Restoration of Unsafe Buildings

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

Section 305 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

Section 306 Illegal Dwellings

No structure without adequate sanitary facilities or otherwise structurally incomplete shall be used for permanent dwelling purposes.

The use of any portion of a partially completed structure for permanent dwelling purposes shall not be permitted unless a temporary zoning permit has been issued. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

Section 307 Detached Accessory Buildings/Structures for Residential Uses

This Section pertains to detached accessory buildings/structures for residential uses only. Attached accessory buildings/structures (such as but not limited to attached garages and attached carports) shall be considered part of the principal building. If a previously detached accessory building/structure is subsequently attached to the principal building, it shall meet the standards of the principal building. Accessory buildings for non-residential uses shall comply with the same regulations as the principal building.

A. Zoning Permit.

A zoning permit shall be required for all accessory buildings/structures containing a ground floor area of (100) one hundred square feet or more. Temporary accessory buildings/structures are to be treated as permanent for zoning purposes. All accessory buildings shall meet the requirements of this Section, whether or not they require a zoning permit.

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B. Floor Area.

1. **R-1 and R-2 Districts.** On property zoned R-1 or R-2, the total floor area of all accessory buildings/structures shall not occupy more than twenty (20) percent of the lot area.
2. **All Districts Except R-1 and R-2.** There is no limit to the floor area permitted for accessory buildings/structures.

C. Number Allowed.

There is no limit to the number of accessory buildings that may be erected on a lot.

D. Dimensional Standards.

1. **Distance from other Buildings.** No detached accessory building/structure shall be located closer than fifteen (15) feet to any other building,
2. **Setbacks.** Detached accessory buildings/structures may be located in any yard and shall meet all setback requirements for the district in which it is located, except in the case of the rear lot line, a ten (10) foot setback shall be allowed.
3. **Height.** No accessory building situated shall exceed the height limitations of the district where located. These requirements shall not apply to farm buildings and other structures listed in **Section 402.C.3**.

E. Accessory Structures.

1. **Electric/Vehicle Charging Stations.** Electric vehicle charging stations shall be considered an accessory structure. Electric vehicle charging stations shall be allowed in any yard and shall be set back at least ten (10) feet from all lot lines.
2. **Private Swimming Pools.** Permanent swimming pools shall be located in the rear yard only and shall comply with the fencing requirements contained in the County Building Code.
3. **Accessory Solar Panels.** See **Section 713**.
4. **On-Site Wind Turbines.** See **Section 712.C**.

F. Accessory Building as a Dwelling.

An accessory building may be occupied as an accessory dwelling unit pursuant to the standards in **Section 702**. Such accessory dwelling unit shall comply with all provisions of this Ordinance relating to buildings for residential purposes unless superseded by **Section 702**.

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G. Storages Buildings/Garages on Lots without a Residence.

A storage building/garage may be erected or moved onto vacant lots in all districts but are not allowed on lots less than one (1) acre in size. The Zoning Administrator shall review and issue a zoning permit for such accessory buildings/structures provided they meet the following criteria:

1. The accessory/storage building shall be located on the lot so that there exists a location on the lot where a future principal building, which meets the minimum required floor area of the zoning district, may be constructed in full compliance with the dimensional regulations (setbacks) of the zoning district in which located.

H. Non-Traditional Storage Facilities.

Truck bodies, school bus bodies, manufactured homes, recreational vehicles, shipping containers, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only for up to one (1) year.

Section 308 Recreational Vehicles

This Section applies to recreational vehicles outside of a recreational vehicle park or a commercial recreational vehicle dealership or storage facility.

A. General.

1. No zoning permit is required for a recreational vehicle.
2. A recreational vehicle is not to be considered a residential dwelling unit.
3. Recreational vehicles shall not become permanent structures on a lot. The wheels and/or towing mechanism shall not be removed from a recreational vehicle. No foundation shall be added to a recreational vehicle.
4. No permanent structures (such as decks or additions) shall be attached to a recreational vehicle. A permanent pad below the recreational vehicle is permitted.
5. No recreational vehicle shall be placed on a lot and rented out as temporary or permanent living quarters for compensation.

B. Occupancy of Recreational Vehicles.

1. Up to two (2) occupied recreational vehicles may be located on a vacant or developed zoning lot at the same time for no more than ninety (90) days per calendar year.

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- 2. Occupied recreational vehicles shall be equipped with holding tanks and fresh water or located upon premises having running water and sewage facilities.

C. Open Storage of Recreational Vehicles (Outside of an Enclosed Building).

- 1. Up to two (2) unoccupied recreational vehicles may be located on a vacant or developed zoning lot at the same time.
- 2. Storage may only occur in the rear or side yard. No setbacks are required.

Section 309 Temporary Dwelling Occupancy During Construction of a Dwelling

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township and of reducing hazards to health, life, and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, or manufactured home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- A. The location shall conform to the provisions governing setback requirements of standard dwellings in the district where located. The Zoning Administrator shall have the authority to reduce setback requirements where complying with setbacks is not possible or would cause practical difficulties.
- B. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator when he or she finds there is good cause for the extension. The substandard dwelling shall be removed within thirty (30) days of completion of construction of a dwelling complying with the requirements of this Ordinance.
- C. Installation of a septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by **District Health Department #4** and shall precede occupancy of the substandard dwelling.
- D. Application for the erection and use of a temporary dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose and on the copy retained for filing by the Township that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- E. No annexes or additions shall be added to temporary substandard dwellings.

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Section 310 Manufactured Homes

Manufactured homes (outside of manufactured housing communities) shall meet the standards for minimum lot size, setbacks, minimum floor area, and minimum dwelling unit width for the district in which they are located. All manufactured homes (including those within manufactured housing communities) shall meet the following additional standards:

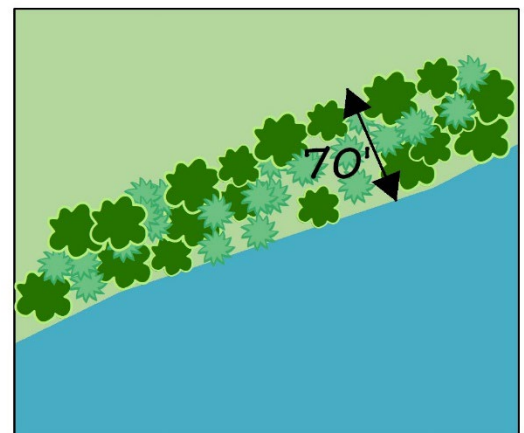
- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.
- B. Manufactured homes shall be installed according to the manufacturer's setup requirements, and the United States Department of Housing and Urban Development (HUD) regulations entitled "**Manufactured Home Installation Standards**" and the construction of the unit shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974**.
- C. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- D. Manufactured homes shall not be used as accessory buildings.
- E. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home.

Section 311 Construction Debris

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

Section 312 Waterfront Greenbelt

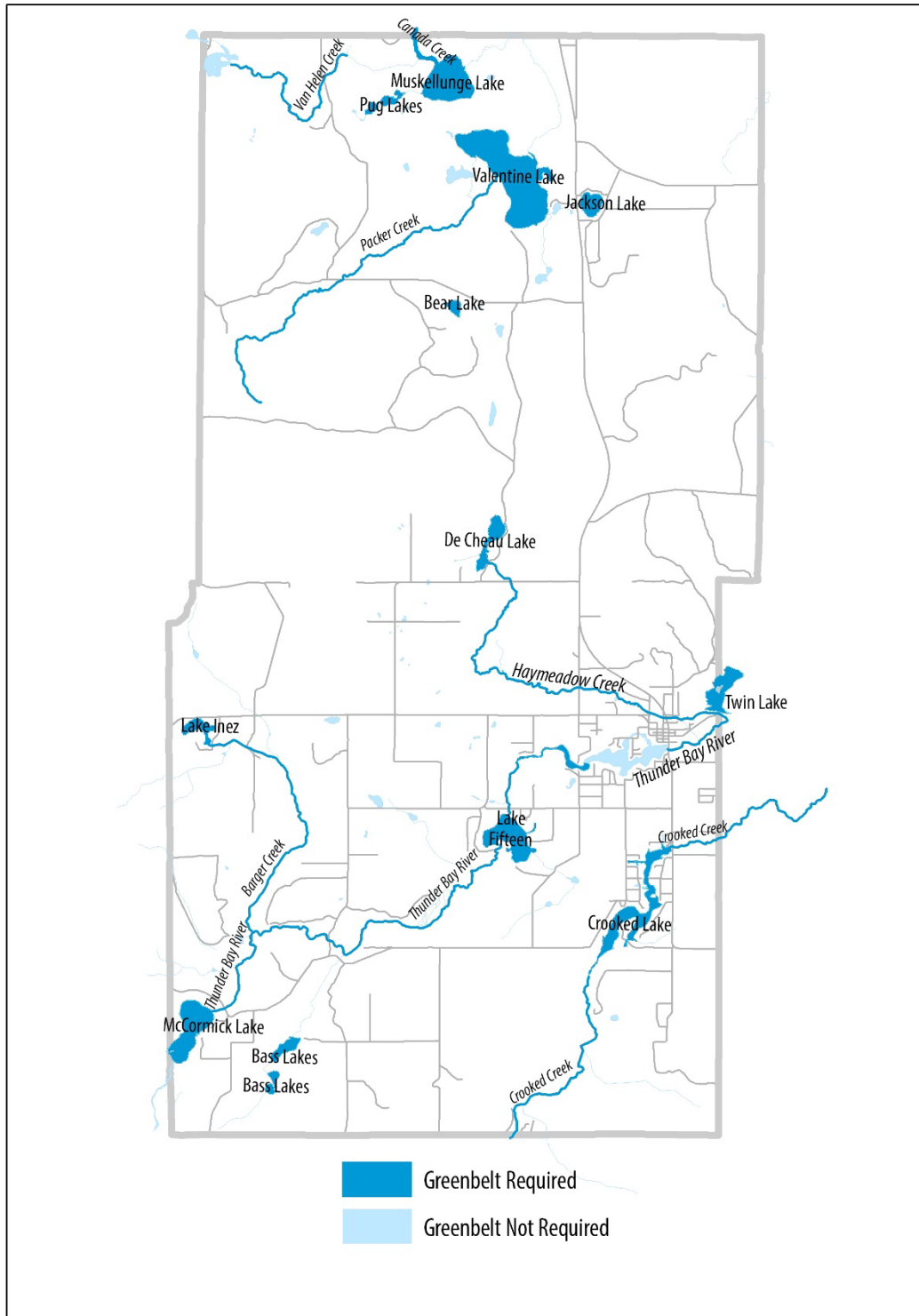
- A. All uses of land within seventy (70) feet deep from the waterline of a stream, river, or lake listed in **subsection B** shall comply with a Soil Erosion Permit, if applicable, and the following requirements:
 - 1. No dwelling unit, cottage, cabin, garage, shed, or commercial structure shall be constructed within such area.



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2. All such areas shall be maintained in their natural tree shrub condition, with a maintained lawn, or a combination of both; except that selective tree cutting, pruning, and planting may occur to promote healthy vegetation growth.
 3. No excavating, filling, or grading may occur within such area unless accompanied by immediate steps to prevent erosion and silting into adjacent waters.
 4. No fertilizers or other chemicals may be used, sprayed, or spread on the ground within such area.
 5. No septic system may be used or maintained within such area.
 6. Water-dependent structures shall be permitted with the waterfront greenbelt including the following:
 - a. Pumphouses are allowed but shall be as small as possible to cover pump and must use colors or materials that blend with the environment.
 - b. Boat launch ramps and docks. Side setbacks of the district shall be maintained where the structure meets the ordinary high water mark.
 - c. Stairways or landings, when needed for lake access.
 - d. Decks and patios.
 - e. No boathouses shall be permitted in the waterfront greenbelt.
- B. The requirements of **subsection A** shall apply to all lands within Briley Township within seventy (70) feet of the high-water mark of streams, rivers, lakes, and/or impoundment thereof; Haymeadow Creek, Barger Creek, Crooked Creek, Canada Creek, Packer Creek, Van Helen Creek, Thunder Bay River, Pug Lakes, Muskellunge Lake, Valentine Lake, Jackson Lake, DeCheau Lake, Lake Inez, Lake Fifteen, Crooked Lake, Bass Lake, Twin Lake, and McCormick Lake.

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1 Title & Purpose

2 Definitions

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Section 313 Wellhead Protection

The following restrictions apply to both residential and commercial uses:

- A. The site shall have modern sanitation including an operating septic system designed to reduce groundwater pollution.
- B. All abandoned wells shall be plugged.
- C. Floor drains shall be routed to a septic system or maintained holding tank.
- D. Sales, use, or generation of hazardous substances, must be contained to isolate from possible groundwater contamination.

Section 314 Nonconformities

A. General.

- 1. It is the intent of this Section to permit the continuation of any lawful use of a structure or land existing as of the effective date of this Ordinance or amendment. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. A structure on which actual construction was lawfully begun prior to the enactment of this Ordinance, or any amendment, and on which construction materials have been permanently fixed in place may be continued although the structure or planned use does not conform with the Ordinance or amendment.
- 2. **Change in Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming, nonconforming building/structures, or nonconforming lot which does not alter its nonconforming status.
- 3. **Condemnations To Remove Nonconforming Uses.** The Township may acquire by purchase, condemnation, or otherwise, private property or an interest in private property, for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the property may be paid from general funds or assessed to all special districts. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with **1911 PA 149**, as amended, beginning Section 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

B. Nonconforming Buildings/Structures.

Any building or portion thereof legally existing on the effective date of this Ordinance, or amendment thereto, which is not in conformance with the standards of this Ordinance shall be subject to the following regulations:

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1. **Alteration.** A nonconforming building/structure may be enlarged or altered in a way that does not increase its nonconformity.
2. **Damage.** A nonconforming building/structure which is damaged or completely or partially removed by fire, explosion, the public enemy, Act of God, or purposeful removal may be rebuilt in its footprint that existed prior to the damage or destruction if not more than fifty (50) percent of the bulk of the structure is destroyed or removed.
3. **Repair.** Nothing in this Ordinance shall prevent reasonably necessary repairs to a nonconforming building/structure.
4. **Re-Location of a Nonconforming Building/Structure.** Should a nonconforming building/structure, which is nonconforming due to insufficient setbacks, be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

C. Nonconforming Uses.

A use which lawfully occupied a building or land on the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located shall be subject to the following regulations:

1. **Change of Use.** A nonconforming use shall not be changed to other than a conforming use, nor shall any nonconforming use be reverted to a former nonconforming use after use has been changed to a conforming use.
2. **Expansion or Enlargement.** No nonconforming use shall be enlarged or expanded nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance except as provided below:
 - a. **Expansion or Enlargement by Special Use Permit.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Planning Commission, by following the Special Use Permit notice provisions of this Ordinance, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:
 - (1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.
 - (2) Will essentially retain the character and environment of adjacent premises.
 - (3) Will not cause, perpetuate, or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion, or land overcrowding).

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- b. **Expansion Throughout a Building.** Any nonconforming use may be carried on or expanded throughout any parts of a *building* which were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Ordinance.

- 3. **Damage.** In the event that fire, explosion, the public enemy, Act of God, or purposeful removal destroys, damages, or removes an existing structure devoted to a nonconforming use, the nonconforming use may be re-established in the configuration that existed prior to the damage or destruction.

- 4. **Abandonment.** If a property owner has an intent to abandon a nonconforming use, building, or structure and in fact abandons this nonconforming use, building, or structure for a period of one (1) year or more, then any subsequent use of the building, structure or property shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

- 5. **Conditions.** A zoning permit granted pursuant to this Section may contain conditions and restrictions on not only the reconstruction, restoration, or extension applied for but may also contain conditions and restrictions on the original nonconforming use.

D. Nonconforming Lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot of record at the date of adoption or amendment of this Ordinance. Additions, alterations, and improvements not in compliance with ordinance provisions may be appealed to the Zoning Board of Appeals.

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Section 315 Domestic Animals & Livestock on Residential Lots

A. Livestock on Residential Lots.

The keeping of livestock for the purposes of a hobby farm on residential lots shall be permitted shall subject to Planning Commission review, which shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises.

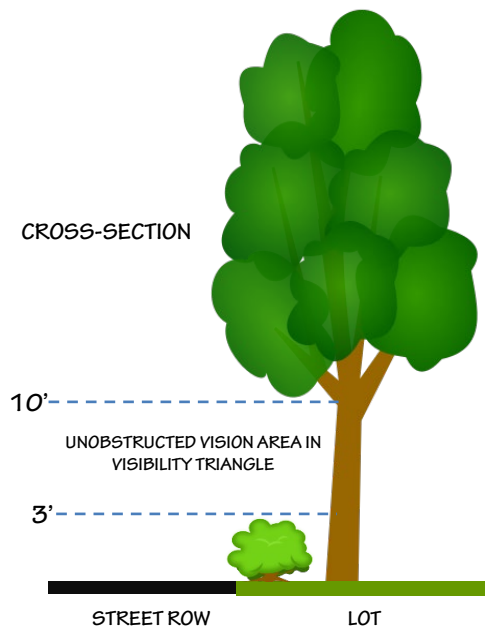
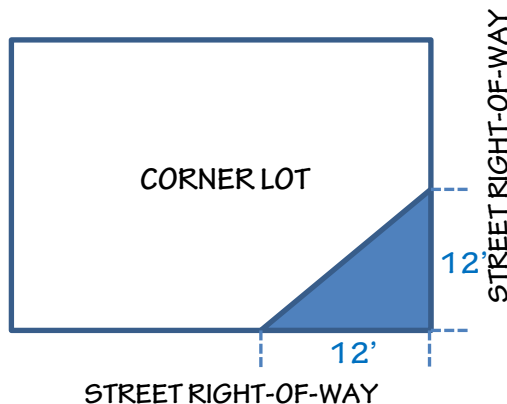
1. Lots which have less than twenty (20) acres (including all Category 4 sites designated by the Michigan Department of Agriculture and Rural Development) shall require a Special Use review as well.

B. Domestic Household Pets.

Domestic Household pets, including dogs, cats, and other pets considered domestic but not including exotic pets such as venomous or dangerous reptiles or wild or dangerous animals, may be kept as an accessory residential use on any premises, without a permit, provided no more than three (3) animals of any one (1) species are to be kept and reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than three (3) domestic pets of any one (1) species shall be interpreted to be a kennel except on commercial farms or hobby farms which have received approval pursuant to **subsection A** above.

316 Corner Visibility

To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions, except open fences through which there shall be clear vision, shall be erected, planted, or maintained in the triangular area formed by the right-of-way lines of two (2) intersecting streets and a line connecting them twelve (12) feet from the point of intersection. This clear area shall be kept in this unobstructed corner between the heights of three (3) feet and ten (10) feet.



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Section 317 Fences

A. General Standards.

1. **Zoning Permit.** A zoning permit is required for fences.
2. **Property Line Determination.** In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey, if necessary, to determine accurate property lines. The Township may require a professional survey prior to issuing a zoning permit for a fence. The Township shall not be held responsible for any property line or fence disputes between adjacent property owners.
3. **Fence Materials.**
 - a. Barbed wire and electrical fences are only allowed for garden and livestock enclosures. Single wire fences are prohibited.
 - b. Fence materials may include materials specifically designed for fence construction and include materials designated as acceptable by the Zoning Administrator.
 - c. Snow fences are allowed from October 15 through April 15. As used in this Ordinance, the term “snow fence” includes not only the fencing material but also all posts to which the fencing material is attached.
4. **Clear Vision.** No fence shall be constructed in a manner which obscures the vision of vehicles needing access to roads or highways. Fences shall be subject to the corner visibility standards in **Section 316**.
5. **Finished Side of Fence.** The “finished” (good) side of the fence shall be the side facing a street right-of-way or facing property other than the property of the fence owner. The fence posts and horizontal/vertical supports shall face the side of the fence owner.
6. **Emergency Access.** Emergency vehicle access to a dwelling must be provided with a fourteen (14) foot opening, gated or not.
7. **Fences for Screening/Safety.** The Township Planning Commission may require that a fence be erected for screening and safety purposes and may set specifications for such a situation.

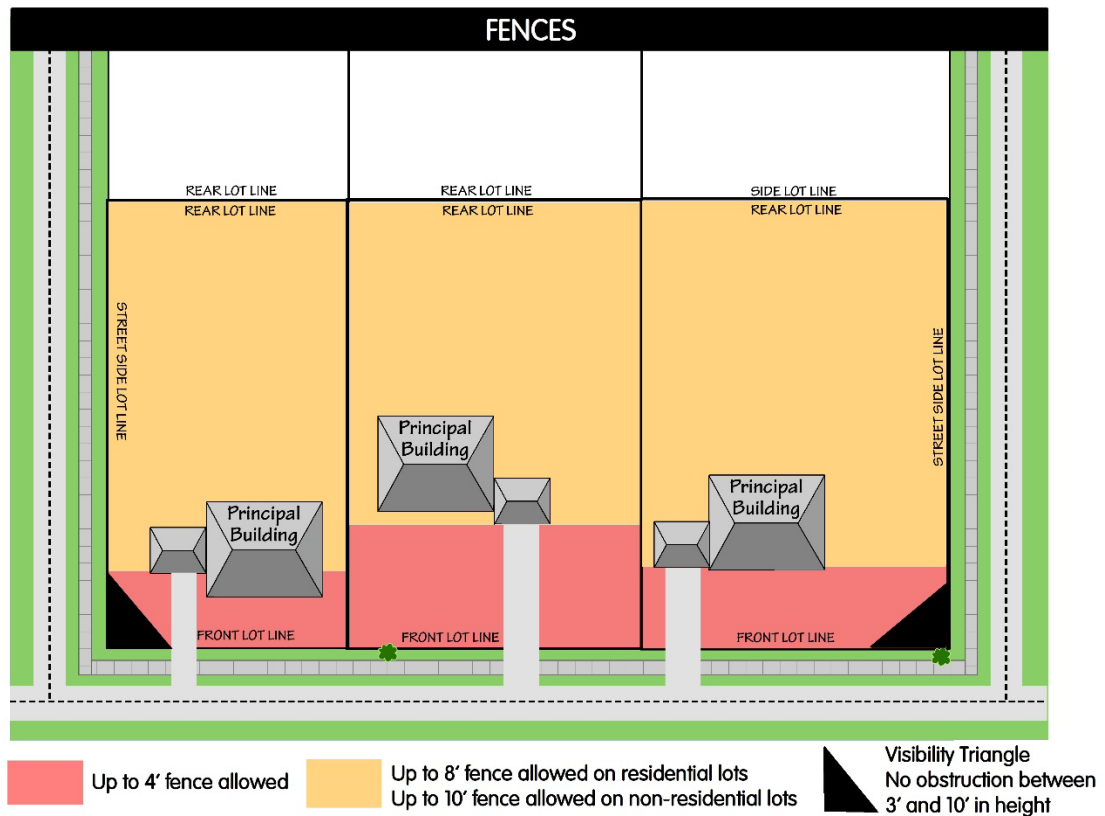
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B. Dimensional Standards.

Table 317 Fence Location & Height		
	Residential	Non-Residential
Front Yard	Fences may be up to 4 feet high	Fences may be up to 4 feet high
Side Yard & Rear Yard	Fences may be up to 8 feet high	Fences may be up to 10 feet high
Waterfront Yard	Fences shall not exceed 4 feet in the waterfront setback 70 feet from the ordinary high water mark	Fences shall not exceed 4 feet in the waterfront setback 70 feet from the ordinary high water mark. Planted shrubbery shall be no higher than the maximum fence height and shall be no closer to the waterline than a fence.

Fence height is measured from the abutting established ground level of the lot. However, a fence erected on a berm may be allowed by the Planning Commission to comply with screening requirements in **Section 317**.

Fences shall be setback six (6) inches from the lot line.



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Section 318 Buffering & Protective Screening

A. Screening/Buffer Strip.

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

1. **Screening Fences and Walls.** Solid fences, walls, chainlink, or other wire fences utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved.
2. **Vegetative Buffer Strip.** The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence, wall, or berm to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.
 - a. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
 - b. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
3. **Berms.** The Planning Commission may approve an earth berm to achieve a portion or all of the buffering requirement. When such a berm is provided, it shall be landscaped and maintained in a clean and orderly growing condition and shall meet the following design standards:
 - a. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The side slopes shall be protected from erosion by sodding or seeding. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) feet run ratio.
 - b. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
 - c. Berms shall be constructed in a way that does not alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

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- d. Trees shall be allowed to be placed on berms.
- e. No buildings or any structures shall be permitted upon or within any berm.
- f. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances.

B. Installation and Maintenance.

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

C. Screening/Buffering Plans.

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

D. Waiver.

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

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

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Section 319 Landscaping

These requirements apply to all non-residential uses and multi-family uses.

A. Intent.

It is the intent of this Section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.
2. Safeguard and enhance private and public property values and encourage continued investment in the community.
3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.
4. Provide for the preservation of native trees and vegetation.

B. Flexible Design Standards.

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this Section be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this Section. The provisions of this Section shall be considered the minimum development standards and not a design goal.
2. The Planning Commission may approve variations from strict compliance with this Section when an applicant can demonstrate that any of the following apply to a specific development site:
 - a. When topography, shape, size, or other natural features make full compliance impractical or impossible.
 - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance.
 - c. When safety considerations warrant alternative compliance.
 - d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
 - e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this Section.

C. Landscape Plan Required.

A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
2. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
3. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
4. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
5. Identification of existing trees and vegetative cover to be preserved.
6. Identification of grass and other ground cover and method of planting.
7. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

D. Landscaping Standards.

1. In addition to any landscape areas and/or parking lot landscaping required by this Ordinance, at least ten (10) percent of the site area shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five (5) percent of the site area.
3. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark, and wood chips shall be limited to small areas and shall not exceed twenty-five (25) percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
4. Grass or other living plants shall be the primary ground cover in required landscape areas. Vines shall not be used adjacent to pedestrian areas.

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5. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.
6. No synthetic plant material shall be used to fulfill any landscaping requirement.
7. All trees shall be located to allow sufficient room for growth.
8. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy or the next appropriate planting season, whichever comes first, and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
9. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
10. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections and not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
11. Minimum plant sizes at the time of installation:

Deciduous Canopy Trees	2½"	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2"	dbh
Evergreen Tree:	5'	height
Narrow Evergreen Trees	3'	height
Deciduous Shrub:	2'	height
Large Evergreen Shrub:	2'	height
Spreading Evergreen Shrub:	18" – 24"	spread
12. **Existing Vegetation.** Existing plant material, which complies with the standards and intent of the Ordinance shall be credited toward meeting the landscape requirements.
 - a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.
 - b. Trees to be preserved shall be pruned to remove dead, diseased, or irregular branching, but the crown form characteristic of the respective species shall be maintained.
 - c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or dripline.

- d. The critical root zone of the tree shall remain undisturbed by cutting, filling, or storage of materials and equipment during the development process.
- e. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

13. **Green Roofs and Permeable Pavement.** The area of a green roof or permeable pavement may be substituted for required landscape areas. Each square foot of green roof or permeable pavement may replace a required square foot of landscaping. Green roofs are permissible in all zoning districts.

Section 320 Outdoor Lighting

No outdoor lighting shall be constructed or used on premises in Briley Township which shall cause a direct glare upon or interfere with persons using a public road or any adjacent or nearby premises. “Direct Glare” is the focus area of the lighting fixture and this focus area shall not focus on adjacent properties or public roads.

Section 321 Voting Place

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 322 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment (“Utility Improvements”), shall be a permitted use in any district when the locating of such Utility Improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. When this is the case, this Section shall supersede the **Tables of Permitted and Special Uses in Article 4**. Utility Improvements shall undergo site plan review pursuant to **Article 5** and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to **Section 318**. This Section shall not apply to storage yards and office buildings.

Section 323 Stormwater Retention & Drainage

A. Stormwater drainage in excess of natural conditions shall be retained on site. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing stormwater ditch, stormwater pipe, or through other stormwater facilities that will be developed at the same time as the proposed new use. Written approval from the **Michigan Department of Transportation (MDOT)** shall be required for an additional site run-off directed into a state trunkline ditch, i.e. M-32 or M-33.

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

Section 324 Hazardous Substances

- A. These provisions apply to uses that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month:
 - 1. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
 - 2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - 3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
 - 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 - 5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.
 - 6. A plan for disposal shall be submitted to the Township.
- B. Dumping of materials and/or nuclear wastes shall not be allowed within the Township, except as permitted by **1978 PA 113**, as amended.

Section 325 Dumping & Storage of Material/Waste

- A. **Storage, Dumping of Waste, Junk, etc.**
 - 1. The use of land or water resources for the storage, collection, or accumulation of used construction materials or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, salvage material, slag, or ash (except for those properly sealed or adequately concealed organic materials discharged in the performance of farming activities on the same lot on which the premises are located) must conform to state and federal legislation pertaining to dumping of waste materials. Such dumping

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or disposal shall not negatively affect the water table, nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township, nor shall the natural terrain be altered in any fashion to create safety or health hazards, or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned nor create olfactory or visual pollution.

2. **Junk and Salvage Material Storage (not in junkyards).** Junk storage and salvage materials shall be located within a completely enclosed building or open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence, or greenbelt, and no storage yards shall be nearer to the exterior boundary of the lot than one hundred (100) feet

B. Temporary Storage of Used Materials.

The temporary storage, collection, or placing of used or discarded materials such as lumber, scrap iron, slag, ashes, or other such matter shall be allowed only after a permit is issued by the Zoning Administrator stating the conditions under which such activity shall be performed. The Zoning Administrator shall require the removal of such materials from districts in which said materials are illegally stored or placed. Such removal shall take place within thirty (30) days after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying them of the violation and stating the date on which such materials must be removed from the premises, and/or the date, time, and place the individual may appear before the Planning Commission to request a Special Use permit for such storage.

Section 326 Parking & Loading Requirements

A. Purpose and Exemption from Parking Section.

1. There shall be provided in all Districts at the time of erection or enlargement of any principal building or structure or use, automobile off-street parking space with adequate access to all spaces.
2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. The requirements of this Section are not applicable to uses within the Downtown M-32 Corridor in the Old Town District (see **Figure 407.C**).

B. When Compliance is Required.

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

1. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
2. **Enlargement.** Whenever a building is expanded to increase its usable floor area.

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

C. **Parking Location.**

1. **Single-Family and Two-Family Residential** off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof and shall be located on the premises they are intended to serve. In a residential district, a commercial vehicle may be parked or stored provided it does not exceed one (1) ton in capacity.
2. **Motor Vehicle Parking: Multi-Family and Non-Residential Uses.** Parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot

D. **Approval.**

1. **Single-Family and Two-Family Residential.** The Zoning Administrator is responsible for reviewing and approving parking areas.
2. **Non-Residential and Multiple-Family Residential.** Plans for the development of any parking lot shall be submitted as part of the site plan to the Zoning Administrator and must be approved by the Planning Commission prior to the start of construction. In the event that owing to inclement or cold weather conditions said parking lot cannot be improved, a six (6) month extension can be issued by the Zoning Administrator provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten (10) percent of the cost of construction of the parking lot, as determined by the Zoning Administrator, which deposit or bond shall be mandatorily forfeited if said parking lot is not fully completed within said six (6) month period. The following shall be shown on the site plan:
 - a. Parking space arrangement, number, and dimension.
 - b. Handicap spaces.
 - c. Ingress and egress.

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- d. Pedestrian circulation.
- e. Drainage.
- f. Snow storage areas.
- g. Curbs, if applicable.
- h. Screening, if applicable.

E. General Standards for Non-Residential and Multiple Family Parking Lots.

1. Parking Restriction.

- a. It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
- b. The storage of merchandise, motor vehicles for sale, trucks, or vehicles for the purpose of repair is prohibited on required off-street parking lots.

2. Runoff and Dust. Such parking lots shall be maintained in a usable dustproof condition and shall be graded and drained to dispose of surface water. No surface water shall be allowed to drain onto adjoining private property.

3. Curbs. Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained, as may be required by the Township.

4. Illumination. All illumination for or on such parking lots shall be deflected away from residential areas and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day.

5. Turn-Around Space. Adequate space should be provided in all parking areas to facilitate the turning around of vehicles so that the entry onto streets and roads may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to ensure vehicular and pedestrian safety.

6. Snow Storage. Adequate area must be provided for snow piling.

7. Handicap Parking. Handicap parking must be provided as required by state and federal regulations.

8. Designation. The designation of the parking area must be clearly identifiable for use by the public.

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9. **Screening.** All parking areas shall be screened on all sides which abuts a residential use with an ornamental fence or compact hedge not less than six (6) feet in height of a type which will at all seasons obscure vision from adjoining premises but will not interfere with corner vision as stipulated in **Section 316**.

10. **Landscaping.** A parking lot providing fifty (50) or more parking spaces shall reserve a minimum of five (5) percent of the parking lot area for interior landscaping. A parking lot providing forty-nine (49) or fewer parking spaces shall reserve a minimum of two (2) percent of the parking lot area for interior landscaping. This required landscaping may be transferred to the perimeter of the lot(s) if interior landscaping is not possible.

11. **Pedestrian Circulation.**

a. **Required Pedestrian Walkways within the Lot.**

(1) All developments except for single- and two-family dwellings shall provide clearly defined pedestrian walkways from the public sidewalk to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building. Pedestrian-scale lighting shall be included, where appropriate.

(2) Pedestrian walkways shall be designed to be recognizable to both drivers and pedestrians.

b. **Public Sidewalk.** In the Old Town District, a public sidewalk shall be installed for all new development if no sidewalk exists. Single-family and two-family residential are exempt from this subsection 11.

12. **Bicycle Parking.**

a. **Required Bicycle Parking.** Buildings with an area of more than five thousand (5,000) square feet in size and which contain commercial establishments, educational institutions, or multi-family residential establishments shall provide bicycle parking. The Planning Commission may require bicycle parking for any new buildings.

b. **Bicycle Parking Substitution.** In off-street parking lots, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of two (2) automobile spaces replaced with bicycle parking.

13. **Electric Vehicle Charging Stations.**

a. Electric vehicle charging stations located in parking lots shall be allowed and shall be set back at least ten (10) feet from the front lot line and five (5) feet from the side and rear lot lines.

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- b. The charging station shall be located so as not to interfere with any vehicular or pedestrian circulation or block any fire lanes or access into the site.
- c. Any outdoor lighting associated with an electric charging station shall be full cut-off and consistent in color and design with the other existing light poles and/or outdoor lighting.

F. Number of Parking Spaces Required.

1. Joint Use.

- a. **Joint Use with Overlapping Hours.** Nothing in this Section shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more buildings or uses provided collectively such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with **Table 326**.
- b. **Joint Use without Overlapping Hours.** In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Planning Commission may grant an exception by reducing the total number of spaces required. The owners of all lots used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(ies) and shall be recorded with the **Register of Deeds** office.

2. **Usable Floor Area.** For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.

3. **Uses Not Listed.** For those uses not specifically mentioned in the Schedule of Parking, requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers as being similar in type.

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

5. **Loading Spaces Not Counted as Parking.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.

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

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Table 326
Parking Spaces Required

Residential Uses	
Use	Parking Spaces Required
Bed & breakfast facilities/tourist homes/rooming houses	2 spaces for the operator; plus 1 for each guest room; plus 1 space for each non-resident employee
Dwellings	2 for each dwelling unit
Home Occupations & Cottage Industries	2 spaces for dwelling use; plus 1 for each employee; plus additional spaces for Cottage Industry as determined by the Planning Commission to accommodate customers or clients
Group day care homes	2 for each home in addition to the 2 required for the residence
Boarding House/Rooming House	1 for each bed of capacity in addition to the 2 required for the residence
Institutional Uses	
Use	Parking Spaces Required
Adult foster care homes; convalescent/nursing homes	1 for each 3 beds
Child Day Care Centers	1 per 400 square feet of usable floor area, plus 1 per employee
Churches or similar places of worship; theaters, auditoriums, and assembly buildings	1 for each 4 seats or 6 lineal feet of seating; plus 1 for each 2 employees. Without seats: 1 per 3 persons allowed within the maximum occupancy load as established by fixed seats local, county, or state fire, health, or building codes
Colleges and universities	1 for each teacher, employee, and administrator, and 1 for each ten (10) students
Community center, library, museum or art center.	1 space for each 200 square feet of usable floor area
Doctor or dentist offices (or similar)	1 per 100 square feet of waiting room
Elementary, middle, and junior high schools; trade schools	1 for each 10 seats in main assembly room, or 1 for each employee plus 2 for each classroom, whichever is greater
Government offices	1 for every 1,000 square feet of usable floor area
High schools	1 for each 6 seats in main auditorium or 1 for each employee; plus 1 for each 4 students, whichever is greater

Hospitals	1 for each 2 beds and 1 for each 2 employees or staff member
Library; museum	1 per 1,000 square feet of usable floor area
Post office	1 per 400 square feet of usable floor area, plus 1 per employee
Private club, fraternity, dormitory	1 per 3 members or lodgers allowed within the maximum occupancy load as established by local, county or state fire, health, or building codes

Business Uses

Use	Parking Spaces Required
Animal hospitals/veterinary clinics; kennels	1 per 400 square feet of usable floor area, plus 1 for each 2 employees
Automobile repair garages or gas stations	2 spaces for each auto repair service bay; plus 1 space for each gas pump; plus 1 space for each employee on maximum working shift
Banks and business offices	1 per 100 square feet of usable floor area
Beauty parlors or barber shops	1 per employee plus 2 per service chair
Car washes - automatic Car washes – self serve	1 per employee, plus 2 per 20 feet of wash line 2 per wash stall plus the wash stall
Convenience store, with or without gas station	Four (4) spaces for every one thousand (1,000) square feet of usable floor area, plus spaces required for gas station
Furniture and appliance, household equipment repair shop, hardware store, and similar stores	One (1) per one thousand (1,000) square feet of usable floor area, plus one (1) per two (2) employees.
Hotels and motels	1 per rental unit, plus 1 per employee
Laundromats	1 per 3 machines for washing
Manufacturing or industrial establishments, including research	1 ½ spaces per employee
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Mortuary establishment	One (1) per fifty (50) square feet of floor area in the parlor area
Open air business use including manufactured home sales and car sales lots	1 per each 1,000 square feet of gross lot area used for open air sales or display, plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores

Plumbing, electricians	1 per 150 square feet of usable floor area, plus 1 per employee
Restaurants and similar establishments	1 for each 100 square feet of usable floor space
Retail stores	One (1) for each one hundred fifty (150) square feet of usable floor area
Roadside stand	Five (5) per establishment
Warehousing and wholesale	1 per employee
Welding shops	2 per employee

Recreational Uses

Use	Parking Spaces Required
Billiards hall, dance hall	1 per 3 persons of stated legal capacity of hall, rinks or assembly building
Bowling alleys	5 spaces for each bowling lane
Campground or RV park	One (1) for every campsite plus one (1) for each employee per shift
Golf, swim, and tennis clubs	1 per 2 persons of stated legal capacity membership
Golf courses Par 3 courses	4 per green or golf holes plus 1 per employee 3 per green
Mini golf courses	1 ½ per hole/green
Sports arenas, stadiums, auditoriums	1 per 2 seats of stated legal capacity
Studios specializing in the instruction of musical arts, dance, health, and fitness; and exercise centers	One (1) for each two hundred (200) square feet of useable floor area, plus spaces required for any pools, tennis courts, etc.

NOTES OF INTERPRETATION:

Square feet refers to square feet of floor area, actual usable floor area for the activity conducted therein.

- One (1) per unit of measure, shall be interpreted to mean one (1) per each unit, e.g. as one (1) per each three (3) persons.
- Space requirements are cumulative, hence, a country club may require parking for the golf use as well as restaurant or bar use.
- Employees refer to all permanent staff and part-time equivalents.
- Legal capacity is the occupancy load as permitted by design, fire, or health standards.

G. Off-Street Loading/Unloading.

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading, and standing of all vehicles to avoid undue

interference with public use of the street.

H. Flexibility in Parking Requirements.

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

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

Section 327 Private Roads

Private roads shall comply with the following standards:

A. Standards.

1. Private roads that serve one (1) to six (6) dwellings shall be constructed with a thirty (30) foot right-of-way and an eighteen (18) foot surface.

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2. Private roads that serve seven (7) to twenty (20) dwellings shall be constructed with a forty (40) foot right-of-way and a twenty-four (24) foot surface.
3. Private roads that serve over twenty (20) dwellings shall be constructed with a sixty-six (66) foot right-of-way and a thirty (30) foot surface.
4. If a private road is proposed to become a public road at any future time, said road shall be constructed to County Road Commission standards.

B. Nonconforming Private Roads.

In the case of private roads built prior to this Ordinance, such roads may be used but the use may not be increased without coming into compliance. No zoning permit shall be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of this Section. In cases where the nonconforming road cannot comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this Section, where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the private road provisions will still be achieved.
3. No nuisance will be created.

C. Approval of Private Roads.

1. **Review.** The application, review, and approval of a private road shall follow the same procedure for Special Uses, as specified in **Section 602**.
2. **Fees.** Before final approval, an application fee established by the Township Board and the cost for the Township Engineering Consultant to review the plans and inspect the construction shall be paid by the proprietor(s).
3. **Failure to Perform.** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the **County Road Commission, MDOT**, or the Township in its standards and specifications for road construction and development.
4. **Issuance of Zoning Permits for Structures on Private Roads.** No zoning permit shall be issued for a structure on any private road until the construction of such private road is given final approval by the Planning Commission.

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5. **Posting of Private Roads.** All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietors. The applicant shall check with Montmorency County to avoid a duplication of road names.

D. Measuring Setbacks on Private Roads.

Setbacks shall be measured from the edge of the private road right-of-way.

Section 328 Signs

A. Purpose.

The purpose of the provisions of this Section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communications needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character and personality of the Township, create a more attractive business environment, and promote pedestrian and traffic safety. The use and erection of all outdoor signs shall be subject to the following provisions:

B. General Provisions for All Zoning Districts.

1. **Zoning Permit.** Any sign exceeding thirty-two (32) square feet shall require a zoning permit. However, signs which do not require a zoning permit shall comply with this Ordinance.
2. **Construction and Maintenance.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
3. **Prohibited Signs.** The following signs are prohibited:
 - a. Signs not securely affixed to a substantial structure.
 - b. Abandoned signs.
 - c. Signs which are affixed to trees, rocks, shrubs, or other natural features.
 - d. Signs which are insecurely fixed or in need of repair.

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- e. Signs which imitate official traffic control devices or obstruct official traffic signs.
- f. Signs which are hazardous to traffic.
- 4. **Signs in the Right-of-Way.** No sign other than a traffic or regulatory sign shall be erected in a street or road right-of-way unless permission is obtained from the agency with jurisdiction over the road.
- 5. **Signs Erected by Governmental Agencies.** Signs when erected by the township, county, or state shall be permitted in all Districts.
- 6. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- 7. **Illumination.** Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises.
- 8. **Height.** Signs shall not exceed building heights allowed in zoning district.
- 9. **Address Signs.** For the purpose of 911 Emergency Services, street address numbers shall be visibly displayed at all principal structures on a sign, mailbox, or on the structure with lettering at least three (3) inches in height.
- 10. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
- 11. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

C. **Signs Not Requiring a Permit.**

- 1. Any sign thirty-two (32) square feet or less in area.
- 2. Awning signs, canopy signs, and marquee signs.
- 3. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to road hazards, high voltage, fire danger, explosives, severe visibility, etc.
- 4. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
- 5. Signs erected by an official governmental body, public utility, or historic agency.

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- 6. Flags.
- 7. Signs in windows.
- 8. Temporary signs or attention-getting devices.
- 9. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
- 10. Signs not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent lots.
- 11. Signs required by law.

D. Limitations by Districts.

Signs are permitted per zoning lot according to **Table 328** The existence of a particular sign type does not preclude the existence of other sign types on the same lot.

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Table 328 All Districts

Sign Type	Residential Uses	Non-Residential Uses & Agricultural Uses
Primary Sign, Freestanding <i>(permanent)</i>	<p>Size: 4 sq ft <i>(max.)</i></p> <p>Number Allowed: 2 per dwelling unit</p> <p>Setback: 5 ft <i>(min.)</i></p>	<p>Size: 32 sq ft <i>(max.)</i> (Signs larger than 32 sq ft require a Special Use permit)</p> <p>Number Allowed: 1 per road frontage</p> <p>Setback: 10 ft <i>(min.)</i></p>
Wall Signs (Primary) <i>(permanent)</i>	Not allowed	Each exterior building wall may be covered up to 25% in signage
Temporary Signs	<p>Size: 16 sq ft <i>(max.)</i> on residential lots and 32 sq ft <i>(max.)</i> on non-residential lots</p> <p>Setback: 10 ft <i>(min.)</i></p> <p>Portable changeable copy message boards are counted as part of the allowed temporary signs</p> <p>From sixty (60) days prior until five (5) days after a national, state, or local election, the size limits above shall be increased to sixty-four (64) square feet.</p>	
Digital or Static Message Center <i>(permanent)</i> (see subsection E below)	Not allowed	<p>Size: Counts toward size limits of Primary Freestanding Signs and Wall Signs</p> <p>Number Allowed (Freestanding Signs): 1 per road frontage</p> <p>Setback (Freestanding Signs): 10 ft <i>(min.)</i></p>
Cluster Signs <i>(permanent)</i>	Not allowed	No specific standards. Cluster signs are approved by the Planning Commission on a case-by-case basis.
Projecting Signs <i>(permanent)</i>	Not allowed	<p>Size: 16 sq ft <i>(max.)</i></p> <p>Number Allowed: 1 per entrance</p> <p>Minimum Height: 8 ft from ground level</p>
Large Off-Premise Signs (Billboards) <i>(see subsection F below)</i>	<p>Districts: Allowed in OT, C-1, C-2 and I Districts only.</p> <p>Size: 300 sq ft <i>(max.)</i></p>	
Small Off-Premise Signs	<p>Districts: Allowed in OT only.</p> <p>Size: 16 sq ft <i>(max.)</i></p> <p>Small off-premise signs may be located on vacant or occupied lots. Small off-premise signs shall not count toward that lots sign allowances. Signs shall not be located in the road right-of-way.</p>	

E. Digital Message Centers.

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

F. Off-Premise Signs (Billboards).

In addition to the standards located in **subsection D** above, the following standards shall also apply:

1. **Illumination.** A billboard may be externally illuminated, provided such external illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate except in conformance with **subsection 3** below.
2. **Structure.** A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to ensure proper alignment of structure, continued structural soundness, and continued readability of the message.
3. **Digital Off-Premise Signs.**
 - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per eight (8) seconds. Each change shall be completed in one (1) second or less.
 - b. **Luminance.** The sign shall possess and utilize automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance

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of one hundred fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet.

- c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.

G. Nonconforming Signs.

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

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

H. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign’s message becomes illegible in whole or substantial part.
 - d. The sign which has fallen into disrepair.

2. **Removal of Abandoned Signs.** In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Township may pursue enforcement of this Ordinance.

I. **Removal of Unsafe or Damaged Signs or Signs in Violation of this Section.**

1. **Unsafe and Damaged Signs.** In the event that any sign becomes insecure, in danger of falling, unsafe, or damaged, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator that the sign is in violation of this Ordinance, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.

2. **Signs in Violation of this Section.**

- a. Signs erected or maintained in violation of this Ordinance shall be removed by the sign owner, property owner, or occupant of the premises within thirty (30) days following mailing of an order to such owner by the Zoning Administrator (ten (10) days for unsafe/damaged signs). It shall be presumed that, unless a sign states the name of the owner of the sign on its structure, the sign is owned by the owner of the real property where the sign is located.
- b. In the event a court of competent jurisdiction finds that a sign is being maintained in violation of this Ordinance, the court may authorize the Zoning Administrator to cause the removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay the costs so assessed.

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Article 4 Zoning Districts

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Section 400 Zoning Districts

For the purpose of this Ordinance, the Township of Briley is hereby divided into the following Districts:

R-1	Restricted Residential District
R-2	General Residential District
A-1	Agricultural District
FR	Forest & Recreational District
OT	Old Town District
C-2	Heavy Commercial District
I	Industrial District

Section 401 District Boundaries

A. Zoning Map.

The boundaries of those Districts are hereby established as shown on the **Briley Township Zoning Map** which accompanies this Ordinance, and the map with all notations, references, and other information shown thereon; shall be as much of a part of this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall make that determination.

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B. Definition of District Boundaries.

Where uncertainty exists on the Briley Township Zoning Map as to the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys, or highways, the centerline of said streets, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline, and in the case of changes in the course of a stream, the boundary shall be considered as the centerline of the new course.
4. Boundaries indicated as approximately following the township limits shall be construed as following township limits.
5. Where the application of the aforementioned rules leaves a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire lot in question, unless determined otherwise by the Zoning Board of Appeals.

C. Zoning Of Vacated Areas.

Whenever any street, alley, highway, or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line, and the lands on either side of said center line shall become attached to their respective adjoining properties.

D. Zoning of Fill Areas.

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

E. Zoning District Changes.

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of this Ordinance.

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Section 402 Application of District Regulations

A. Application of Use Regulations.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the zoning district or are similar to such listed uses, as determined by the Zoning Administrator.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator.
3. **Unlisted Uses.** The Zoning Administrator shall have the power, upon written application of a property owner, to classify a use not listed in any district with a comparable use in any district. If no comparable use is determined by the Zoning Administrator, then the Zoning Board of Appeals shall have the power to classify a use not listed in any district with a comparable use in any district. If the Zoning Board of Appeals determines that there is no comparable use listed in any district, then such use shall only be provided by amendment to the Ordinance.
4. **Accessory Buildings and Uses.** For each District established in this Ordinance, it shall be assumed that customary accessory buildings and uses which are incidental to any Principal Use or Special Uses permitted are permissible as part of the principal use. (See **Section 307**).

B. Application of Setback Regulations.

No building or structure shall hereafter be erected, altered, or enlarged unless the height, setback, and lot requirements in this Article are provided and maintained in connection with such building, erection, alteration or enlargement.

1. **Measuring Setbacks.** Setback shall be measured from the eave or overhang (dripline) of the building or from the line of the deck or patio, if existing.
2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
3. **Water Frontage Lots.** In the case of waterfront lots, the front lot line shall be the ordinary high water mark.
4. **Encroachments.**
 - a. **Projections into Required Open Spaces.** Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered a part of the building and shall not extend into any required setback or open space.

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- b. **Architectural Features.** Features such as, but not limited to, window sills, cornices, eaves, and bay windows may extend or project into required setback not more than four (4) inches for each one (1) foot of width of such side yard.

C. Application of Height Regulations.

- 1. Building height is measured from the established grade.
- 2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
- 3. **Exceptions to Height Limitations.** Height regulations shall apply to any area that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (belfries, church spires, monuments, smoke stacks, rooftop equipment, chimneys, etc.). Height restrictions do not apply to flag poles, light poles, agricultural accessory structures, wind turbines, anemometer towers, wireless towers, wind turbines, and similar facilities. A height limit for any structure by the special use notification process may be set by the Planning Commission.

Section 403 Restricted Residential District (R-1)

R-1

A. Intent.

This District is designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one (1) family detached dwellings along with other residentially related facilities, that serve the residents in the district.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES		TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit § indicates supplemental regulations apply	R-1	P = Permitted by right S = Permitted with a Special Use Permit § indicates supplemental regulations apply	R-1
Arts, Entertainment & Recreation		Residential Uses	
Docks, Launch Ramps, Associated Parking Areas, & Other Water-Related Supporting Uses (Public)	S	Accessory Dwelling Units/Guest Houses §702	S
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P	Home Occupations §701	P
Commercial, Services & Retail		Multiple-Family Dwelling Units	S
Studios for Dance, Physical Exercise & Music	S	Single-Family Dwellings	P
Human Care & Social Assistance		Two-Family Dwellings (duplex)	P
Adult Day Care Facility, Small Group- IN PRIVATE HOME	P	Utilities, Energy & Communications	
Child Care Home, Family	P	Essential Services	P
Child Care Home, Group	S	Solar Panels, Accessory §713	P
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	P	Wireless:	
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children)	P	Antenna Co-Location §711	P
Miscellaneous		Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P
Accessory Buildings & Uses Incidental to Principal Uses §307	P		
Planned Unit Developments §709	S		
Primary Caregivers, Marihuana §707 No permit required	P		
Site Condominium Development (processed as a Planned Unit Development) §709	S		

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C. Development Standards for R-1 District.

R-1

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

1. Lot & Structure Standards

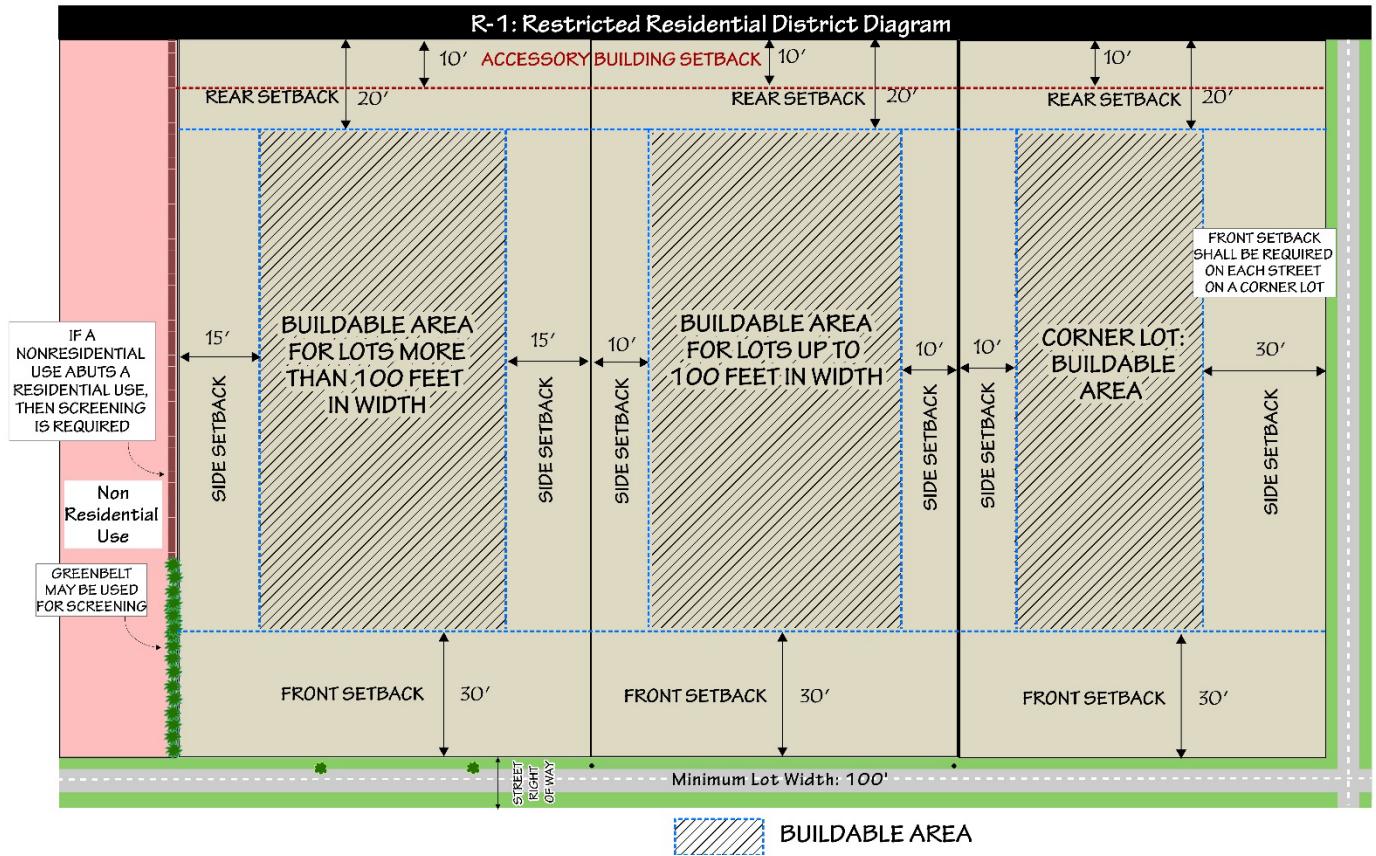
a. Lot Area (min.)	20,000 sq ft
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 feet
d. Floor Area (min.) (not including such appurtenances as porches, breezeways, carports or garages)	Single-Family: 768 sq ft Min. Floor Area does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.
e. Building Width (min.)	20 ft

2. Setbacks

	30 ft
a. Front (min.)	On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and a front setback shall be required along both front lot lines The rear lot line shall be the opposite lot line as the front of the principal building.
b. Side (min.)	Lots up to 100 ft in width shall have a 10 ft side setback on each side.
	Lots over 100 ft in width shall have a 15 ft side setback on each side.
c. Rear (min.)	Principal Buildings: 20 ft
	Accessory Buildings: 10 ft

3. Additional Development Standards

a. Accessory Buildings	Single and Two-Family Residential: See §307 . All Other Uses: Accessory buildings are subject to detailed site plan review per §503 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §318 . A vegetative buffer strip may be used.
c. Fences	See §317 .
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328 .
f. Parking	See §326 .



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Section 404 General Residential District (R-2)

R-2

A. Intent.

The R-2 General Residential District is a residential district with more uses allowed. The intent is a limited mixture of housing types to provide a wider range of housing opportunities.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit § indicates supplemental regulations apply	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Arts, Entertainment & Recreation	
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P
Commercial, Services & Retail	
Photofinishing/Photographers	S
Retail Sales:	
Firearms Store	S
Gift Shops/Curio Shops	S
Studios for Dance, Physical Exercise & Music	S
Educational Services & Religion	
Churches & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility, Small Group– IN PRIVATE HOME	P
Adult Day Care Facility, Large Group– IN PRIVATE HOME	S
Child Care Home, Family	P
Child Care Home, Group	S
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	P
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit § indicates supplemental regulations apply	R-2
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §307	P
Planned Unit Developments §709	S
Primary Caregivers, Marihuana §707 No permit req.	P
Site Condominium Development (processed as a Planned Unit Development) §709	S
Residential Uses	
Accessory Dwelling Units/Guest Houses §702	S
Home Occupations §701	P
Home Occupations: Cottage Industries §701	S
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) – HUD certification required	S
Multiple-Family Dwelling Units	P
Single-Family Dwellings	P
Tiny Homes (any principal dwelling which is less than the district minimum)	P
Two-Family Dwellings (duplex)	P
Utilities, Energy & Communications	
Essential Services	P
Solar Panels, Accessory §713	P
Wireless:	
Antenna Co-Location §711	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711.E	P

C. Development Standards for R-2 District.

R-2

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

1. Lot & Structure Standards

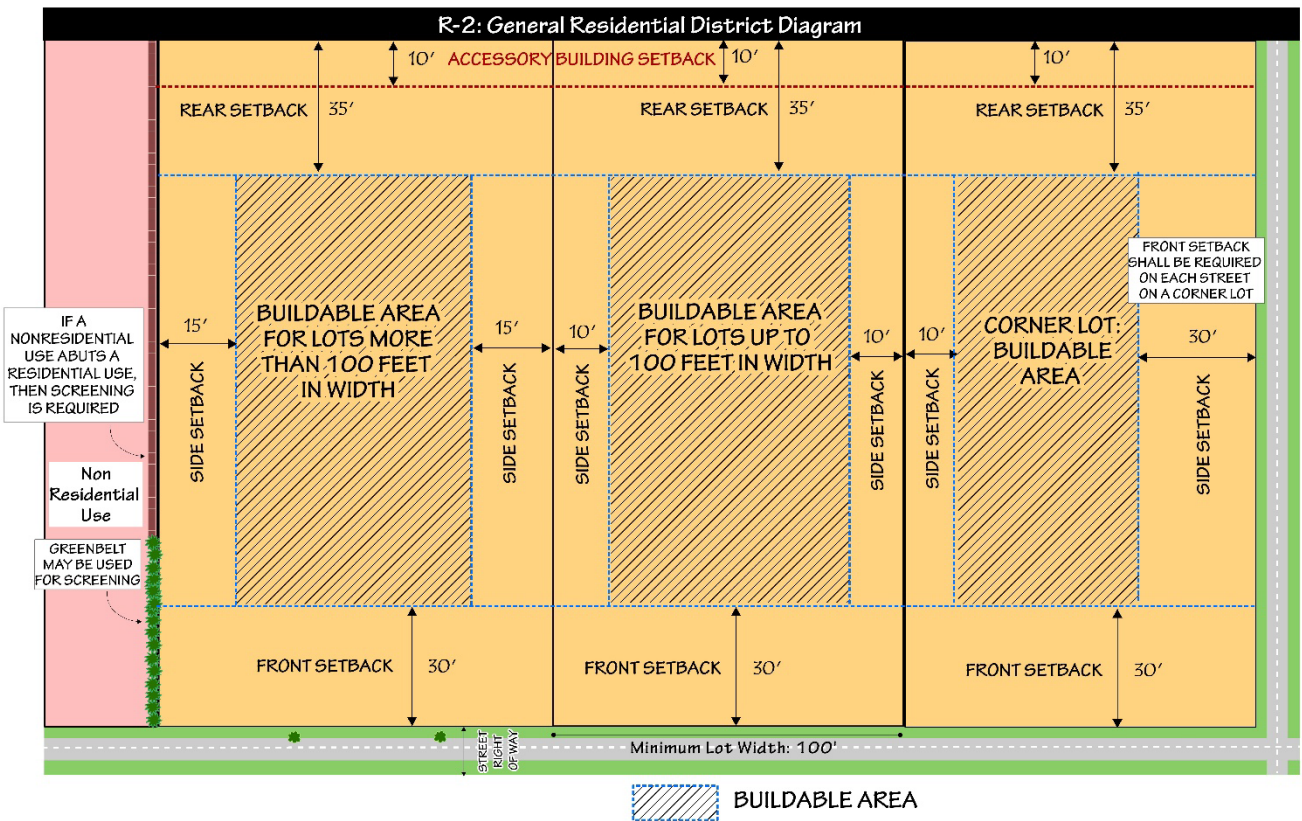
a. Lot Area (min.)	20,000 sq ft
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 feet
d. Floor Area (min.) (not including such appurtenances as porches, breezeways, carports or garages)	Single-Family: 768 sq ft Dwelling Units Within Two-Family Dwellings and Multiple-Family Dwellings: 600 sq ft Min. Floor Area does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.
e. Building Width (min.)	12 ft

2. Setbacks

	30 ft
a. Front (min.)	On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and a front setback shall be required along both front lot lines The rear lot line shall be the opposite lot line as the front of the principal building.
b. Side (min.)	Lots up to 100 ft in width shall have a 10 ft side setback on each side.
	Lots over 100 ft in width shall have a 15 ft side setback on each side.
c. Rear (min.)	Principal Buildings: 35 ft
	Accessory Buildings: 10 ft

3. Additional Development Standards

a. Accessory Buildings	Single and Two-Family Residential: See §307 . All Other Uses: Accessory buildings are subject to detailed site plan review per §503 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §318 . A vegetative buffer strip may be used.
c. Fences	See §317 .
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328 .
f. Parking	See §326 .



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Section 405 Agricultural District (A-1)

A-1

A. Intent.

In recognition of limited agricultural land in the township, this district is set aside to protect our agricultural soils for agricultural uses. Areas are determined by soil characteristics, and not necessarily on current land use or ownership.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-1
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	P
Cabin Courts (or Cabin Complex)	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §704	S
Microbreweries & Distilleries (serving directly to the public and including accessory uses such as tasting rooms)	S
Resorts, Vacation Lodges, Vacation Farms, and Guest Ranches (including accessory facilities such as stables, corral, swimming pools, food services, and incidental retail sales and services)	S
Rooming Houses/Boarding Houses	P
Short Term Rental Homes §706	P
Wineries & Cider Tasting Rooms	S
Agriculture, Forest Products & Animal Services	
Agricultural Businesses (retail or wholesale, bulk seed, nursery, and fertilizer stock outlets, agricultural distribution center, sales and repair of agricultural equipment, grain elevators, and similar businesses).	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-1
Agriculture, Forest Products & Animal Services (cont.)	
Agricultural Products Processing and Storage (Does not include Animal Processing or Marihuana Businesses.)	P
Animal Shelter/Animal Rescue Facility	S
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms	PS
Boarding Stables; Riding Stables/Academies, Commercial §717	P
Cider Mills (including accessory uses such as tasting rooms)	S
Dog Grooming Establishments	P
Farming, Commercial	P
Farming, Domestic/Hobby	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on property under control of the farm	P
Farm Market/Roadside stand (product grown on property under control of the farm) – permanent structures	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	A-1
Agriculture, Forest Products & Animal Services (cont.)	
Game Preserves/Hunting Preserves	S
Kennels; Dog Clubs	S
Veterinary Clinic/Animal Hospital	S
Wineries (including accessory uses such as tasting rooms)	S
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	S
Archery Ranges (& as accessory use), Outdoor	S
Campgrounds & RV Parks	S
Camps (ex: Summer Camps)	S
Canoe/Kayak/Boat Liveries	S
Country Clubs	S
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses	S
Golf Driving Ranges	S
Historic Sites (Open to the public)	S
Museums	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; amusement parks)	S
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P
Racetracks (Motorized or Non-Motorized)	S
Shooting (Firearms) Ranges, Indoor	S
Shooting (Firearms) Ranges, Outdoor	S
Tours (Commercial Operations)	S
Zoos (including Petting Zoos) & Animal Tours/Botanical Gardens	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	A-1
Commercial, Services & Retail	
Film Production Facilities/Recording Studios (including sound stages & other related activities)	S
Fix-It Shops	S
Greenhouse; Nursery; Landscaping Establishments	S
Marihuana Growers inside a Fully Enclosed Building (requires permit under the Briley Township Commercial Marihuana Establishment Ordinance)	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service	S
Pet Stores & Pet Supply Stores	S
Small Engine Repair	S
Studios for Dance, Physical Exercise & Music	P
Educational Services & Religion	
Churches & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility, Small Group– IN PRIVATE HOME	P
Adult Day Care Facility, Large Group – IN PRIVATE HOME	P
Adult Day Care Facility NOT IN PRIVATE HOME	S
Adult Foster Care Large Group Home (13-20)	S
Adult Foster Care Small Group Home (7-12)	S
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	S
Child Care Home, Family	P
Child Care Home, Group	S
Child Care Center/Nursery School (not in home)	S
Child Caring Institution	S
Correctional or Penal Institutions (private)	S
Hospitals	S

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-1
Human Care & Social Assistance (cont.)	
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)	S
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	P
Rehabilitation Institutions (non-residential)	S
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children)	P
Residential Human Care & Treatment Facility (not in a residence)	S
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	S
Food Hub Facility/Food Incubator Facility	P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §703	P
Research/Design/Experimental Product Dev.	P
Slaughterhouses	S
Waste Collection Facilities; Recycling Facilities; Solid Waste Transfer Stations	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §307	P
Parking Lots - approval of additional parking in existing lots by ZA. If parking is increasing by 30% or more, a Special Use permit is required	PS
Planned Unit Developments §709	S
Primary Caregivers, Marihuana §707 (No permit required)	P
Site Condominium Development (processed as a Planned Unit Development) §709	S
Residential Uses	
Accessory Dwelling Units/Guest Houses §702	S
Home Occupations §701	P
Home Occupations: Cottage Industries §701	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	A-1
Residential Uses (cont.)	
Mixed Uses (Dwelling units in the same building or on same lot with any type of non-residential use)	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) – HUD certification required	S
Single-Family Dwellings	P
Tiny Homes (any principal dwelling which is less than the district minimum)	P
Two-Family Dwellings (duplex)	P
Transportation, Storage & Wholesale (cont.)	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Utilities, Energy & Communications	
Battery Energy Storage Systems §715	S
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Heating & Electric Power Generating Plants	S
Public Utility Facilities (without storage yards)	S
Public Utility Facilities (with storage yards)	S
Solar Energy Facility (Utility-Scale) §714	S
Solar Panels, Accessory §713	P
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §711.B	S
Wind Energy Systems (On-Site) §711.C	S
Wireless:	
Antenna Co-Location §711	P
Small Cell Wireless Facilities §711.E	S
Television/Radio Broadcasting Stations (Wireless Facility accessory use: §711)	S
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) §711	S

- | | | | | |
|-----------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------|
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A-1

C. Development Standards for A-1 District.

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

1. Lot & Structure Standards

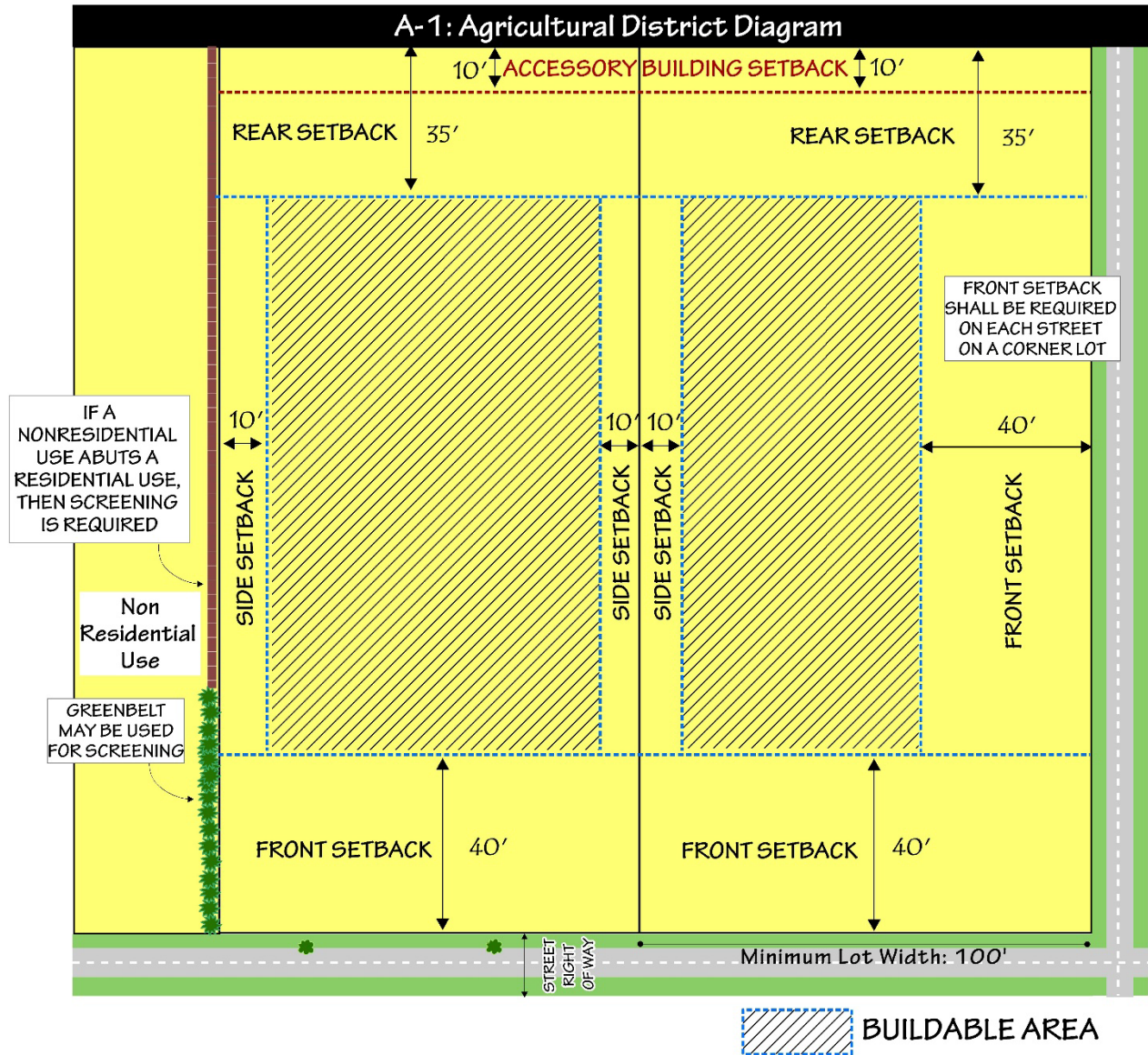
a. Lot Area (min.)	40,000 sq ft
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 feet
d. Floor Area (min.) (not including such appurtenances as porches, breezeways, carports or garages)	Single-Family: 768 sq ft Minimum floor area does not apply to hotels/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.
e. Building Width (min.)	14 ft

2. Setbacks

a. Front (min.)	40 ft On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and a front setback shall be required along both front lot lines. The rear lot line shall be the opposite lot line as the front of the principal building.
b. Side (min.)	10 ft
c. Rear (min.)	Principal Buildings: 35 ft Accessory Buildings: 10 ft

3. Additional Development Standards

a. Accessory Buildings	Single and Two-Family Residential: See §307. All Other Uses: Accessory buildings are subject to detailed site plan review per §503.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §318. A vegetative buffer strip may be used.
c. Fences	See §317.
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328.
f. Parking	See §326.



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

Section 406 Forest & Recreational District (FR)

FR

A. Intent.

The Forest and Recreational District is designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources, and provide outdoor recreation for tourists and residents.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	P
Cabin Courts (or Cabin Complex)	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §704	S
Resorts, Vacation Lodges, Vacation Farms, and Guest Ranches (including accessory facilities such as stables, corrals, swimming pools, food services, and incidental retail sales and services)	S
Rooming Houses/Boarding Houses	P
Short Term Rental Homes §706	P
Wineries & Cider Tasting Rooms	S
Agriculture, Forest Products & Animal Services	
Agricultural Businesses (retail or wholesale, bulk seed, nursery, and fertilizer stock outlets, agricultural distribution centers, sales and repair of agricultural equipment, grain elevators, and similar businesses).	S
Agricultural Products Processing and Storage (Does not include Animal Processing or Marihuana Businesses.)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Agriculture, Forest Products & Animal Services (cont.)	
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms	PS
Boarding Stables; Riding Stables/Academies, Commercial §717	P
Cider Mills (including accessory uses such as tasting rooms)	S
Farming, Commercial	P
Farming, Domestic/Hobby	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on property under control of the farm	P
Farm Market/Roadside stand (product grown on property under control of the farm) – permanent structures	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S
Game Preserves/Hunting Preserves	S
Kennels; Dog Clubs	S
Wineries (including accessory uses such as tasting rooms)	S

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	S
Archery Ranges (& as accessory use), Outdoor	S
Campgrounds & RV Parks	S
Camps (ex: Summer Camps)	S
Canoe/Kayak/Boat Liveries	S
Country Clubs	S
Docks, Launch Ramps, Associated Parking Areas, & Other Water-Related Supporting Uses (Public)	S
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses	S
Golf Driving Ranges	S
Historic Sites (Open to the public)	S
Museums	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; amusement parks)	S
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P
Racetracks (Motorized or Non-Motorized)	S
Shooting (Firearms) Ranges, Indoor	S
Shooting (Firearms) Ranges, Outdoor	S
Tours (Commercial Operations)	S
Zoos (including Petting Zoos) & Animal Tours/Botanical Gardens	S
Commercial, Services & Retail	
Film Production Facilities/Recording Studios (including sound stages & other related activities)	S
Fix-It Shops	S
Flea Market	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Commercial, Services & Retail (cont.)	
Greenhouse; Nursery; Landscaping Establishments	S
Small Engine Repair	S
Studios for Dance, Physical Exercise & Music	P
Educational Services & Religion	
Churches & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility, Small Group– IN PRIVATE HOME	P
Adult Day Care Facility, Large Group – IN PRIVATE HOME	P
Adult Day Care Facility NOT IN PRIVATE HOME	S
Adult Foster Care Large Group Home (13-20)	S
Adult Foster Care Small Group Home (7-12)	S
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	S
Child Care Home, Family	P
Child Care Home, Group	S
Child Care Center/Nursery School (not in home)	S
Child Caring Institution	S
Correctional or Penal Institutions (private)	S
Hospitals	S
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)	S
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	P
Rehabilitation Institutions (non-residential)	S
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children)	P
Residential Human Care & Treatment Facility (not in a residence)	S

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

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	S
Food Hub Facility/Food Incubator Facility	P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §703	S
Research/Design/Experimental Product Dev.	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §307	P
Parking Lots - approval of additional parking in existing lots by ZA. If parking is increasing by 30% or more, a Special Use permit is required	PS
Planned Unit Developments §709	S
Primary Caregivers, Marihuana §707 (No permit required)	P
Site Condominium Development (processed as a Planned Unit Development) §709	S
Residential Uses	
Accessory Dwelling Units/Guest Houses §702	S
Home Occupations §701	P
Home Occupations: Cottage Industries §701	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) – HUD certification required	S
Mixed Uses (Dwelling units in the same building or on same lot with any type of non-residential use)	P
Single-Family Dwellings	P
Tiny Homes (any principal dwelling which is less than the district minimum)	P
Two-Family Dwellings (duplex)	P
Transportation, Storage & Wholesale	
Airports, Aviation Support Services, Heliports & Landing Fields	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	FR
Utilities, Energy & Communications	
Battery Energy Storage Systems §715	S
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	S
Heating & Electric Power Generating Plants	S
Public Utility Facilities (without storage yards)	S
Public Utility Facilities (with storage yards)	S
Solar Energy Facility (Utility-Scale) §714	S
Solar Panels, Accessory §713	P
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §711.B	S
Wind Energy Systems (On-Site) §711.C	S
Wireless:	
Antenna Co-Location §711	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) §711	S

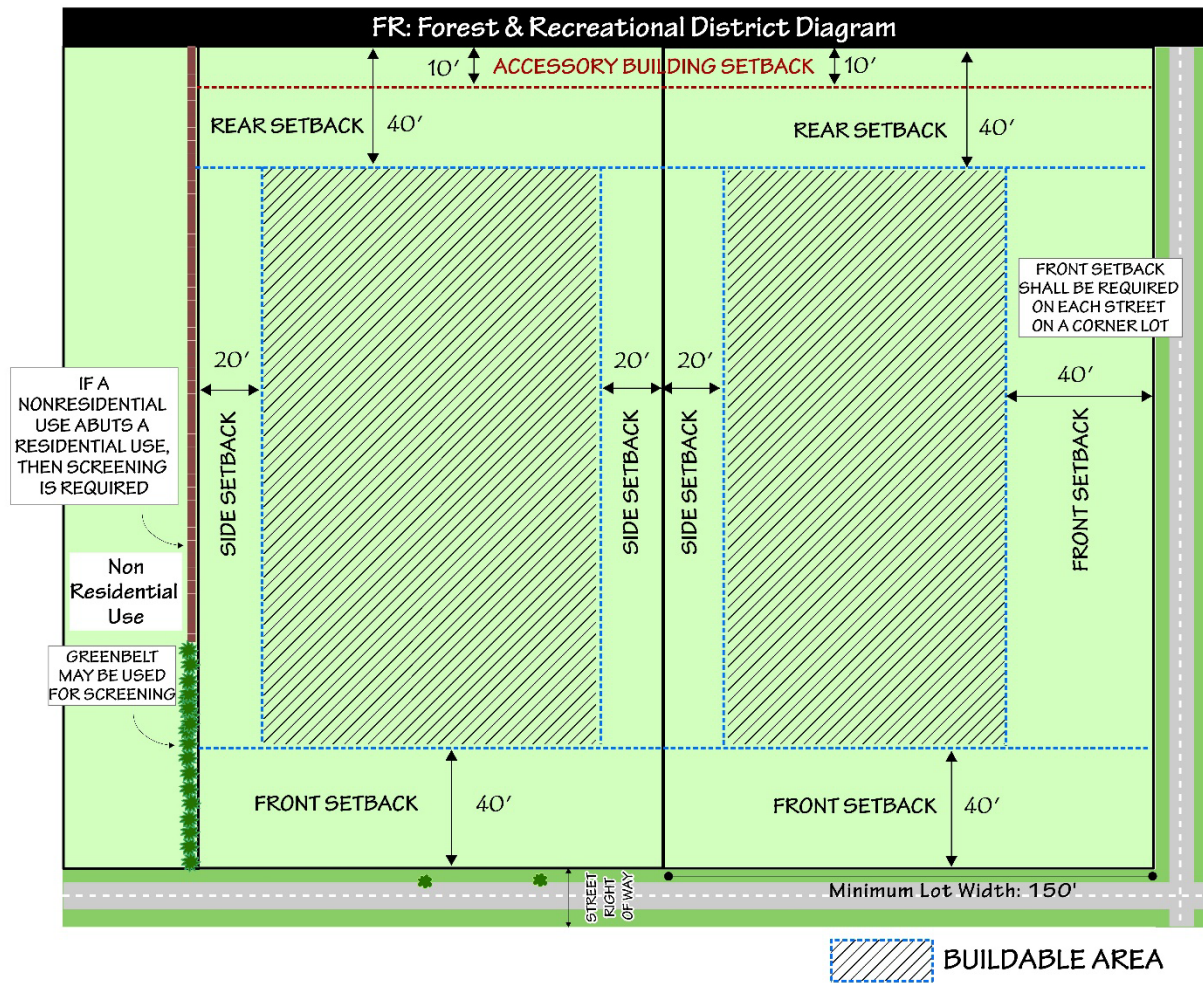
- 1** Title & Purpose
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C. Development Standards for FR District.

FR

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

1. Lot & Structure Standards	
a. Lot Area (min.)	40,000 sq ft
b. Lot Width (min.)	150 ft
c. Building Height (max.)	35 feet
d. Floor Area (min.) (not including such appurtenances as porches, breezeways, carports or garages)	Single-Family: 768 sq ft Min. Floor Area does not apply to hotel/motels, resorts, cabins courts, accessory dwelling units, hunting cabins, and similar uses.
e. Building Width (min.)	14 ft
2. Setbacks	
a. Front (min.)	40 ft On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and a front setback shall be required along both front lot lines. The rear lot line shall be the opposite lot line as the front of the principal building.
b. Side (min.)	20 ft
c. Rear (min.)	Principal Buildings: 40 ft Accessory Buildings: 10 ft
3. Additional Development Standards	
a. Accessory Buildings	Single and Two-Family Residential: See §307 . All Other Uses: Accessory buildings are subject to detailed site plan review per §503 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §318 . A vegetative buffer strip may be used.
c. Fences	See §317 .
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328 .
f. Parking	See §326 .



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Section 407 Old Town Commercial (OT)

OT

A. Intent.

The (OT) Old Town District establishes a business district that is more selective than C-2, it provides for the establishment of neighborhood shopping areas, and professional office areas that are compatible with, and of service to residential uses which are also encouraged. Tourist Services are included as being in character with the District.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	OT
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectioneries, Delis & Ice Cream Shops	P
Bars/Taverns	P
Food Trucks §705	S
Hotels & Motels	S
Inns (Restaurant serving Meals to the Public with Lodging Units Within)	S
Microbreweries & Distilleries (serving directly to the public and including accessory uses such as tasting rooms)	S
Resorts, Vacation Lodges, Vacation Farms, and Guest Ranches (including accessory facilities such as stables, corrals, swimming pools, food services, and incidental retail sales and services)	S
Restaurants (with or without drive-through)	P
Wineries & Cider Tasting Rooms	P
Agriculture, Forest Products & Animal Services	
Farm Product Sales (Fruit/Vegetable Market) – not grown on property under control of the farm	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	OT
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Canoe/Kayak/Boat Liveries	S
Docks, Launch Ramps, Associated Parking Areas, & Other Water-Related Supporting Uses (Public)	S
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Museums	P
Performing Arts Companies; Dance, Music, Voice Studio	P
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P
Social Clubs; Lodges; Fraternal/Civic Organizations; Sportsmen’s Clubs	S
Theaters	S
Tours (Commercial Operations)	P

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6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	OT
Commercial, Services & Retail	
Banks/Financial Institutions/Cash Advance Stores	P
Business Incubator (Food Incubator listed under Manufacturing)	S
Business Services & Computer Repair	P
Cleaning Services/Rehabilitation (with or without storage)	P
Commercial Equipment Repair & Maintenance	S
Drive-Through Facilities	S
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales (indoor)	S
Film Production Facilities/Recording Studios (including sound stages & other related activities)	S
Fix-It Shops	P
Furniture Refinishing (Upholsterers)/Furniture Repair	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	S
Marihuana Retailers & Designated Consumption Establishments (requires permit under the Briley Township Commercial Marihuana Establishment Ordinance)	P
Offices, Professional (INCLUDING health care and dental clinics)	S
Personal Services (ex - beauty shops, tailoring, massage therapy, tanning, spa)	P
Photofinishing/Photographers	P
RV Rental/Sales/Repair; Small Motor & Non-Motorized Repair	S
Retail Sales:	
Art & Photography Shops	P
Antique Stores/Second-Hand Stores	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>\$7.x indicates supplemental regulations apply</i>	OT
Commercial, Services & Retail	
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Farm Market	P
Firearms Store	P
Florists	P
General Merchandise Stores/General Retail	P
Gift Shops/Curio Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	S
Hardware Stores	P
Jewelry Stores	P
Resale Shops/Thrift Shops	S
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales	S
Studios for Dance, Physical Exercise & Music	S
Tattoo & Body Piercing Studios	S
Educational Services & Religion	
Colleges/Universities	S
Private Instructional Facilities, Business Schools, Vocational Schools & Trade Schools	S
Public, charter or private schools (elementary through high school)	S
Human Care & Social Assistance	
Child Care Home, Family	P
Child Care Home, Group	S
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	S
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children) "P" in existing residential dwellings	S
Manufacturing, Industrial & Waste Management	
Food Hub Facility/Food Incubator Facility	S

- 1** Title & Purpose
- 2** Definitions
- 3** General Provisions
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- 7** Supplemental Regulations
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- 10** Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	OT
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §307	S
Parking Lots - approval of additional parking in existing lots by ZA. If parking is increasing by 30% or more, a Special Use permit is required	PS
Primary Caregivers, Marihuana §707 (No permit required)	P
Public Facilities	
Community Centers	P
Libraries	P
Residential Uses	
Accessory Dwelling Units/Guest Houses §702	P
Home Occupations §701	S
Mixed Uses (Dwelling units in the same building or on same lot with any type of non-residential use)	p
Single-Family Dwellings (existing – can replace existing residential with new residential)	P
Transportation, Storage & Wholesale	
Postal Service	P
Scenic & Sightseeing Transportation	P
Utilities, Energy & Communications	
Essential Services	P
Solar Panels, Accessory §713	P
Wireless:	
Antenna Co-Location §711	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P

1 Title & Purpose

2 Definitions

3 General Provisions

4 District Regulations

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6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

C. Development Standards for O-T District.

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

1. Lot & Structure Standards	
a. Lot Area (min.)	Platted
b. Lot Width (min.)	Platted
c. Building Height (max.)	45 feet
d. Floor Area (min.)	N/A
e. Building Width (min.)	N/A
2. Setbacks	
a. Front (min.)	10 ft or no closer to the front lot line of whichever existing building on an adjacent lot is closest to the front lot line.
	No front setback is required on lots abutting M-32 in the area shown in Figure 407C.
	Parking may be permitted in the front yard provided there is at least a 10 ft landscaped buffer area between the ROW and the off-street parking lot. Off-street parking shall be located in the rear of the building for lots abutting M-32 shown in Figure 407C.
b. Side (min.)	5 ft
	No side setback shall be required if the side wall is of fireproof construction.
c. Rear (min.)	Principal Buildings: 10 ft
	Accessory Buildings: 10 ft
3. Additional Development Standards	
a. Accessory Buildings	Single and Two-Family Residential: See §307. All Other Uses: Accessory buildings are subject to detailed site plan review per §503.
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §316. A vegetative buffer strip may be used.
c. Fences	See §317.
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328.
f. Parking	See §326.

FIGURE 407A

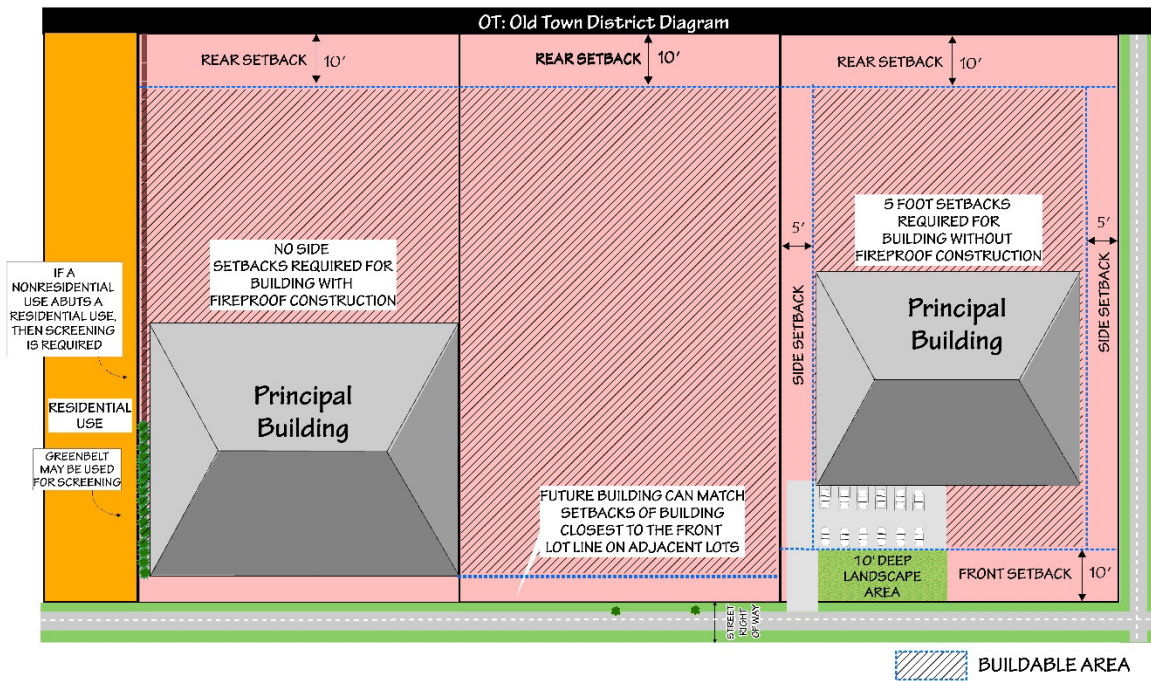
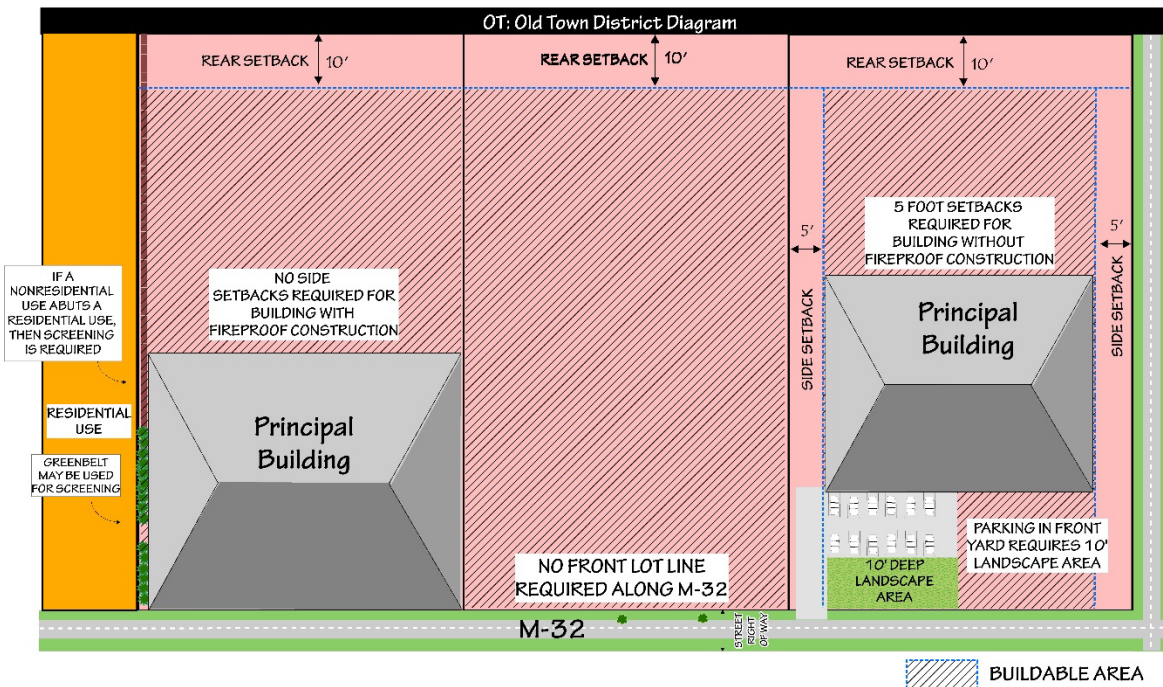


FIGURE 407B



1 Title & Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review

6 Special Use Review

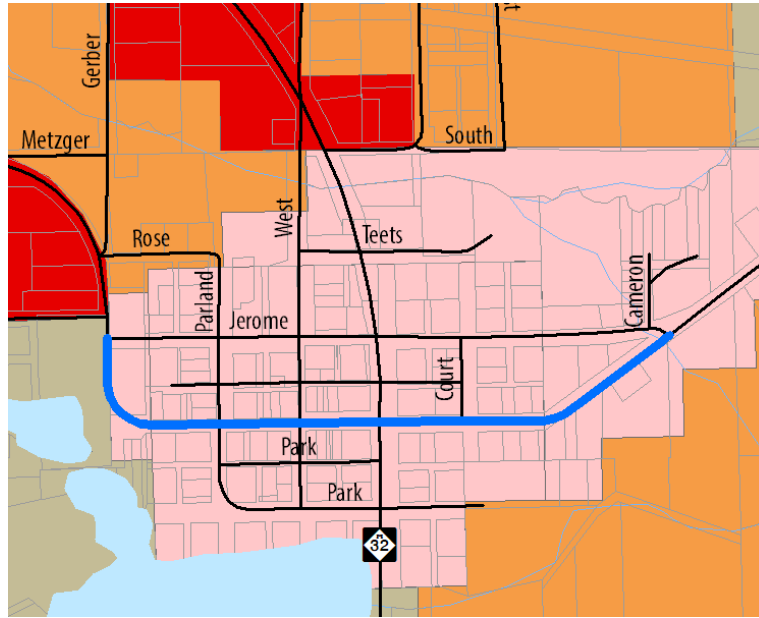
7 Supplemental Regulations

8 Zoning Board of Appeals

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FIGURE 407C



— “Downtown M-32 Corridor” - No front setback required

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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Section 408 Heavy Commercial District (C-2)

C-2

A. Intent.

The C-2 Heavy Commercial District allows for heavier traffic, more parking, longer business hours, more noise, and outside uses. To be located along M-32 and portions of M-33, yet isolated from residential uses as much as possible.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Accommodation & Food/Event Services	
Bakeries, Coffee Shops, Confectioneries, Delis & Ice Cream Shops	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §704	P
Food Trucks §705	S
Hotels & Motels	P
Inns (Restaurants serving Meals to the Public with Lodging Units Within)	S
Microbreweries & Distilleries (serving directly to the public and including accessory uses such as tasting rooms)	P
Night Clubs	S
Resorts, Vacation Lodges, Vacation Farms, & Guest Ranches (including accessory facilities such as stables, corrals, swimming pools, food services, & incidental retail sales & services)	P
Restaurants (with or without drive-through)	P
Rooming Houses/Boarding Houses	P
Wineries & Cider Tasting Rooms	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Agriculture, Forest Products & Animal Services	
Agricultural Businesses (retail or wholesale, bulk seed, nursery, and fertilizer stock outlets, agricultural distribution centers, sales and repair of agricultural equipment, grain elevators, and similar businesses).	S
Agricultural Products Processing and Storage (Does not include Animal Processing or Marihuana Businesses.)	S
Animal Shelter/Animal Rescue Facility	S
Cider Mills (including accessory uses such as tasting rooms)	S
Dog Grooming Establishments	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on property under control of the farm	P
Farm Market/Roadside stand (product grown on property under control of the farm) – permanent structures	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Veterinary Clinic/Animal Hospital	S
Wineries (including accessory uses such as tasting rooms)	S

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	S
Archery Ranges (& as accessory use), Outdoor	S
Art Galleries & Art Studios	P
Canoe/Kayak/Boat Liveries	S
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Indoor Commercial Recreation Facility (ex - bowling alleys, billiards halls, arcades, fitness, skating, sports centers, indoor golf, simulators)	P
Museums	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex - go karts; miniature golf; disc golf; amusement parks)	S
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P
Shooting (Firearms) Ranges, Indoor	S
Social Clubs; Lodges; Fraternal/Civic Organizations; Sportsmen's Clubs	S
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Auto Repair; Auto Body/Paint/Interior & Glass	P
Automotive Oil Change	P
Automotive Tire Sales & Installation	P
Automobile Towing Businesses	P
Banks/Financial Institutions/Cash Advance Stores	P
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Commercial, Services & Retail	
Business Services & Computer Repair	P
Car Washes	P
Cleaning Services/Rehabilitation (with or without storage)	P
Commercial Equipment Repair & Maintenance	P
Contractors Offices & Showrooms - <u>no</u> outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Contractors Offices & Showrooms/Yards <u>with</u> outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Data Processing & Computer Centers	P
Drive-Through Facilities	S
Electric Vehicle Charging Facility	P
Electronic & Precision Equipment Repair & Maint.	P
Equipment Rental & Sales (indoor)	P
Extermination & Pest Control Services	P
Film Production Facilities/Recording Studios (including sound stages & other related activities)	P
Fix-It Shops	P
Flea Market	S
Funeral Homes & Mortuaries	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations §716	P
Greenhouse; Nursery; Landscaping Establishments	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Laundromat & Dry-Cleaning Establishments	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured Home Dealers (& Service)	P

- 1** Title & Purpose
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- 9** Administration & Enforcement
- 10** Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Commercial, Services & Retail (cont.)	
Marihuana Retailers & Designated Consumption Establishments (requires permit under the Briley Township Commercial Marihuana Establishment Ordinance)	P
Offices, Professional (INCLUDING health care and dental clinics)	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service	P
Personal Services (ex - beauty shops, tailoring, massage therapy, tanning, spa)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
RV Rental/Sales/Repair; Small Motor & Non-Motorized Repair	S
Retail Sales:	
Art & Photography Shops	P
Automotive Accessory Sales	P
Antique Stores/Second-Hand Stores	P
Bait & Tackle Shops	P
Bicycle Shops	P
Book Stores	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm & Feed Supply Stores	P
Farm Market	P
Firearms Store	P
Florists	P
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)	P
General Merchandise Stores/General Retail	P
Gift Shops/Curio Shops	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Commercial, Services & Retail (cont.)	
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Jewelry Stores	P
Liquor Stores (where liquor is the primary item for sale)	P
Malls, Shopping Centers, or Shopping Plazas	S
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops	P
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise & Music	P
Taxidermy Shops	P
Tattoo & Body Piercing Studios	P
Truck & Heavy Equipment Repair & Maintenance	P
Educational Services & Religion	
Churches & Customary Accessory Uses	P
Human Care & Social Assistance	
Child Care Home, Family	P
Child Care Home, Group	S
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	P
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children)	P
Social Assistance (individual and family services; community emergency relief services; vocational rehabilitation services)	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.	S
Crematoriums	S
Food Hub Facility/Food Incubator Facility	P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §710	S
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §703	P
Printing, Lithographic & Blueprinting	P
Ready-Mix Concrete & Asphalt Plants & Similar	P
Sign Painting Shops	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §307	S
Parking Lots - approval of additional parking in existing lots by ZA. If parking is increasing by 30% or more, a Special Use permit is required	PS
Primary Caregivers, Marihuana §707 (No permit required)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	C-2
Public Facilities	
Community Centers	P
Government Administration Facilities	P
Libraries	P
Police Stations/Jails/Fire Stations	P
Public Works Facilities	P
Residential Uses	
Home Occupations §701	S
Home Occupations: Cottage Industries §701	S
Mixed Uses (Dwelling units in the same building or on same lot with any type of non-residential use)	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) – HUD certification required	S
Single-Family Dwellings (existing as of the date of adoption of this Ordinance – can replace existing residential with new residential)	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	S
Drone (Unmanned Aerial) Centers	S
Scenic & Sightseeing Transportation	P
Storage Facilities including Self-Storage Facilities/Mini-Storage	P
Utilities, Energy & Communications	
Essential Services	P
Solar Panels, Accessory §713	P
Wireless:	
Antenna Co-Location §711	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P

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C. Development Standards for C-2 District.

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

1. Lot & Structure Standards

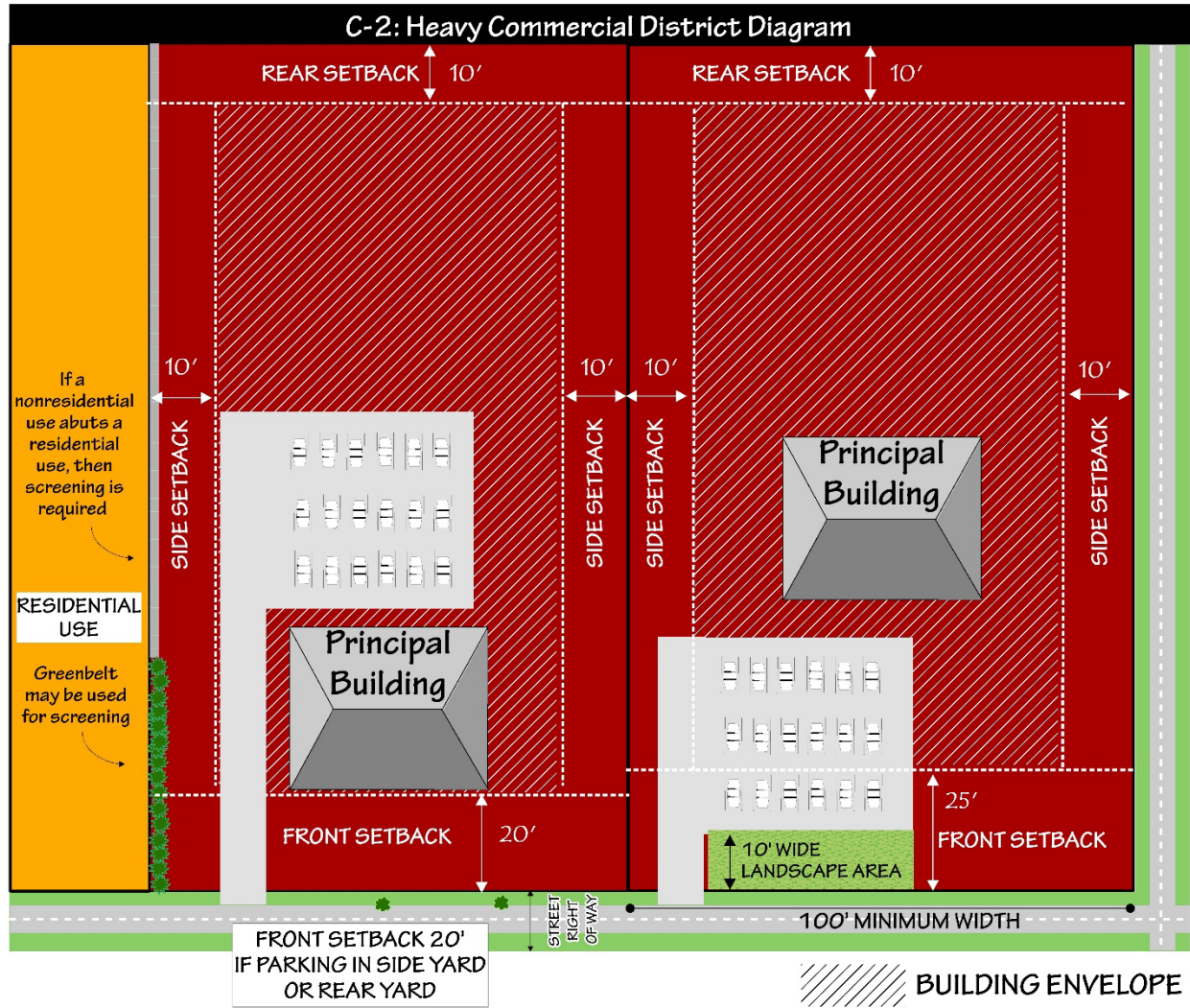
a. Lot Area (min.)	12,000 sq ft
b. Lot Width (min.)	100 ft
c. Building Height (max.)	35 feet
d. Floor Area (min.)	N/A
e. Building Width (min.)	20 ft

2. Setbacks

	25 ft
a. Front (min.)	<p>Parking may be permitted in the front yard provided there is at least a 10 ft landscaped buffer area between the ROW and the off-street parking lot. If parking and loading space are confined to the back and side yards, the required front setback may be reduced to 20 ft provided that a reasonable sense of consistency is established with abutting properties.</p> <p>The front setback requirements of a lot may be modified so as to equal the average front setback of existing developed lots within 100 ft of said lot and within the same block front; provided the front yard depth shall not be less than ten 10 ft.</p>
b. Side (min.)	10 ft
c. Rear (min.)	<p>Principal Buildings: 10 ft</p> <p>Accessory Buildings: 10 ft</p>

3. Additional Development Standards

a. Accessory Buildings	<p>Single and Two-Family Residential: See §307.</p> <p>All Other Uses: Accessory buildings are subject to detailed site plan review per §503.</p>
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §318. A vegetative buffer strip may be used.
c. Fences	See §317.
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328.
f. Parking	See §326.



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Section 409 Industrial District (I)



A. Intent.

The I-Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing, and other industrial operations, subject to certain performance requirements relative to their impact on the community.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed below (also in **Section 410: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plan Review**, **Article 6: Special Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Agriculture, Forest Products & Animal Services	
Agricultural Products Processing and Storage (Does not include Animal Processing or Marihuana Businesses.)	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Arts, Entertainment & Recreation	
Equipment Rental, Motorized (ORV, Snowmobile)	P
Shooting (Firearms) Ranges, Indoor	P
Commercial, Services & Retail	
Auto Repair; Auto Body/Paint/Interior & Glass	P
Automotive Accessory Sales	P
Automotive Oil Change	P
Automotive Tire Sales & Installation	P
Automobile Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services & Computer Repair	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit <i>§7.x indicates supplemental regulations apply</i>	I
Commercial, Services & Retail (cont.)	
Car Washes	P
Cleaning Services/Rehabilitation (with or without storage)	P
Commercial Equipment Repair & Maintenance	P
Contractors Offices & Showrooms – <u>no</u> outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Contractors' Offices & Showrooms/Yards <u>with</u> outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Data Processing & Computer Centers	P
Electric Vehicle Charging Facility	P
Equipment Rental & Sales (indoor)	P
Extermination & Pest Control Services	P
Film Production Facilities/Recording Studios (including sound stages & other related activities)	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations §716	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Laundromat & Dry-Cleaning Establishments	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	I
Commercial, Services & Retail (cont.)	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured Home Dealers (& Service)	P
Marihuana Growers inside a Fully Enclosed Building (requires permit under the Briley Township Commercial Marihuana Establishment Ordinance)	P
Printing/Binding/Publishing of Print Material	P
Sexually Oriented Businesses §708	S
Small Engine Repair	P
Studios for Dance, Physical Exercise & Music	P
Taxidermy Shops	P
Tattoo & Body Piercing Studios	P
Truck & Heavy Equipment Repair & Maintenance	P
Human Care & Social Assistance	
Social Assistance (individual and family services; community emergency relief services; vocational rehabilitation services)	P
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.	P
Crematoriums	P
Food Hub Facility/Food Incubator Facility	P
Industrial Parks (planned)	P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §710	S
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §703	P
Printing, Lithographic & Blueprinting	P
Ready-Mix Concrete & Asphalt Plants & Similar	P
Research/Design/Experimental Product Dev.	P
Sign Painting Shops	P
Waste Collection Facilities; Recycling Facilities; Solid Waste Transfer Stations	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit §7.x indicates supplemental regulations apply	I
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §307	S
Parking Lots - approval of additional parking in existing lots by ZA. If parking is increasing by 30% or more, a Special Use permit is required	PS
Primary Caregivers, Marihuana §707 (No permit req)	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	S
Distribution Centers/Freight Terminals/Trucking Facilities	P
Storage Facilities including Self-Storage Facilities/Mini-Storage	P
Transit Facilities (including bus garages/stations)	P
Truck Rental Facilities	P
Truck Transportation Facility including Truck Repair & Maintenance	P
Truck Washes	P
Warehousing	P
Wholesale Businesses	P
Utilities, Energy & Communications	
Battery Energy Storage Systems §715	S
Essential Services	P
Essential Service Buildings or Facilities (including transformer stations & similar)	P
Heating & Electric Power Generating Plants	P
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	P
Solar Energy Facility (Utility-Scale) §714	P
Solar Panels, Accessory §713	P
Wireless:	
Antenna Co-Location §711	P
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P

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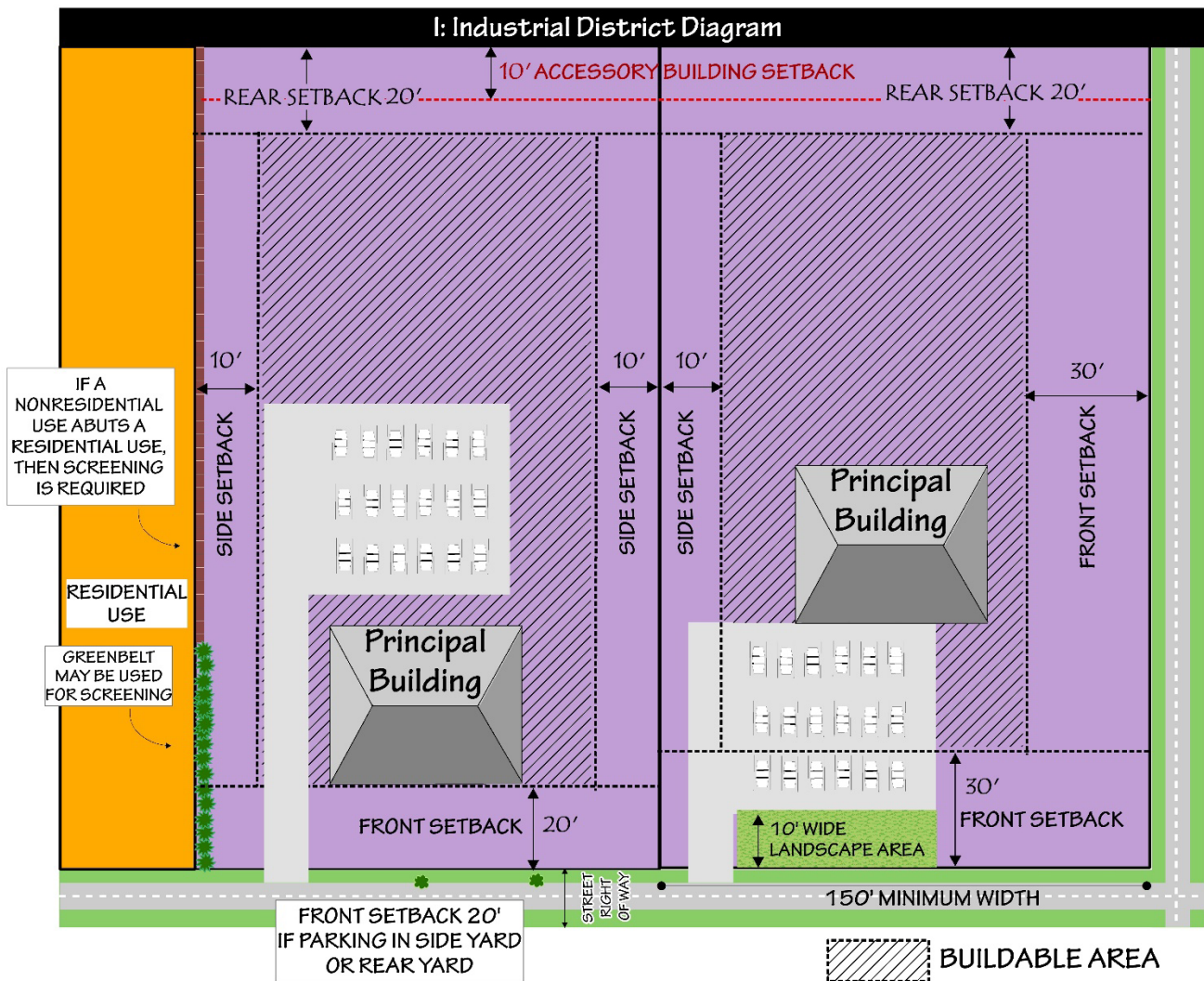
I

C. Development Standards for I District.

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

1. Lot & Structure Standards	
a. Lot Area (min.)	5 acres
b. Lot Width (min.)	150 ft
c. Building Height (max.)	45 feet
d. Floor Area (min.)	N/A
e. Building Width (min.)	N/A
2. Setbacks	
a. Front (min.)	30 ft
	On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and a front setback shall be required along both front lot lines. The rear lot line shall be the opposite lot line as the front of the principal building.
	Parking may be permitted in the front yard provided there is at least a 10 ft landscaped buffer area between the ROW and the off-street parking lot. If parking and loading space are confined to the back and side yards, the required front setback may be reduced to 20 ft provided that a reasonable sense of consistency is established with abutting properties.
	The front setback requirements of a lot may be modified so as to equal the average front setback of existing developed lots within 100 ft of said lot and within the same block front; provided the front yard depth shall not be less than ten 10 ft
	The minimum setbacks shall be increased by one (1) foot for each foot of building height above twenty (20) feet when adjacent to non-industrial districts.
b. Side (min.)	10 ft
c. Rear (min.)	Principal Buildings: 20 ft
	Accessory Buildings: 10 ft
3. Additional Development Standards	
a. Accessory Buildings	Accessory buildings are subject to detailed site plan review per §503 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required per §318 . A vegetative buffer strip may be used.
c. Fences	See §317 .
d. Decks & Patios	Decks and covered patios shall meet the setbacks required for the principal building. Uncovered patios are not subject to setbacks.
e. Signs	See §328 .
f. Parking	See §326 .

<p>g. Storage Areas</p>	<p>Whenever an industrial use permitted in this Section requires the use of a storage area or operational activity which is not within the confines of a closed building, adequate greenbelt, screening devices, and/or buffer walls may be required by the Planning Commission whenever said storage operational activity abuts a Residential District boundary or a public street that extends beyond or through the industrial use area to serve non-industrial structures and uses.</p>
<p>h. Performance Standards</p>	<p>Any industrial activity that produces glare, noise, vibration, smoke, dust, odors, and similar or related nuisances, shall confine these nuisances to the Industrial District and must conform to state and federal environmental regulations.</p>



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Section 410 Full Table of Permitted & Special Uses

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Uses not listed are not permitted. Unlisted uses are subject to **Section 402.A**. In the case of a conflict between **Table 410** and the tables listed in the individual district sections, **Table 410** shall supersede.

Briley Township Zoning Districts	
R-1	Restricted Residential District
R-2	General Residential District
A-1	Agricultural District
FR	Forest & Recreational District
OT	Old Town District
C-2	Heavy Commercial District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-38
Agriculture, Forest Products & Animal Services	4-39
Arts, Entertainment & Recreation	4-40
Commercial, Services & Retail	4-41
Educational Services & Religion	4-44
Human Care & Social Assistance	4-44
Manufacturing, Industrial & Waste Management	4-45
Miscellaneous	4-46
Public Facilities	4-46
Residential Uses	4-46
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Utilities, Energy & Communications	4-47

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Accommodation & Food/Event Services							
Bakeries, Coffee Shops, Confectioneries, Delis & Ice Cream Shops					P	P	
Bars/Taverns					P	P	
Bed & Breakfasts & Tourist Homes		S	P	P			
Cabin Courts (or Cabin Complex)			S	S			
Caterers/Food Service Contractors						P	
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §704			S	S		P	
Food Trucks §705					S	S	
Hotels & Motels					S	P	
Inns (Restaurant serving Meals to the Public with Lodging Units Within)					S	S	
Microbreweries & Distilleries (serving directly to the public and including accessory uses such as tasting rooms)			S		S	P	
Night Clubs						S	
Resorts, Vacation Lodges, Vacation Farms, and Guest Ranches (including accessory facilities such as stables, corrals, swimming pools, food services, and incidental retail sales and services)			S	S	S	P	
Restaurants (with or without drive-through)					P	P	
Rooming Houses/Boarding Houses			P	P		P	
Short Term Rental Homes §706			P	P			
Wineries & Cider Tasting Rooms			S	S	P	P	

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Agriculture, Forest Products & Animal Services							
Agricultural Businesses (retail or wholesale, bulk seed, nursery, and fertilizer stock outlets, agricultural distribution centers, sales and repair of agricultural equipment, grain elevators, and similar businesses).			P	S		S	
Agricultural Products Processing and Storage (Does not include Animal Processing or Marihuana Businesses.)			P	S		S	P
Animal Shelter/Animal Rescue Facility			S			S	
Agricultural Tourism Businesses (on Farms)			S	S			
Biofuel Production Facilities on Farms			PS	PS			
Boarding Stables; Riding Stables/Academies, Commercial §717			P	P			
Cider Mills (including accessory uses such as tasting rooms)			S	S		S	
Dog Grooming Establishments			P			P	
Farming, Commercial			P	P			
Farming, Domestic/Hobby			P	P			
Farm Product Sales (Fruit/Vegetable Market) – not grown on property under control of the farm			P	P	P	P	
Farm Market/Roadside stand (product grown on property under control of the farm) – permanent structures			P	P		P	
Firewood Sales (Large Scale) (does not include small bundles of firewood)			S	S		S	S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)			S	S			P
Game Preserves/Hunting Preserves			S	S			
Kennels; Dog Clubs			S	S			
Lumber Yards (pre-planed, finished lumber)/Building Material Sales					S	P	P
Veterinary Clinic/Animal Hospital			S			S	
Wineries (including accessory uses such as tasting rooms)			S	S		S	

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Arts, Entertainment & Recreation							
Archery Ranges (& as accessory use), Indoor			S	S		S	
Archery Ranges (& as accessory use), Outdoor			S	S		S	
Art Galleries & Art Studios					P	P	
Campgrounds & RV Parks			S	S			
Camps (ex: Summer Camps)			S	S			
Canoe/Kayak/Boat Liveries			S	S	S	S	
Country Clubs			S	S			
Docks, Launch Ramps, Associated Parking Areas, & Other Water-Related Supporting Uses (Public)	S			S	S		
Equipment Rental, Motorized (ORV, Snowmobile)			S	S	P	P	P
Equipment Rental, Non-Motorized (Outfitter)			S	S	P	P	
Golf Courses			S	S			
Golf Driving Ranges			S	S			
Historic Sites (Open to the public)			S	S			
Indoor Commercial Recreation Facility (ex - bowling alleys, billiards halls, arcades, fitness, skating, sports centers, indoor golf, simulators)						P	
Museums			P	P	P	P	
Outdoor Performance Facilities			S	S		S	
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; amusement parks)			S	S		S	
Performing Arts Companies; Dance, Music, Voice Studio					P		
Public Parks, Playgrounds, Recreation Areas, Nature Areas, Forestry Preserves & Wildlife Preserves	P	P	P	P	P	P	
Racetracks (Motorized or Non-Motorized)			S	S			
Shooting (Firearms) Ranges, Indoor			S	S		S	P
Shooting (Firearms) Ranges, Outdoor			S	S			
Social Clubs; Lodges; Fraternal/Civic Organizations; Sportsmen’s Clubs					S	S	
Theaters					S		
Tours (Commercial Operations)			S	S	P	P	
Zoos (including Petting Zoos) & Animal Tours/Botanical Gardens			S	S			

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Table 410: Table of Permitted Uses & Special Uses

P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Commercial, Services & Retail							
Auto Repair; Auto Body/Paint/Interior & Glass						P	P
Automotive Oil Change						P	P
Automotive Tire Sales & Installation						P	P
Automobile Towing Businesses						P	P
Banks/Financial Institutions/Cash Advance Stores					P	P	
Boat/RV/Recreational Equipment Repair & Storage						P	P
Building & Garden Equipment & Supplies Dealers						P	P
Business Incubator (Food Incubator listed under Manufacturing)					S	P	P
Business Services & Computer Repair					P	P	P
Car Washes						P	P
Cleaning Services/Rehabilitation (with or without storage)					P	P	P
Commercial Equipment Repair & Maintenance					S	P	P
Contractors Offices & Showrooms – <u>no</u> outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						P	P
Contractors' Offices & Showrooms/Yards <u>with</u> outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						P	P
Data Processing & Computer Centers						P	P
Drive-Through Facilities					S	S	
Electric Vehicle Charging Facility						P	P
Electronic & Precision Equipment Repair & Maintenance					P	P	
Equipment Rental & Sales (indoor)					S	P	P
Extermination & Pest Control Services						P	P
Film Production Facilities/Recording Studios (including sound stages & other related activities)			S	S	S	P	P
Fix-It Shops			S	S	P	P	
Flea Market				S		S	
Funeral Homes & Mortuaries						P	
Furniture Refinishing (Upholsterers)/Furniture Repair					S	P	P
Gas Stations §716						P	P
Greenhouse; Nursery; Landscaping Establishments			S	S		P	
Interior Designers/Showrooms						P	P
Laboratories, Medical/Dental						P	P
Laundromat & Dry-Cleaning Establishments						P	P

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Commercial, Services & Retail (cont.)							
Locksmiths						P	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales					S	P	P
Manufactured Home Dealers (& Service)						P	P
Marihuana Growers inside a Fully Enclosed Building (requires permit under the Briley Township Commercial Marihuana Establishment Ordinance)			P				P
Marihuana Retailers & Designated Consumption Establishments (requires permit under the Briley Township Commercial Marihuana Establishment Ordinance)					P	P	
Offices, Professional (INCLUDING health care and dental clinics)					S	P	
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment INCLUDING service			S			P	
Personal Services (ex - beauty shops, tailoring, massage therapy, tanning, spa)					P	P	
Photofinishing/Photographers		S			P	P	
Printing/Binding/Publishing of Print Material						P	P
RV Rental/Sales/Repair; Small Motor & Non-Motorized Repair					S	S	
Retail Sales:							
Art & Photography Shops					P	P	
Automotive Accessory Sales						P	P
Antique Stores/Second-Hand Stores					P	P	
Bait & Tackle Shops					P	P	
Bicycle Shops					P	P	
Book Stores					P	P	
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)					P	P	
Convenience Stores						P	
Department Stores						P	
Electronics & Appliance Stores						P	
Farm & Feed Supply Stores						P	
Farm Market					P	P	
Firearms Store		S			P	P	
Florists					P	P	
Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover)						P	
General Merchandise Stores/General Retail					P	P	

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Commercial, Services & Retail (cont.)							
Gift Shops/Curio Shops		S			P	P	
Grocery Stores/Meat Market/Fruit & Vegetable Market					S	P	
Hardware Stores					P	P	
Health & Personal Care Stores						P	
Home Improvement Centers (lumber stored in enclosed structure)						P	P
Jewelry Stores					P	P	
Liquor Stores (where liquor is the primary item for sale)						P	
Malls, Shopping Centers, or Shopping Plazas						S	
Office Supply Stores						P	
Pet Stores & Pet Supply Stores			S			P	
Pharmacies/Medical & Optical Supplies						P	
Resale Shops/Thrift Shops					S	P	
Sporting Goods, Hobby, Book & Music Stores					P	P	
Seasonal Sales/Transient Sales					S	P	
Sexually Oriented Businesses §708							S
Small Engine Repair			S	S			P
Small-Scale Craft Making						P	
Studios for Dance, Physical Exercise & Music	S	S	P	P	S	P	P
Taxidermy Shops						P	P
Tattoo & Body Piercing Studios					S	P	P
Truck & Heavy Equipment Repair & Maintenance						P	P

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Educational Services & Religion							
Churches & Customary Accessory Uses		S	S	S		P	
Colleges/Universities					S		
Private Instructional Facilities, Business Schools, Vocational Schools & Trade Schools					S		
Public, charter or private schools (elementary through high school)					S		
Human Care & Social Assistance							
Adult Day Care Facility, Small Group– IN PRIVATE HOME	P	P	P	P			
Adult Day Care Facility, Large Group – IN PRIVATE HOME		S	P	P			
Adult Day Care Facility NOT IN PRIVATE HOME			S	S			
Adult Foster Care Large Group Home (13-20)			S	S			
Adult Foster Care Small Group Home (7-12)			S	S			
Adult Foster Care Congregate Facilities (over 20)			S	S			
Assisted Living Home/Nursing Home/Convalescent Home			S	S			
Charitable Institutions (ex: soup kitchen); Non-Profit Organizations			S	S			
Child Care Home, Family	P	P	P	P	P	P	
Child Care Home, Group	S	S	S	S	S	S	
Child Care Center/Nursery School (not in home)			S	S			
Child Caring Institution			S	S			
Correctional or Penal Institutions (private)			S	S			
Hospitals			S	S			
Other Residential Care Facilities (substance abuse, correctional, rehabilitation)			S	S			
Qualified Residential Treatment Program (that provides services for 10 or fewer individuals)	P	P	P	P	S	P	
Rehabilitation Institutions (non-residential)			S	S			
Residential Care Facilities (foster care), State-Licensed (up to 6 adults or children)	P	P	P	P	S	P	
Residential Human Care & Treatment Facility (not in a residence)			S	S			
Social Assistance (individual and family services; community emergency relief services; vocational rehabilitation services)						P	P

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P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Manufacturing, Industrial & Waste Management							
Manufacturing, Light – including the production, processing, cleaning, testing, & distribution of materials, goods, foodstuffs, & products.			S	S		P	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products.						S	P
Crematoriums						S	P
Food Hub Facility/Food Incubator Facility			P	P	S	P	P
Industrial Parks (planned)							P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards §710						S	S
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction; sod farming; borrow pits) §703			P	S		P	P
Printing, Lithographic & Blueprinting						P	P
Ready-Mix Concrete & Asphalt Plants & Similar						P	P
Research/Design/Experimental Product Dev.			P	P			P
Sign Painting Shops						P	P
Slaughterhouses			S				
Waste Collection Facilities; Recycling Facilities; Solid Waste Transfer Stations			S				P

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Table 410: Table of Permitted Uses & Special Uses							
P = Permitted S = Permitted with Special Use Permit *supplemental development regulations	R-1	R-2	A-1	FR	OT	C-2	I
Miscellaneous							
Accessory Buildings & Uses Incidental to Principal Uses §307	P	P	P	P	S	S	S
Parking Lots - approval of additional parking in existing lots by ZA. If parking is increasing by 30% or more, a Special Use permit is required			PS	PS	PS	PS	PS
Planned Unit Developments §709	S	S	S	S			
Primary Caregivers, Marihuana §707 <i>No permit required</i>	P	P	P	P	P	P	P
Site Condominium Development (processed as a Planned Unit Development) §709	S	S	S	S			
Public Facilities							
Community Centers					P	P	
Government Administration Facilities						P	
Libraries					P	P	
Police Stations/Jails/Fire Stations						P	
Public Works Facilities						P	
Residential Uses							
Accessory Dwelling Units/Guest Houses §702	S	S	S	S	P		
Home Occupations §701	P	P	P	P	S	S	
Home Occupations: Cottage Industries §701		S	P	P		S	
Mixed Uses (Dwelling units in the same building or on same lot with any type of non-residential use)			P	P	P	P	
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) – HUD certification required		S	S	S		S	
Multiple-Family Dwelling Units	S	P					
Single-Family Dwellings	P	P	P	P			
Single-Family Dwellings (existing as of the date of adoption of this Ordinance – can replace existing residential with new residential)					P	P	
Tiny Homes (any principal dwelling which is less than the district minimum)		P	P	P			
Two-Family Dwellings (duplex)	P	P	P	P			

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Transportation, Storage & Wholesale							
Airports, Aviation Support Services, Heliports & Landing Fields			S	S			
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments						S	P
Drone (Unmanned Aerial) Centers						S	S
Distribution Centers/Freight Terminals/Trucking Facilities							P
Postal Service					P		
Scenic & Sightseeing Transportation					P	P	
Storage Facilities including Self-Storage Facilities/Mini-Storage						P	P
Transit Facilities (including bus garages/stations)							P
Truck Rental Facilities							P
Truck Transportation Facility including Truck Repair & Maintenance							P
Truck Washes							P
Warehousing							P
Wholesale Businesses							P
Utilities, Energy & Communications							
Battery Energy Storage Systems §715			S	S			S
Essential Services	P	P	P	P	P	P	P
Essential Service Buildings or Facilities (including transformer stations & similar)			S	S			P
Heating & Electric Power Generating Plants			S	S			P
Public Utility Facilities (without storage yards)			S	S			P
Public Utility Facilities (with storage yards)			S	S			P
Solar Energy Facility (Utility-Scale) §714			S	S			P
Solar Panels, Accessory §713	P	P	P	P	P	P	P
Wind Energy Systems & Anemometer Towers (Commercial/Utility-Scale) §711.B			S	S			
Wind Energy Systems (On-Site) §711.C			S	S			
Wireless:							
Antenna Co-Location §711	P	P	P	P	P	P	P
Small Cell Wireless Facilities §711.E			S				
Television/Radio Broadcasting Stations (Wireless Facility accessory use: §711)			S				
Wireless Communications Facilities with Support Structures (i.e. cell towers) §711	P	P	P	P	P	P	P
Wireless Communications Facilities, Ground-Mounted (Earth Station or Ground Station) §711			S	S			

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Article 5 Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
500	Purpose & Approval Summary Table	5-1	503	Detailed Site Plan Review Procedure	5-5
501	Basic Site Plan Review	5-2	504	Site Plan Review Standards	5-8
502	Detailed Site Plan Data Requirements	5-3	505	Site Plan Violations	5-9

Section 500 Purpose & Approval Summary Table

The purpose of this Article is to specify the documents and/or drawings required and to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such a manner as to protect adjacent properties from substantial adverse impacts. The following table summarizes the plan required and the approving body for different types of development.

Type of Use	Type of Plan	Approving Body
1. Single-Family & Two-Family Dwelling Units	Basic	Zoning Administrator
2. Multiple-Family Dwelling Units	Detailed	Planning Commission
3. Home Occupations	None	None
4. Cottage Industries	Basic	Planning Commission
5. Bed & Breakfasts, Short Term Rentals & Boarding Houses/Rooming Houses	Basic	Planning Commission
6. Accessory Buildings (residential)	Basic	Zoning Administrator
7. Accessory Dwelling Units	Basic	Planning Commission
8. Accessory Solar Panels	Basic	Zoning Administrator
9. Dwelling Units in Conjunction w/Commercial	Detailed	Planning Commission
10. Manufactured Housing Communities	Detailed	Planning Commission
11. Special Uses	Detailed*	Planning Commission
12. Parking Lots (paved) – new or if parking is increasing by 30% or more	Detailed	Planning Commission
13. Signs	Basic	Zoning Administrator
14. Fences	Basic	Zoning Administrator
15. Change of Use for existing structure or lot	Application	Zoning Administrator
16. Construction or Outside Renovation of Commercial, Industrial, Institutional or Utility Structures (including Accessory Buildings); Extractive Uses	Detailed	Planning Commission
17. Recreational Uses including Campgrounds & RV Parks	Detailed	Planning Commission
18. Food Trucks/Food Truck Parks	Basic	Planning Commission
19. Planned Unit Developments & Site Condominium Projects	Detailed	Planning Commission
20. Seasonal Uses	None	None
21. Temporary Dwellings	Basic	See Section 309.D
22. Private Roads	Detailed	Planning Commission

*Special Uses located within a residence shall submit a Basic Site Plan (i.e. Cottage Industry, Group Child Care Homes, etc)

Section 501 Basic Site Plan Review

A. When Basic Site Plan is Required.

All zoning permit applications shall include a basic site plan unless a detailed site plan is required per **Table 500**.

B. Basic Site Plan Review Procedure.

1. Basic Site Plans Requiring Approval by the Zoning Administrator.

- a. The Zoning Administrator shall not issue a zoning permit for the construction or change of use of the buildings and structures identified in this Section unless a basic site plan has been reviewed and approved by the Zoning Administrator.
- b. The Zoning Administrator shall review submitted materials and shall conduct a site visit. If said use is allowed and meets all Ordinance requirements and any special conditions for that use pursuant to **Article 7**, a zoning permit shall be issued.
- c. If the site plan is disapproved by the Zoning Administrator, notification of such disapproval and reasons shall be given to the applicant within ten (10) days. The application may be resubmitted with corrections within thirty (30) days at no additional costs.

2. Basic Site Plans Requiring Approval by the Planning Commission. Basic site plans which require approval by the Planning Commission shall undergo the review procedures listed under **Section 503 Detailed Site Plan Review Procedure**. The basic site plan submittal requirements are found in **subsection C** below.

C. Basic Site Plan Submittal Requirements.

In addition to information required on the zoning permit application, the following shall be submitted as part of the Basic Site Plan. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing plans and specifications, provided the same is clear and legible and that the information listed below is provided.

1 Title & Purpose	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plan Review
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1. Vicinity Map	A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses (can be inset into unused corner of site map).
2. Map Features	Map scale and north arrow.
3. Property Layout	The shape, location, and dimensions of lot lines. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. Show any known easements or right-of-way.
4. Structures	The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any existing building or other structure. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
5. Accessory Uses/Storage	Show the location of planned accessory and outside storage areas.
6. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
7. Natural Features	Natural features such as forests, water bodies, wetlands, high-risk erosion areas, slopes over 10%, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.
8. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.
9. Affidavit	The site plan shall include an affidavit signed by the property owner that he has complied with all applicable state and federal laws and regulations directed to the use and development of real property, including all state and federal environmental protection legislation.
10. Fees	Fees must be paid as established by resolution of the Township Board.

Section 502 Detailed Site Plan Data Requirements

It is recognized that there is value to the public in establishing safe and convenient traffic movements to higher density areas, both within the site and in relation to an access street and that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further there is benefit to the public conserving natural resources. Toward this end, this Section requires a site plan review by the Briley Township Planning Commission, for certain buildings and uses that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land uses. Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Township Planning

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Commission upon a finding that the information being waived is not necessary for the proposed development under consideration.

Table 502: Required Data Detailed Site Plan	
A. General Information	<ol style="list-style-type: none"> 1. Name and address of property owner and developer/designer (including contact information). 2. The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district must be shown. 3. Gross acreage of development and total usable floor area.
B. Map Information	<ol style="list-style-type: none"> 1. Date, north arrow, scale bar. 2. Scale. The site plan shall be of such scale and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity. 3. Vicinity Map. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties, and their uses.
C. Property Identification	<ol style="list-style-type: none"> 1. Lot lines and location including boundary dimensions, angles, and size. 2. Legal description of the property.
D. Development Features	<ol style="list-style-type: none"> 1. Existing and Proposed Man-Made Features. The location of all existing and proposed uses or structures on the site including buildings, structures, pipelines, water and sewer lines, towers, utilities, excavations, bridges, culverts, drains, easements, signs, and exterior lighting. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof. 2. The site plan shall show the building location; proposed finished floor and grade line elevations; size of proposed principal and accessory buildings, their relation to one another and to any existing structure on the site; the height of all buildings, and square footage of floor space. 3. Nearby Structures. The location and identification of all existing structures within a two hundred (200) foot radius of the site. 4. Vehicular and Pedestrian Circulation. The existing and proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site. 5. Density. Site plans for residential developments shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type. 6. Parking. The location, size and number of parking spaces in the off-street parking area, and the identification of service lanes, service parking, and handicap parking. 7. Loading and Unloading Areas. The proposed location and size of all loading and unloading areas. 8. Landscaping. The proposed location, use, and size of open spaces; and the location of any landscaping, fences, buffering, screening or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.

- 9. **Waste.** The location of storage and disposal facilities for solid waste generated, including locations of dumpsters.
- 10. **Lighting.** The location of all exterior lighting, including size, type, and area illuminated.
- 11. **Hazardous Materials.** The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with state and federal regulations.
- 12. **Storage.** Outdoor storage areas and snow storage areas.
- 13. **Drainage.** The location, size and slope of all surface and subsurface drainage facilities.

E. Physical Features

- 1. **Natural Features.** Land elevations and natural features, such as woods, streams, rivers, lakes, drains and similar features.
- 2. **Groundwater Protection Information.** The site plan shall include the groundwater protection information

F. Other

- 1. **Compliance with State/Federal Laws.** The site plan shall include an affidavit signed by the property owner that he has complied with all applicable state and federal laws and regulations directed to the use and development of real property, including all state and federal environmental protection legislation.
- 2. **Anticipated Hours of Operation for Proposed use.** The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
- 3. **Other.** Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

Section 503 Detailed Site Plan Review Procedure

This Section applies to all site plan reviews conducted by the Planning Commission for both Basic Site Plans and Detailed Site Plans.

A. When a Detailed Site Plan is required.

Detailed site plans are required for those uses listed in the approval summary table in **Section 500**. The Zoning Administrator shall not issue a zoning permit for the construction or change of use of the buildings and structures identified in this Section, unless a detailed site plan has been reviewed and approved by the Planning Commission.

B. Pre-Application Meeting.

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

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

C. Submittal Procedures.

1. **Number of Copies and Submittal Deadline.** Two (2) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least fifteen (15) days prior to the Planning Commission meeting at which the site plan will be considered. A digital copy (JPG or PDF) shall be required. The Zoning Administrator shall provide one (1) copy to the Planning Commission Chair.
2. **Review for Completeness.** The Zoning Administrator will review the materials submitted to ensure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Planning Commission Chair shall forward digital copies of the proposed site plan to members of the Planning Commission and shall cause the site plan to be placed on the agenda of the next regular Planning Commission meeting. Planning Commission members are encouraged to personally visit the site before meeting with no ex-parte contact.
3. **Fees.** Application fees as determined pursuant to **Section 902** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
4. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - a. The **Montmorency County Building Department**
 - b. The **Montmorency County Soil Erosion and Sedimentation Control Officer**
 - c. The **Montmorency County Drain Commissioner**
 - d. The **Montmorency County Road Commission** and, if appropriate, the **Michigan Department of Transportation**
 - e. **District Health Department**
 - f. Local fire and ambulance service providers
 - g. **Michigan Department of Natural Resources**

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h. Other agencies or consultants as deemed appropriate

- 5. **Site Plans Requiring ZBA Action.** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- 6. **Attendance at Meeting.** If the applicant fails to attend the Planning Commission meeting at which the site plan will be reviewed, either in person or by an authorized representative, the review may be postponed until a future meeting or acted upon without the applicant's presence.

D. Planning Commission Action.

- 1. **Review Meeting.** Reviews of detailed site plans shall be held at regular meetings established by the Planning Commission. The applicant may request a special meeting of the Planning Commission for a fee set by the Township Board in the fee schedule.
- 2. **Decision.** The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve with conditions the site plan in accordance with the requirements of the zoning district in which the proposed use is located, the standards listed in **Section 504**, and any applicable standards contained in **Article 7 (Supplemental Regulations)**. If the site plan is disapproved by the Planning Commission, notification of such disapproval and reasons shall be given to the applicant within ten (10) days, application may be resubmitted with corrections within thirty (30) days at no additional costs.
- 3. **Findings of Fact.** The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
- 4. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan. A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
- 5. **Signed Copies.** If approved by the Planning Commission, two (2) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One (1) signed and dated site plan shall be provided to the applicant by the Secretary of the Planning Commission within five (5) days of approval and one (1) shall be retained by the Zoning Administrator as part of the Township's permanent zoning file.

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- 6. **Performance Guarantee.** The applicant may be required to post performance guarantees, pursuant to **Section 903**, to ensure the completion of the project.
- 7. **Conformity to Approved Site Plan Required.** Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
- E. **Appeals.** An appeal to the zoning board of appeals may be taken by a person aggrieved by the decision; by an officer, department, board, or bureau of the state of Michigan, or the Township. See Section 604(1) of the **Zoning Enabling Act**, MCL 125.3604(1). A request for appeal may be made in writing to the Zoning Board of Appeals within thirty (30) days of the decision by the Planning Commission.
- F. **Amendment.** A previously approved site plan may be amended by the Planning Commission upon request of the applicant. Any amendments that affect standards of approval and could affect Findings of Fact, in the opinion of the Zoning Administrator, shall require reapplication. Such amendment shall be made upon application and in accordance with the procedure in this Section of this Ordinance. Any fees paid in accordance with such application may be waived or refunded at the discretion of the Planning Commission.
- G. **Expiration of a Site Plan.** Any permit issued shall become invalid if the authorized work is not commenced within six (6) months, or completed within one (1) year, or upon such time as set by the Planning Commission at the hearing. Thirty (30) days prior to the expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval. Any subsequent re-submittal shall be processed as a new request with new fees.

Section 504 Site Plan Review Standards

In reviewing the site plan, the Planning Commission shall determine whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below:

- A. **Development of Surrounding Property.** The site shall be developed without impeding the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. **Landscape.** The landscape shall be preserved in its natural state, as practical, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas.
- C. **Drainage.** Special attention shall be given to proper site drainage so that the removal of storm waters will not adversely affect neighboring properties or resources.

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- D. **Privacy.** The site plan shall provide reasonable visual and sound privacy for all dwelling units within reasonable distance for the proposed use. Fences, walks, barriers, and landscaping shall be used where appropriate, for the protection and enhancement of property, and for the privacy of its occupants.
- E. **Circulation.**
 - 1. There shall be a proper relationship between existing and proposed streets within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.
 - 2. There shall be provided a pedestrian traffic system, which is insulated as completely as reasonable from the vehicular traffic system.
- F. **Access.** Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- G. **Emergency Access.** All buildings or groups of buildings shall be arranged to provide emergency services access.
- H. **Storage.** Outside storage areas, including areas for storage of solid waste which face or are visible from residential districts or use, shall be screened.
- I. **Lighting.** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- J. **Off-street Loading and Unloading.** Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of dedicated streets or alleys.

Section 505 Site Plan Violations

If conditions and stipulations of an approved site plan are not being adhered to or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

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Article 6 Special Use Review

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Section 600 Intent

Special Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which require individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Uses.

Section 601 Special Use Application Procedure

A. Pre-Application Meeting.

A pre-application meeting pursuant to **Section 503.B** may be requested by the applicant.

B. Application Form and Fee.

Application for a Zoning Permit for a Special Use shall be submitted through the office of the Zoning Administrator on a special form provided for that purpose and shall be accompanied by the fee prescribed in the Schedule of Fees adopted by the Township Board.

C. Timing.

Please be aware that Special Uses require public hearings and that they comply with due process of law. The application and documentation shall be submitted forty-five (45) days prior to the public hearing and review.

D. Application Contents.

In addition to a complete application form, the applicant is required to submit the following:

- 1** Title & Purpose
- 2** Definitions
- 3** General Provisions
- 4** District Regulations
- 5** Site Plan Review
- 6** Special Use Review
- 7** Supplemental Regulations
- 8** Zoning Board of Appeals
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1. The applicant’s name, address, and telephone number.
2. The legal description, addresses, and tax identification numbers of the proposed site.
3. A signed statement that the applicant is the owner of the proposed site or is acting as the owner’s representative.
4. A detailed written statement, with supporting evidence, demonstrating how the proposed Special Use will comply with the standards for Special Use approval. This information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, market studies (to determine demand and/or use saturation), fiscal impact analysis, or reports and/or information from officials representing state, county, or local police, fire, or health departments, the county road commission or Michigan Department of Transportation and/or state, county, or local environmental regulatory agencies.
5. Basic Site Plan or Detailed Site Plan. **Table 500** indicates which type of plan is required.
6. Sewage and waste disposal facilities and water supply existing or proposed for installation.
7. A statement of the existing uses on all adjacent properties.
8. A statement by the applicant appraising the effect of his/her proposed use in the neighborhood indicating if the proposed use would diminish the value of land, buildings, or structures in the surrounding neighborhood.
9. Such other information as may reasonably be requested, or needed by the Zoning Administrator and Planning Commission.

Section 602 Special Use Review Procedure

A. Internal Review Procedures.

1. **Review for Completeness.** The Zoning Administrator shall review the application and information submitted under **Section 601** to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he/she shall send written notification to the applicant of the deficiencies. The application for the Special Use permit cannot proceed until all required information has been supplied. If the application is determined to be complete, the Zoning Administrator shall forward a copy of the application along with the proposed disposition and reasons therefore to the Planning Commission Secretary promptly. The secretary shall cause the application to be placed on the agenda of the next regular Planning Commission meeting and shall give notice as required by under **2006 PA 110**, as amended (MCL 125.3103) and provide digital copies (jpeg, txt, doc, pdf) to the Planning Commission members. The Planning Commission shall hold a public hearing on an application.

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2. **Coordination with Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - a. The **Montmorency County Building Department**
 - b. The **Montmorency County Soil Erosion and Sedimentation Control Officer**
 - c. The **Montmorency County Drain Commissioner**
 - d. The **Montmorency County Road Commission** and, if appropriate, the **Michigan Department of Transportation**
 - e. **District Health Department**
 - f. Local fire and ambulance service providers
 - g. **Michigan Department of Natural Resources**
 - h. Other agencies or consultants as deemed appropriate
3. **Site Plans Requiring ZBA Action.** When a site plan is required and where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

B. Planning Commission Review Procedure.

1. **Public Hearing.** A public hearing shall be held for all Special Use permit requests. Notice of the Special Use permit request and public hearing shall be provided pursuant to **Section 905**.
2. **Review.** The Planning Commission shall review the Special Use application according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in **Section 603**, and, if the use requires a site plan, **Section 504**, and all other applicable requirements of this Ordinance.
4. **Attendance at Meeting.** If the applicant fails to attend the Planning Commission meeting at which the Special Use will be reviewed, either in person or by an authorized representative, the review may be postponed until a future meeting or acted upon without the applicant’s presence.
3. **Decision.** Each application shall be considered by the Planning Commission as a separate case, and approval or denial of an application shall not require approval or denial of any subsequent application. After the public hearing and review, the Planning Commission shall do one (1) of the following:

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- a. Approve the Special Use application and site plan, if a site plan was required. The Zoning Administrator shall then be directed to issue a zoning permit for the Special Use.
 - b. Approve the Special Use application and site plan, if a site plan was required, subject to conditions which are imposed in order to ensure the Special Use complies with standards stated in this Ordinance. The Zoning Administrator shall then be directed to issue a zoning permit for the Special Use.
 - c. Disapprove the Special Use application.
4. **Findings of Fact.** The decision on a Special Use shall be incorporated into a written statement of findings and conclusions relative to the Special Use which specifies the basis for the decision and any condition(s) imposed.
 5. **Notification of Disapproval.** If the Special Use is disapproved by the Planning Commission, notification of such disapproval and reasons shall be given to the applicant within ten (10) days, application may be resubmitted with corrections within thirty (30) days at no additional costs.
 6. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to **Section 906** of this Ordinance. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
 7. **Signed Copies.** The Planning Commission shall notify the Zoning Administrator of its decision so he/she can take appropriate action. If approved by the Planning Commission and if a site plan was required, two (2) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One (1) signed and dated site plan shall be provided to the applicant by the Secretary of the Planning Commission within five (5) days of approval and one (1) shall be retained by the Zoning Administrator as part of the Township’s permanent zoning file.
 8. **Performance Guarantee.** The applicant may be required to post performance guarantees, pursuant to **Section 903**, to ensure the completion of the project.
 9. **Conformity to Approved Site Plan Required.** Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
- C. **Appeals.** Special Use approvals are not appealable through the Zoning Board of Appeals.
 - D. **Amendment.** Amendment to an approved Special Use may be processed pursuant to **Section 503.F**.

Section 603 Special Use Standards

After the public hearing and review, the Planning Commission shall approve, or approve with conditions if necessary, the Special Use if it finds that all of the following standards have been met:

A. Supplemental Standards.

Standards required for each listed Special Use, pursuant to **Article 7**, have been or will be met.

B. Compatibility with Adjacent Land Uses.

1. The location, use, and nature of the proposed use will not be in conflict with any principal permitted uses of the district or immediate neighborhood.
2. The proposed use will not be more objectionable to adjacent and nearby properties than the operation of any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, disposal of waste and sewage, or any similar nuisance.
3. The proposed use will not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.

C. Transportation System.

1. The location and design of the proposed Special Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
2. The proposed Special Use shall not cause traffic congestion, conflict, or movement in significantly greater proportion to that normally prevailing for the use in the particular zoning district.

D. Compatibility with Natural Environment.

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

E. Public Services.

1. The proposed Special Use will not place demands on fire, police, or other public resources in excess of current capacity.

2. The proposed Special Use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

Section 604 Inspections

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

Section 605 Expiration, Abandonment or Violation of a Special Use

A. Expiration of Special Use Permit.

Any approved Special Use shall become invalid if the approved Special Use is not commenced within one (1) year after the zoning permit is issued. Thirty (30) days prior to the expiration of an approved Special Use permit, an applicant may apply to the Planning Commission for a one (1) year extension of the Special Use permit. The Planning Commission shall grant the requested extension for an additional one (1) year if it finds good cause for the extension and that the zoning regulations governing the Special Use approval have not changed since the approval.

B. Special Use that has been Replaced or Superseded.

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

C. Abandonment of Special Use.

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

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

D. Special Use and Transfer or Sale of Property.

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A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection C**.

E. Special Use Violations.

If the conditions and stipulations of an approved Special Use (and plot plan or site plan, if they were required) are not being adhered to or in case of false statements or misrepresentations made in the application, the Township shall pursue enforcement procedures as a violation of the Zoning Ordinance.

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Article 7

Supplemental Regulations

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Section 700 Purpose

The uses contained within this Article shall comply with the specific development standards listed for said use in this Article along with provisions listed elsewhere in this Ordinance. Uses marked with a supplemental regulations notation in **Section 410** Full Table of Permitted and Special Uses and in the individual district use tables are included in this Article.

Section 701 Home Occupations & Cottage Industries

While Briley Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by nonresidential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure Home Occupations and Cottage Industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Standards.

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1. **Zoning Permit.**

- a. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is NOT required.
- b. Cottage industries may be permitted as a Special Use subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

2. **Products Sold.** No products shall be sold from the premises which are not strictly related to the Home Occupation or Cottage Industry conducted therein.

3. **Use of Buildings.** Home Occupations and Cottage Industries operated within the dwelling shall occupy no more than twenty (20) percent of the dwelling’s ground floor area. Home Occupations and Cottage Industries may occupy one hundred (100) percent of attached or detached accessory buildings.

4. **Employees (including Independent Contractors).** Home Occupations and Cottage Industries shall be conducted primarily by the person or persons occupying the premises as their principal residence.

- a. **Home Occupations.** No more than one (1) nonresident person shall be employed to assist with the business.
- b. **Cottage Industries.** The maximum number of non-resident employees shall be determined at the time of Special Use review based on a finding that the number of employees sought by the applicant is customary for the type of cottage industry under consideration, there is adequate off-street parking on the property to accommodate the number of employees, and the number of employees sought will not have a significantly adverse impact on the neighborhood.

5. **Architectural Style.** Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home Occupation is discontinued.

6. **Residential Character.** Home Occupations and Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.

7. **Nuisances.** Home Occupations and Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or

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Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, pollution, or other condition not typically associated with the use of the dwelling for residential purposes.

8. **Traffic.** Vehicular traffic of the Home Occupation or Cottage Industry shall not be of greater volume than normally associated with a residential property.

9. **Outdoor Storage and Display.**

a. **Home Occupations.** There shall be no exterior display or storage of goods on said premises, and the area shall be kept free of debris.

b. **Cottage Industries.** The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission. Products produced on premises may be displayed outside upon approval of the Planning Commission. The proposed outdoor display areas shall be shown on the proposed basic site plan.

10. **Parking.** Vehicular and pedestrian traffic generated by the Home Occupation or Cottage Industry shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off-street.

a. **Home Occupations.** There shall be no off-street parking shall be permitted within the setback area.

b. **Cottage Industries.** Off-street parking shall be provided for employees of a Cottage Industry. The amount of additional off-street parking for clients and customers shall be approved as part of the Special Use Permit.

11. **Materials/Process.** No process, chemicals, or materials shall be used which are contrary to applicable state or federal laws.

B. **Compliance, Inspections, and Violations.**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.

2. Any Home Occupation or Cottage Industry shall be subject to inspection by the Zoning Administrator.

3. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to a new review and approval unless it falls under the definition of a minor amendment as indicated by **Section 503.F** and as determined by the Zoning Administrator.

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Section 702 Accessory Dwelling Units

Accessory dwelling units, as defined in **Article 2**, shall comply with the following regulations:

A. Residence and Incidental Use.

The accessory dwelling unit shall be clearly incidental to the principal dwelling on the site. Accessory dwelling units are not considered principal dwellings. Accordingly, the following conditions shall be met:

1. Accessory dwelling units shall be established on owner-occupied properties only.
2. Rental of accessory dwelling units shall be for periods of thirty (30) days or greater. Accessory Dwelling Units shall not be used as a Short Term Rental.
3. Only one (1) such accessory dwelling unit shall be permitted by Special Use on each lot.
4. The floor area of an accessory dwelling unit shall be no greater than the floor area of the principal dwelling on the lot. The minimum size of an Accessory Dwelling Unit is two hundred forty (240) square feet.
5. The accessory dwelling unit may be a detached structure or may be attached to another building on the property including the principal dwelling or an accessory building.
6. Accessory dwelling units shall meet the required setbacks for the principal building.
7. Accessory dwelling units shall meet the current Building Code.

B. Compatibility with Surrounding Land Use.

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

C. Parking and Access.

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

Section 703 Extractive & Mining Operations

- A. The Planning Commission shall adhere to Section 125.3205 of **2006 PA 110, Michigan Zoning Enabling Act**, when reviewing applications for a Special Use for Extractive and Mining Operations.

1 Title & Purpose

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plan Review

6 Special Use Review

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- B. A site plan shall be submitted prior to beginning mining activities and when new areas of mining are planned that were not on the approved site plan during the active life of the mine.
 - 1. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts including consideration of alternative truck routes where possible.
 - 2. The applicant shall give assurances acceptable to the Planning Commission of operational practices which address acceptable hours of operation including blasting hours and the installation of nuisance control devices to address noise levels and dust control.
 - 3. The Planning Commission may require a performance bond or similar assurance for such safeguards prior to approval.

- C. Throughout the period of active mining, a citizen complaint process shall be established, publicized, and maintained. The process shall include, at minimum, a published address and phone number where Township residents and property owners may direct written or oral complaints or questions about mining operations. Reasonable efforts shall be made to respond to and resolve valid complaints. A written record of all complaints and questions received, along with the response given, shall be maintained and summarized annually. Complaint records shall be available for public inspection at the operator's place of business, and the annual summary shall be submitted to the Zoning Administrator by March 1 of each year for the preceding calendar year.

Section 704 Commercial Event Facilities

- A. **Intent.** The intent of this Section is to define minimum standards for Commercial Event Facilities because these facilities have a high potential of impacting surrounding properties.

- B. **Standards.**
 - 1. **Exception.** Restaurants and hotels with banquet facilities incorporated where commercial event facilities are accessory to the principal use shall not be subject to this Section.

 - 2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100) feet from the property boundaries of the lot on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service. The use of off-site parking may be granted if it is determined that

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there is not sufficient space on the lot for on-site parking and that the use of a transportation service will provide a safe method of transportation.

3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300) feet from adjacent owners' lot lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection A.2** above.
4. **Location of Activities.** Except for parking, all activities associated with the commercial event facility should be located within the facility itself. In addition, all activities shall be subject to current and future noise ordinances enacted by the Township.
5. **Hours of Operation.** Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the departure of all attendees from the facility with the understanding that the clean-up process may occur after termination of the event.
6. **Year-Round Operations and Number of Events.** Events within a commercial event facility may occur at all times of the year. The Planning Commission, however, may limit the number of events allowed each year based on a finding that due to the close proximity of the commercial event facility to dwellings, the physical characteristics of the site, and/or a lack of vegetation or other effective buffers on the site an unlimited number of events could cause a substantial detrimental impact on neighboring properties.
7. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, and shall be terminated by 11:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Sound from the facility shall be no greater than the normally occurring ambient sound levels at the lot line
8. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves it as part of the site plan. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
9. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall comply with the existing fire code.
10. **Sanitary Facilities.** The applicant shall obtain approval for the required sanitary facilities from the **District Health Department.**

- 11. **Number of Events.** The Planning Commission may limit the number of events allowed per year based on the finding that not limiting the number of events will have a substantial impact on adjacent properties.
- 12. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles subject to approval of the Fire Department.
- 13. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of the lot, the natural topography, and the vegetative cover. If required, buffers shall be of sufficient depth and height to reduce the impact of noise on adjacent properties and reduce the impact of outdoor lighting on adjacent properties.
- 14. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.

C. Submittal Requirements.

- 1. In addition to the requirements in **Section 502 (Detailed Site Plan Data Requirements)**, the site plan must show the following:
 - a. Area of the event including indoor and outdoor areas.
 - b. Parking location and number of parking spaces.
 - c. Temporary structures.
 - d. Sanitation facilities.
 - e. Areas for food trucks or food vendors including proposed setback from lot lines including the maximum number of food trucks or food vendors planned.
 - f. Areas for trash receptacles and schedule for trash pick-up.
 - g. Location of firepits.
 - h. Location of outdoor lighting and light levels.
- 2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities, and the maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Type and number of events expected.

- b. Provisions for traffic and parking management.
- c. Hours of operation must include setup and takedown times.
- d. Provisions for noise abatement and expected sources of noise including location of speaker systems and similar sources of noise.
- e. Toilet facilities.
- f. Public safety plans.
- g. Expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
- h. Expected number of automobiles and other vehicles intended to use the property at one time and collectively.
- i. Certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.
- j. The event management plan shall include proof of insurance and a signed statement which holds the Township harmless from claims, suits, or actions.
- k. List of contacts for emergency situations.

Section 705 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream trucks).
- B. Zoning approval is required for food trucks which will be in a stationary location for over seven (7) days. The property owner shall submit a basic site plan pursuant to **Section 501**. The basic site plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck (Food Truck Park), only one (1) zoning approval is required for all of the food trucks on the property.
- C. A single food truck may receive approval for multiple locations.
- D. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.

- E. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer systems, or public roads and shall be transported to a proper location for disposal.
- F. All areas of the lot shall be kept clean and free of debris.

Section 706 Short Term Rentals

A. Standards.

- 1. **Zoning Permit.** A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership.
- 2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
- 3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
- 4. **Nuisance.** Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations, or trespass.
- 5. **Traffic.** Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
- 6. **Parking.** All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.
- 7. **Fireworks.** Fireworks shall not be permitted except as superseded by Section 7 of **2011 PA 256**, as amended (Michigan Fireworks Safety Act).
- 8. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

- 1. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
- 2. The local agent must be available twenty-four (24) hours a day during the rental period and shall reside within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.

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- 3. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
- 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local agent.
- 5. The permit holder shall notify the Township of any changes in ownership or in the local agent.

C. Owner Responsibility.

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

D. Short Term Rentals shall comply with the Briley Township Short Term Rental Licensing Ordinance.

E. Violations.

Failure to adhere to the standards in this Section shall be a violation of this Ordinance per **Section 909**.

Section 707 Medical Marihuana Primary Caregivers

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the **Michigan Medical Marihuana Act** (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

A primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

- 1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- 2. Except when being transported as provided in subsection 8 below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates

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the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.

3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent roads or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.
9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:

- a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 708 Sexually-Oriented Businesses

The purpose and intent of this Section pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented-businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually-oriented business shall be permitted in a location in which any main or accessory building or structure, including signs, is within one thousand (1,000) feet of any main or accessory building or structure of another sexually-oriented business.

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- B. No sexually-oriented business shall be established on a lot which is within four thousand (4,000) feet of any lot zoned for or used for residential use or any lot used for park, school, child care center, library, or religious or cultural activity.
- C. The distances in subsections A and B shall be measured in a straight line without regard to intervening structures, topography, and zoning. Said business shall not be permitted as a home occupation or cottage industry.
- D. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually-oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: (1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- K. Any booth, room, or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the **Americans With Disabilities Act**;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

- 4. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
- 5. Has no holes or openings in any side or rear walls.

Section 709 Planned Unit Developments (PUD)

A. Purpose.

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific district standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, open space, and the preservation of natural scenic qualities.

B. Permitted Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

- 1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
- 2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
- 3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

C. District Standards.

- 1. Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.
- 2. Lot size variations shall be allowed. Configurations must allow adequate light and ventilation between structures.

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D. Development Standards.

1. **Uses.** Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
2. **Height.** The maximum building height shall be (35) thirty-five feet.
3. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.
4. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
5. **Open Space.**
6. **Common Open Space.** There shall be at least forty (40) percent open space of the gross area of the PUD, and at least twenty-five (25) percent of the gross area of the PUD shall be common open space for the collective enjoyment by occupants of development. The developer shall file a restrictive covenant with the Register of Deeds guaranteeing those common open areas will remain open for open space uses desired by occupants. A Homeowners Association is required to share the costs of common open property and access. Private streets must meet provisions of **Section 327** (Private Roads). The Planning Commission may reduce or waive this requirement where it finds that no good purpose would be served by requiring it.
7. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact on adjacent properties, residents, or public facilities.
8. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property of thirty (30) feet.

E. Review and Approval.

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to obtain feedback on the preliminary proposal. The applicant has the option to combine the preliminary and final site plan review into one (1) site plan review.

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2. **Submission of Preliminary Site Plan.** The applicant shall submit ten (10) copies of a preliminary site plan at least twenty-one (21) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
 - a. General footprint of proposed and existing buildings.
 - b. Indication of proposed uses and their general locations.
 - c. General layout of streets, drives, parking areas, and pedestrian paths.
 - d. Individual lots, if applicable.
 - e. Proposed setbacks for district perimeters and individual buildings within the development.
 - f. Proposed perimeter buffer zones and screening.
 - g. Conceptual landscape plan.
 - h. Development phases, if applicable.
 - i. Type, estimated number, and density range for residential development.
 - j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
 - k. Additional supporting documentation including a written narrative describing the project.

3. **Preliminary Site Plan Approval.** Preliminary site plan review shall use the Special Use procedures in **Section 602**.
 - a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **Section 905** of this Ordinance.
 - b. **Review.** The Planning Commission shall review the preliminary site plan using the standards in **Section 504**, **Section 603**, and this Section.
 - c. **Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall approve, deny, or approve the preliminary plan subject to specified conditions/revisions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. **Final Site Plan Approval.** Final site plan review shall use the Special Use procedures in **Section 602**.
 - a. The applicant shall submit ten (10) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least twenty-one (21) days prior to the meeting at which Planning Commission Review will occur.
 - b. The final site plan shall include all site plan data required in **Section 502**.
 - c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
 - d. The Planning Commission shall conduct a public hearing in accordance with **Section 905** of this Ordinance.
 - e. **Final Site Plan Approval/Action.** Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the requirements stated in this Section, site plan review standards in **Section 504**, Special Use approval standards in **Section 603**, and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. The Planning Commission has the authority to impose reasonable conditions pursuant to **Section 906**.
 - f. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval. The Planning Commission may reject or require modifications to the plan if, in its opinion, conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
 - g. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in **Section 503.F**.

Section 710 Junkyards, Salvage Yards, Scrap Yards & Recycling Facilities

- A. Junkyards, salvage yards, and scrap yards may be established and maintained in accordance with all applicable statutes and rules of the State of Michigan.
- B. The setback from the front lot line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence at least eight (8) feet in height. Said fence to be kept uniformly

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painted, neat in appearance, and shall not have any signs or symbols painted on it. Junk, trash, and refuse shall not be piled higher than the top of the fence. The Planning Commission may require a fence higher than eight (8) feet.

- C. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any road or highway right-of-way.
- D. The minimum lot size shall be seven (7) acres.
- E. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hours of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
- F. Open burning shall not be permitted except by state permit, and it shall comply with this subsection.
- G. Glare from any process, such as arc welding, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- H. No oils, lubricants, or other liquids from vehicles, machinery, equipment, or other materials, shall be disposed of on-site unless State of Michigan-approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this Section unless in compliance with State of Michigan regulations.
- I. The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater and present a written plan for handling and disposal of such hazardous liquids.
- J. The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with a floor drain collection system.
- K. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use approval, and there shall be no presumption that any usage beyond that in the original permit would be approved.

Section 711 Wireless Communications

A. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by **47 CFR Section 1.4000**) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See Over-the-Air Reception Devices (**47 CFR Section 1.4000**). Single-use tower and masts shall comply with all FCC rules and

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regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower.

B. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to **Section 3514 of 2006 PA 110, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.)**, co-location of wireless communications equipment on an existing support structure is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a wireless communications support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the support structure thereby jeopardizing the support structure’s structural integrity.
 - b. The installation and/or operation of the above-mentioned wireless communications equipment shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
2. **New Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use as listed in **Section 410** and the individual district tables and shall be evaluated using the procedures stated in **subsection C** below using the standards stated in **subsection D**.
3. **Other Wireless Communications Facilities:** Wireless communications facilities which do not fall under subsections **B.1 or B.2 (above)** shall follow the same Special Use approval procedure and standards as uses listed in **subsection B.2 (above)**

C. Approval Procedure for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).

1. An application for Special Use approval of Wireless Communications Facilities with Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) shall include all information required by **Section 502** as well as a decommissioning plan which shall include:
 - a. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
 - b. The projected decommissioning costs for removal of the facility (net of salvage value in current dollars) and soil stabilization.
 - c. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit).

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- (1) A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every three (3) years, for the life of the project, and approved by the Township Board. A Wireless Communications Facility owner may at any time:
 - (a) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (b) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
 2. After an application for a Special Use is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
 3. If, before the expiration of the fourteen (14) day period under **subsection C.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under **subsection C.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
 4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 905**.
 5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in **Section 504** Special Use standards in and **Section 603** and the standards contained in **subsection D** below and shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
- D. Special Use Standards for New Wireless Communications Facilities with Support Structures (Towers) or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).**

In considering authorization of such Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) Planning Commission shall apply the following specific standards:

1. **Ownership.** The applicant (owner/operator/agent) shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, agents, or successors shall report to the Planning Commission any changes in the legal

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ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.

2. **Visual Impact.** The application for Special Use for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use before the public hearing. The Planning Commission may require screening of the site consisting of a vegetative buffer, fence/wall, berm, or some combination thereof.
3. **Co-Location Feasibility.** The applicant shall provide documentation of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
4. **Height.** The support structure (tower) shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
5. **Setbacks.**
 - a. **Wireless Communications Facilities with Support Structures (Towers).**
 - (1) The tower shall be setback at least a distance at least equal to the height of the tower measured from the base of the tower to the outermost lot line of all participating lots.
 - (2) The tower and any supporting or appurtenant structures shall be no closer to any dwelling than at least the distance equal to two (2) times the height of the tower measured from its base at grade to its highest point.
 - (3) The tower may be guyed or free-standing. Guy cables and anchors shall comply with applicable zoning district setback requirements.
 - b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175) feet from the outside edge of the equipment enclosure to the outermost lot line of all participating lots. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.
 - c. **Other Buildings.** Ancillary building or buildings housing equipment needed for operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, shall meet district setbacks, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as

minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

- 6. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the Wireless Communications Facility. If lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. If lighting is not required by the FAA, then towers shall not be lit at night. Radar-activated obstruction lighting is required if permitted by the FAA.
- 7. **Color.** The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by **Federal Communications Commission (FCC)** or **Federal Aviation Administration (FAA)** regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
- 8. **Signs.** No signs other than signs required pursuant to federal, state, or local law and ordinance shall be allowed on an antenna, tower, or site.
- 9. **Fence.** A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the tower.
- 10. **Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission, Federal Aviation Administration, and Michigan Aeronautics Commission** regulations.
- 11. **Abandonment.** If a Wireless Communications Facility owner or operate has an intent to abandon, and, in fact, does abandon a Wireless Communications Facility for any reason for a period of twelve (12) continuous months, the Township will order its removal from the site by the owner of the Wireless Communications Facility within six (6) months of notification of abandonment by the Township. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
- 12. **Performance Guarantee.** Pursuant to **Section 903**, as a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township or provide an insurance bond satisfactory to the Planning Commission to assure the removal of the Wireless Communications Facility. If required, such escrow deposit or insurance bond shall be in an amount equal to the cost of removal of the Wireless Communications Facility. The deposit or bond shall be maintained by successor owners of the Wireless Communications Facility.

E. **Small Cell Wireless Facilities.**

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1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without Special Use approval, and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - (2) The running of the time period tolled under **subsection E.2.a.1** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Planning Commission.

 - b. The Planning Commission shall base their review of the request on the standards contained in **Sections 504** and **Section 603** provided, however that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

 - c. In addition to the provisions set forth in **subsection E.2.b**, in the Planning Commission's review:

- (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the substantial construction of the approved structure or facilities within the time required the zoning approval is void.

Section 712 Wind Energy

A. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is evolving and the impact these technological changes may have on the use and placement of wind turbines within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbines that do not fully comply with the strict development standards of these regulations if, in the opinion of the Commission, they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, adjacent properties, or the immediate neighborhood.

B. Wind Energy System, Utility-Scale.

Unless otherwise provided, utility-scale wind energy systems and anemometer towers shall comply with all of the following standards:

- 1. **Site Plan Required.** A Special Use application for a utility-scale wind energy system or anemometer tower shall include a site plan pursuant to **Section 502.**

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2. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system, provided, however, this standard shall not apply to an anemometer tower. No wind energy system shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long-term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for Special Use.

3. **Minimum Site Area.** The minimum site area for a wind energy system or an anemometer tower erected prior to a wind energy system shall be as necessary to meet required setbacks and any other standards of this Ordinance.

4. **Setbacks.** Each proposed wind energy system or anemometer tower shall meet the following applicable setback requirements:
 - a. Each wind turbine shall be set back from any non-participating lot line a minimum distance at least equal to 1.1 times the total height of the wind turbine.
 - b. Each wind turbine shall be set back from the center of a public or private road right-of-way or existing easement a minimum distance at least equal to 1.1 times the height of the wind turbine as defined in the Ordinance.
 - c. Each wind turbine shall be set back from an occupied building or a residence on non-participating properties a minimum distance at least equal to 2.1 times the height of the wind turbine as defined in the Ordinance to the outside wall of the structure.
 - d. Each wind turbine shall be set back from a residence on participating properties a minimum distance at least equal to 1.1 times the height of the wind turbine as defined in the Ordinance to the outside wall of the structure.
 - e. Each wind turbine shall be set back from any overhead communication and electric transmission lines (not including utility service lines to individual houses or outbuildings) a minimum distance at least equal to 1.1 times the total height of the wind turbine.

5. **Maximum Height.** The maximum wind turbine height or the height of an anemometer tower erected prior to the wind turbine shall be consistent with technology needed to harness wind energy. The Planning Commission may take proposed height into consideration when determining impact on adjacent properties.

6. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine shall be no less than fifty (50) feet.

- 7. **Maximum Noise Levels.** The facility shall not produce sound levels that because of volume or frequency of occurrence annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities.
- 8. **Maximum Vibrations.** Any proposed wind turbine shall not produce vibrations through the ground humanly perceptible at the lot lines on non-participating lots.
- 9. **Shadow Flicker.** Shadow flicker shall not exceed thirty (30) hours per year measured to the exterior wall of a dwelling or other occupied dwelling on a non-participating lot. Mitigation measures to minimize or eliminate potential impacts from shadow flicker shall include, but not be limited to:
 - a. Change the proposed location of the wind turbine; or
 - b. The wind turbine shall be turned off by manufacturer-approved automated system during the period of time an inhabited structure receives shadow flicker; or
 - c. The wind turbine shall be turned off during flicker events after thirty (30) hours/year of shadow flicker on an inhabited structure; or
 - d. There is screening (forest, other building(s), topography, window treatments/blinds) which shields the inhabited structure from a direct line of sight to the rotors causing shadow flicker.
- 10. **Interference with Residential or Governmental Reception.** Any wind turbine shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception to neighboring areas.
- 11. **Landscaping.** Each proposed wind turbine shall meet the following landscaping requirements provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine would be minimal.
 - a. The base of the wind turbine shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes.
 - b. Existing natural landforms on the site which effectively screen the base of the wind turbine or anemometer tower from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
 - c. Landscaping shall be designed to counter the effects of “shadow flicker” on any neighboring residences or roadways caused by the rotor rotation in the sunlight.

To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine.

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12. **State or Federal Requirements.** Any proposed wind turbine or anemometer tower shall meet or exceed any standards and regulations of the **Federal Aviation Administration (FAA)**, **Michigan Aeronautics Commission (MAC)**, the **Michigan Public Service Commission**, **National Electric Safety Code**, and any other agency of the state or federal government with the authority to regulate wind turbines or other tall structures in effect at the time the Special Use is approved.
13. **Soil Conditions.** A proposal for any wind turbine or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the wind turbine is removed.
14. **Aesthetics and Lighting.** Any proposed wind turbine or anemometer tower shall meet the following requirements:
- (1) Each wind turbine or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, be colored a neutral color so as to reduce visual obtrusiveness.
 - (2) Each wind turbine, including all accessory structures, or anemometer tower shall, to the extent possible, use materials and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind turbine or anemometer tower, however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - (3) Each wind turbine or anemometer tower shall not be artificially lighted unless required by the **FAA**, **MAC**, or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - (a) Shall be the intensity required under **FAA** or **MAC** regulations.
 - (b) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the **FAA** or **MAC**. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the **FAA** or **MAC**.
 - (c) May be a red top light that does not pulsate or blink.
 - (d) Shall be shielded to the extent possible and acceptable to the **FAA** or **MAC** to reduce glare and visibility from the ground.
 - (e) Radar-activated obstruction lighting system shall be utilized, if available and if permitted by the **FAA**.

- (4) Each wind turbine or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - (5) Each wind turbine or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
15. **Sign.** A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the proposed wind turbine or anemometer tower erected prior to a wind turbine. No wind turbine or anemometer tower or site shall include any advertising sign.
16. **Hazard Planning.** An application for a wind turbine shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid the spread of fire from any source on the turbine. Such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. The following shall be submitted with the application for a Special Use:
 - (1) A listing of any hazardous fluids that may be used on-site shall be provided.
 - (2) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - (3) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - (4) A Hazardous Materials Waste Plan shall be provided.
 - (5) Approved County Road Commission routes and bond surety for any perceivable road damage.
 - (6) The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Wind Energy Facility shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

17. **Repowering.**

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- a. In addition to repairing or replacing wind energy components to maintain the system, a wind energy system may at any time be repowered without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the wind energy components to increase the power rating within the existing project footprint. The repowering shall not result in non-compliance with the standards in this Section.
- b. A proposal to change the project footprint of an existing wind energy system or to erect additional wind turbines shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a wind energy facility will be reimbursed to the Township by the wind energy facility owner in compliance with the established escrow policy.

18. **Approvals.** All required approvals from other local, regional, state, or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.

19. **Reports.** Wind energy production summary reports by month shall be provided annually for each wind turbine to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

20. **End of Useful Life.** At the end of the useful life of the wind energy system, the system owner:

- a. Shall follow the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or,
- b. Amend the decommissioning plan with Planning Commission approval and proceed with **subsection B.20.a** above; or,
- c. The Township reserves the right to approve, deny, or modify an application to modify an existing wind energy facility at the end of useful life, in whole or in part, based on ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify or repower a Wind Energy System will be reimbursed to the Township by the wind energy facility owner in compliance with the established escrow policy.

21. **Removal of Abandoned Wind Turbines or Anemometer Towers.** If an owner or operator of a wind turbine(s) or anemometer tower has an intent to abandon such and, in fact, does abandon a wind turbine(s) or anemometer tower for a period of twelve (12) continuous months, it shall be considered abandoned, and the owner of such wind turbine(s) or anemometer tower shall remove the same within six (6) months of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the six (6) month period, the Township will have the removal and restoration done at the owner/applicant's expense.

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22. Decommissioning Plan and Performance Guarantee.

- a. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
 - (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. In addition to removing the wind turbine(s) or anemometer tower, the owner shall restore the site of the wind turbine(s) or anemometer tower to its original condition prior to the location of the wind turbine(s) or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind turbine(s) or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
 - (2) The projected decommissioning costs for removal of the wind turbine and soil stabilization.
 - (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit).
- b. **Performance Guarantee.** The Planning Commission shall require the applicant to file a performance guarantee (pursuant to **Section 903**) equal to one and a quarter (1.25) times the estimated cost of the removal of the wind turbine(s) or anemometer at time of approval. Such escrow deposit or bond shall be maintained by successor owners and shall be a condition of a Special Use given pursuant to this Section.
- c. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A wind energy facility owner may at any time:
 - 1. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - 2. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

23. Site Plan Required. A Special Use application for a Utility-Scale Wind Energy System shall include a site plan pursuant to **Section 502**. The following items are required unless waived by the Planning Commission:

- a. **Site Plan Drawing.** All applications for a Utility Grid Wind Energy System shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:

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- (1) Existing property features including the following: lot lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
- (2) Location and height of all proposed wind turbines, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed Utility Grid Wind Energy System.
- (3) Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

b. **Site Plan Documentation.** The following documentation shall be included with the site plan:

- (1) The contact information for the Owner(s) and Operator(s) of the Utility-Scale Wind Energy System as well as contact information for all property owners on which the Utility-Scale Wind Energy System is located.
- (2) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Utility-Scale Wind Energy System. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the Special Use permit, if approved.
- (3) Identification and location of the properties on which the proposed Utility-Scale Wind Energy System will be located.
- (4) The proposed number, representative types, and height of each wind turbine to be constructed; including their manufacturer and model, product specifications including, maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
- (5) Documents shall be submitted by the developer/manufacturer confirming specifications for wind turbine separation.
- (6) Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
- (7) Engineering data concerning construction of the Utility-Scale Wind Energy System and its base or foundation, which may include, but not be limited to, soil boring data.
- (8) A certified registered engineer shall certify that the Utility-Scale Wind Energy System meets or exceeds the manufacturer's construction and installation standards.

- (9) Anticipated construction schedule.
- (10) A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Utility-Scale Wind Energy System to conduct maintenance, if applicable.
- (11) Documented compliance with applicable local, state, and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The Utility-Scale Wind Energy System shall comply with **Federal Aviation Administration (FAA)** requirements, **Michigan Airport Zoning Act**, **Michigan Tall Structures Act**, and any applicable airport overlay zone regulations.
- (12) Proof of applicant's liability insurance.
- (13) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned wind turbine and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- (14) Other relevant information as may be requested by the Township to ensure compliance with the requirements of this Ordinance.
- (15) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- (16) A written description of the anticipated life of each Utility-Scale Wind Energy System.
- (17) The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- (18) Signature of Applicant.
- (19) In addition to the Site Plan Requirements listed previously, the Utility-Scale Wind Energy System shall be subject to the following:
 - (a) A site grading, erosion control, and stormwater drainage plan will be submitted to the Zoning Administrator prior to issuing a special use permit for a Utility-Scale Wind Energy System. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
 - (b) A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of

damage to public roads and other areas caused by construction of the Utility-Scale Wind Energy System.

- (c) A statement indicating what hazardous materials will be used and stored on the site.
- (d) A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands, and fragile ecosystems). The study shall conform to state and federal wildlife agency recommendations based on local conditions.

C. Wind Turbine, On-Site or Private.

An on-site or private wind turbine shall comply with the following standards:

1. The wind turbine shall be designed to primarily serve the needs of the property on which it is located.
2. **Basic Site Plan Submittal.** An application for the installation of an on-site or private wind turbine shall include a basic site plan including the following information:
 - a. Location of the proposed wind turbine.
 - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Design and Installation.** All wind turbines (ground and roof-mounted) shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet the manufacturer’s specifications.
4. **Minimum Lot Size.** The minimum lot size for on-site or private wind turbine shall be as necessary to meet required setbacks and any other standards of this Ordinance.
5. **Height.** The on-site or private wind turbine shall have a tower height of one hundred (100) feet or less.
6. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
7. **Setback.** The distance between an on-site or private wind turbine and the lot lines of adjacent lots shall be at least equal to the height of the tower including the top of the blade in its vertical position.
8. **Guy Wires.** The use of guy wires shall be prohibited.

- 9. **Noise.** The wind turbine shall not produce sound levels that because of volume or frequency of occurrence annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities.
- 10. **Reception Interference.** Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
- 11. **Number of Turbines (Horizontal or Vertical).** The number of wind turbines shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission provided the multiple turbines comply with the spacing requirements of the manufacturer.
- 12. **Vibration.** Wind turbines shall not cause vibrations through the ground which are perceptible beyond the lot line of the zoning lot on which it is located.
- 13. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
- 14. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine shall not cross the lot lines of the zoning lot on which it is located nor impinge on any right-of-way or overhead utility line.
- 15. **Visual Impact.** All visible components of a wind turbine shall be colored a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
- 16. **Roof-Mounted Wind Energy Systems.**
 - a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
 - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.
- 17. **Safety.** An on-site or private wind turbine shall have an automatic braking system to prevent uncontrolled rotation.
- 18. **Other Regulations.** On-site use of a wind turbine shall comply with all applicable state construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, **1959 PA 259**, as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.) and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.

Section 713 Solar Energy – Accessory Panels

Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the

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requirements below. A zoning permit shall be required. A building permit may be required.

A. Submittal Requirements.

Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the ordinance requirements shall be granted administrative approval by the Zoning Administrator.

B. Height.

1. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.
2. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

C. Setbacks/Location.

1. Ground-mounted accessory solar energy panels.
 - a. Ground-mounted accessory solar energy panels shall not be located in the front yard.
 - b. Ground-mounted accessory solar energy panels shall be setback the required district for accessory buildings in the district (**Section 307**). On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front setback along the street side lot line.
 - c. Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.
 - d. Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.
2. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

D. Glare.

Panels shall not result in glare onto adjoining properties or public rights of way.

E. Nonconformities.

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1. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
2. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

F. Building-Integrated Solar Energy Panels.

Building-integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

Section 714 Solar Energy – Utility Scale

A. Intent.

The intent of this Section is to ensure sound land use policy in Briley Township by allowing solar energy facilities in a manner that does not change the character of the Township.

B. Reflection/Glare.

Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.

C. Groundcover and Impervious Surface/Stormwater.

1. A drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar collection devices, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
2. If dual use (groundcover such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) occurs, then a drainage plan may not be required. The Planning Commission may require soil stabilization through groundcover such as conservation cover, pollinator habitat, or forage cover.

D. Screening.

Solar collection devices shall be screened from view from any residential district or residential use on non-participating lots by use of a masonry screen wall, berm, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. The Planning Commission may require screening to be installed which screens the facility fully from view from the time of

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planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance. Existing vegetation may count toward screening requirements.

E. Setbacks and Height.

Setbacks shall be measured from the nearest edge of the perimeter fencing of the facility.

1. Setbacks.

- a. Solar collection devices shall be set back at least three hundred (300) feet from the nearest point on the outer wall of occupied communities buildings and dwellings on non-participating properties.
- b. Solar collection devices shall be set back at least fifty (50) feet from the nearest edge of a public road right-of-way.
- c. Solar collection devices shall be set back at least fifty (50) feet from a non-participating party.

2. Height. The total height for the solar collection devices shall not exceed the maximum allowed height in the Agricultural District in which the system is located.

3. Solar collection devices shall not count toward any lot coverage limits in the Zoning Ordinance.

F. Wiring.

Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar collection devices at maximum tilt.

G. Lighting.

Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

H. Sound.

The facility shall not produce sound levels that because of volume or frequency of occurrence annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivities.

I. Land Clearing.

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Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

J. Access Drives.

New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

K. Fencing.

Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in **subsection E**. The Planning Commission may require wildlife-friendly fencing.

L. Repowering.

1. In addition to repairing or replacing solar energy components to maintain the system, a Solar Energy Facility may at any time be repowered, without the need to apply for a new Special Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
2. A proposal to change the project footprint of an existing Solar Energy Facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Solar Energy Facility will be reimbursed to the Township by the Solar Energy Facility owner in compliance with established escrow policy.

M. Reports.

Solar energy production summary reports by month shall be provided annually for each Solar Energy Facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

N. Emergencies.

The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely. Solar Energy Facilities shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

O. Abandonment.

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If a Solar Energy Facility owner or operator has an intent to abandon, and, in fact, does abandon a Solar Energy Facility for twelve (12) continuous months, the Solar Energy Facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within six (6) months of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the six (6) month period, the Township will have the removal and restoration done at the owner/applicant's expense.

P. Application Requirements and Performance Guarantee.

1. **Site Plan.** A site plan pursuant to **Section 502** shall be required. The site plan shall include the following additional items:
 - a. The location of all solar arrays, including setbacks.
 - b. The width of arrays.
 - c. The distance between arrays plus total height and height to the lowest edge above grade.
 - d. Ancillary structures and electric equipment.
 - e. Utility connections.
 - f. Dwellings on the property and within five hundred (500) feet of the lot lines (participating and non-participating lots).
 - g. Existing and proposed structures as part of the Solar Energy Facility.
 - h. Buried or above-ground wiring.
 - i. Temporary and permanent access drives.
 - j. Fencing detail.
 - k. Screening/landscape detail and berm detail.
 - l. Signs.
 - m. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
 - n. Sound modeling study including sound isolines extending from the sound source(s) to the wall of the nearest structure on non-participating lots.
 - o. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
 - p. The location of prime farmland [and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained] as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.

2. **Fire Safety Compliance Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code.

3. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be

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placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms and controls.
 - c. Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - d. Emergency procedures to be followed in case of fire, explosion, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, and controlling and extinguishing the fire.
 - e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - f. Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.
 - g. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
4. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- a. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - b. The projected decommissioning costs for removal of the Solar Energy Facility and soil stabilization.
 - c. The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit – pursuant to **Section 903**).
5. **Performance Guarantee.** The Township shall require a performance guarantee (pursuant to **Section 903**) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall

be completed every five (5) years, for the life of the project, and approved by the Township Board. A Solar Energy Facility owner may at any time:

- a. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
6. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 - b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. **Stormwater Study.** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - d. **Glare Study.** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.
 - e. **Groundwater Study.** An analysis by a third-party qualified professional that takes into account the planned groundwater use of the Solar Energy Facility and the impacts on local water resources.

Section 715 Battery Energy Storage Systems

A. **Purpose.**

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This Section applies to Battery Energy Storage Systems that are stand-alone facilities or are in conjunction with another use such as Solar Energy Facilities or Wind Energy Facilities. Battery Energy Storage Systems shall comply with this Section and the site plan review standards in **Section 504** and the Special Use standards in **Section 603**.

B. Setbacks and Height.

Setbacks shall be measured from the nearest edge of the perimeter fencing of the facility.

1. Setbacks.

- a. Battery Energy Storage Systems shall be set back at least three hundred (300) feet from the nearest point on the outer wall of occupied communities buildings and dwellings on non-participating properties.
- b. Battery Energy Storage Systems shall be set back at least fifty (50) feet from the nearest edge of a public road right-of-way.
- c. Battery Energy Storage Systems shall be set back at least fifty (50) feet from a non-participating party.

2. Height. Maximum height of a Battery Energy Storage System or building containing a Battery Energy Storage System shall not exceed the maximum building height in the district.

C. Screening and Surrounding Vegetation.

- 1. Battery Energy Storage Systems shall be screened from view from any residential district or residential use on non-participating lots by use of a masonry screen wall, berm, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. Screening shall look as natural as possible through the use of varying plant materials of varying heights, if possible. The Planning Commission may require screening to be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance. Existing vegetation may count toward screening requirements.
- 2. Areas within ten (10) feet on each side of a Battery Energy Storage System shall be cleared of combustible vegetation and other combustible growth.

D. Lighting.

Lighting of the Battery Energy Storage System shall be limited to that minimally required for safety and

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operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Sound.

The facility shall not produce sound levels that because of volume or frequency of occurrence annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.

F. Land Clearing.

Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

G. Access Drives.

New access drives within the Battery Energy Storage Systems shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Battery Energy Storage System is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Battery Energy Storage System is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

H. Fencing.

Battery Energy Storage Systems may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in **subsection B**. The Planning Commission may require wildlife-friendly fencing.

I. Safety and Compliance.

1. Construction of a Battery Energy Storage System shall comply with the National Electric Safety Code and the Building Code. In the event of a conflict between the Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
2. **System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
 - b. UL 1642 (Standard for Lithium Batteries),

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- c. UL 1741 or UL 62109 (Inverters and Power Converters),
- d. Certified under the applicable electrical, building, and fire prevention codes as required.
- e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations, and safety standards may be used to meet system certification requirements.

- 3. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
- 4. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
- 5. **Emergencies.** The Township may require the owner or operator to provide emergency training and/or equipment to local emergency personnel to be able to provide the required level of emergency services safely.

J. Increased Storage Capacity.

- 1. The components of the Battery Energy Storage System may be reconfigured, renovated, or replaced to increase the power storage capacity within the existing project footprint.
- 2. A proposal to change the project footprint of an existing Battery Energy Storage System shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Battery Energy Storage System will be reimbursed to the Township by the Battery Energy Storage System owner in compliance with the established escrow policy.

K. Abandonment.

If a Battery Energy Storage System owner or operator has an intent to abandon, and, in fact, does abandon a Battery Energy Storage System for twelve (12) continuous months, the Battery Energy Storage System shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within six (6) months of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the six (6) month period, the Township will have the removal and restoration done at the owner/applicant's expense.

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L. Application Requirements and Performance Guarantee.

1. **Site Plan.** A site plan pursuant to **Section 502** shall be required. The site plan shall include the following:
 - a. All lot lines and dimensions, including a legal description of each lot comprising the Battery Energy Storage System.
 - b. Names of owners of each lot within the Township that is proposed to be within the Battery Energy Storage System.
 - c. Vicinity map showing the location of all surrounding land uses.
 - d. Location of all proposed battery structures, buildings which house batteries, other buildings or structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Battery Energy Storage System.
 - e. Horizontal and vertical (elevation) to-scale drawings with dimensions.
 - f. Proposed setbacks from the Battery Energy Storage System to all existing and proposed structures on participating and non-participating lots.
 - g. Dwellings on the property and within five hundred five (500) hundred feet of the property lot lines (participating and non-participating lots).
 - h. Temporary and permanent access drives.
 - i. Screening/landscape detail and berm detail.
 - j. Signs.
 - k. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
 - l. Sound modeling study including sound isolines extending from the sound source(s) to the wall of the nearest structure on non-participating lots.
 - m. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Battery Energy Storage System.
 - n. A written description of the maintenance program to be used for the Battery Energy Storage System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Battery Energy Storage System is decommissioned.

- o. Planned lightning protection measures.
- p. A preliminary equipment specification sheet that documents the proposed battery energy storage system components and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a zoning permit.
- q. Name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of the zoning permit.
- r. **Fire Safety Compliance Plan.** Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Fire Code.
- s. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (3) Procedures to be followed for summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (6) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - (7) Other procedures as determined necessary by the Township to provide for the safety of occupants, neighboring properties, and emergency responders.

- (8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - t. Additional detail(s) and information as required by the Special Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
2. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- a. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing equipment, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - b. The projected decommissioning costs for removal of the Battery Energy Storage Systems and soil stabilization.
 - c. The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee pursuant to **Section 903**).
3. **Performance Guarantee.** The Township shall require a performance guarantee (pursuant to **Section 903**) at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A Battery Energy Storage System owner may at any time:
- a. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - b. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
4. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application site, including but not limited to:
- a. **Visual Impact Assessment.** A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

- b. **Environmental Analysis.** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.

Section 716 Gas Stations

Gasoline pumps, air and water hose stands, and other appurtenances shall be set back not less than (15) feet from all street right-of-ways

Section 717 Stables on Non-Commercial Farms

A stable shall be located not less than one hundred fifty (150) feet from any adjoining property.

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Article 8

Zoning Board of Appeals

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Section 800 Creation & Membership

A. Authority.

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

B. Regular Members.

The Zoning Board of Appeals shall consist of three (3) members who shall be appointed by the Township Board as provided by **2006 PA 110**, as amended.

1. One (1) member shall be a member of the Township Planning Commission.
2. One (1) member shall be a member of the Township Board.
3. The remaining member shall be selected from the general public.
4. An employee or contractor of the Township may not serve as a member.

C. Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. 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. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights

as a regular member of the Zoning Board of Appeals.

D. Chairperson.

The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held. An elected officer of the Township shall not serve as chairperson.

E. Expenses.

Compensation shall be set by the Township Board.

F. ZBA Member who is also a Planning Commission Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

G. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms so that not more than three (3) terms expire in any given year. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

H. Removal of ZBA Member.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 801 Meetings

A. Meeting Scheduling and Notice.

1. Meetings of the Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a request for appeal, and at such other times as such Board may determine or specify in its rules or procedure.

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- 2. **Public Hearing Required.** Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 905.**

B. Open Meetings and Rules of Procedure.

- 1. All hearings conducted by said Board shall be open to the public in compliance with the **Open Meetings Act, 1976 PA 267**, as amended.
- 2. The Zoning Board of Appeals shall establish rules and procedures for the discharge of its duties and the conduct of its hearings.
- 3. The Zoning Board of Appeals shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact, and shall file a record of its proceedings in the office of the Township Clerk and shall be a public record.

C. Quorum and Majority Vote.

- 1. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or Planning Commission or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.
- 2. The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals regular members qualified to sit for a particular matter are present to constitute a quorum.

D. Oaths and Witnesses.

The chairperson or, in the chairperson’s absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

Section 802 Jurisdiction

A. Exercising Powers.

In exercising the powers listed below, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken. The Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice be done.

B. Jurisdiction.

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1. **Administrative Review.** The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or Planning Commission.
2. **Variations.** The ZBA may grant variations (non-use variations) as provided for in **Section 804: Variance Standards.**
3. **Interpretation.** The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.

C. Powers Not Granted.

1. **Special Uses and Planned Unit Developments.** The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.
2. **Amendments.** Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner provided by law. Provided, however, the Zoning Board of Appeals shall have the authority to revise the Zoning Map, but only in conjunction with its authority to interpret district boundaries.
3. **Use Variations.** No variance shall be granted to permit the establishment within a district of any use which is not included as a Permitted Use or for which a Special Use permit is required.

Section 803 Appeals Procedure

The Zoning Board of Appeals shall have the power to hear and decide appeals from any review, order, requirement, interpretation, decision, or determination made by the Zoning Administrator, Planning Commission, or other administrative official in the administration of this Ordinance. Provided, however, the Zoning Board of Appeals shall not have jurisdiction to hear appeals from decisions made by the Zoning Administrator concerning whether to take enforcement action for alleged violations of this Ordinance.

A. Request for Appeal and Timeframe.

A person affected by a denial, order, or determination issued by the Zoning Administrator or Planning Commission pursuant to this Ordinance may appeal such denial, order, or determination by filing a written claim of appeal with the Zoning Administrator within thirty (30) days from receipt of such denial, order, or determination. Every such denial, order, or determination shall include a statement which reasonably informs a person of this right, the procedure, and fee required for making the appeal.

B. Application and Required Documents.

The appellant shall file with the Zoning Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a request for appeal specifying the grounds for the appeal. The applicant shall submit four (4)

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copies of a completed application, surveys, plans, and data as required under **Article 5** or other information deemed reasonably necessary for making an informed decision on his or her appeal, not less than forty-five (45) days prior to the date of the hearing. An electronic copy of surveys, plans, and data may be required.

C. Fees.

Fees shall be paid at the time of application pursuant to **Section 902**.

D. Transmission of Records.

The Zoning Administrator shall forthwith deliver a claim of appeal with a notation of time and date received to the Chairman of the Zoning Board of Appeals. The Chairman shall schedule a hearing within forty-five (45) days of the complete appeal application submittal and give notice to all interested parties pursuant to **Section 905**. The Chairperson is responsible for notification and all related paperwork for cases. The Zoning Administrator shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

E. Stay.

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this Section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

F. Representation.

Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

G. Decision.

The final decision of such appeal shall be in the form of a motion either reversing, modifying, or affirming, wholly or partly, the decision or determination appealed from. All decisions of the Zoning Board of Appeals shall be in writing and briefly state its findings of fact, interpretation of the Ordinance, its conclusions, and shall include its orders for the disposition of the matter. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership. All rulings shall be enforced by the Zoning Administrator unless a stay is ordered by circuit court.

H. Conditions.

The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and

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other features that will in its judgment, secure the objectives and purposes of this Ordinance as provided for in **Section 906**. A violation of any conditions constitutes a violation of the Zoning Ordinance and is subject to the applicable enforcement proceedings under the Zoning Ordinance.

I. Appeal to Circuit Court.

The **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to a Circuit Court. Any appeal must be filed within thirty (30) days after this decision and order is adopted by the Zoning Board of Appeals.

J. Rehearing.

A rehearing may be granted pursuant to **Section 907**.

Section 804 Variance Standards

- A. The Zoning Board of Appeals shall hear all matters properly before it and shall give every interested person an opportunity to be heard. The Zoning Board of Appeals may reverse or affirm, wholly or in part, the denial, order, or determination appealed from, and may issue such orders as are necessary to carry out its decisions. Upon its specific finding that a denial or order appealed from creates a practical difficulty even though such denial or order may itself conform to the strict letter of this Ordinance, the Zoning Board of Appeals may issue its order in variance of modification of the provisions hereof to effectuate the spirit of the Ordinance, the public safety, or substantial justice.
- B. The Zoning Board of Appeals must review and satisfy the following conditions in order for a variance to be granted:
 - 1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, building, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
 - 2. Whether a grant of the variance applied for would do substantial justice to the applicant as well to other property owners in the district or whether a lesser relaxation than that applied for would give substantial justice to the owner of the property involved and be more consistent with justice to other property owners.
 - 3. Whether the need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
 - 4. Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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- 5. Whether the problem was self-created (by the property owner or any previous property owner).

Section 805 Expiration & Resubmittal

A. Expiration.

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

B. Resubmittal.

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision unless a rehearing is granted pursuant to **Section 907** of this Ordinance.

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Article 9

Administration & Enforcement

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Section 900 Zoning Officials & Bodies

A. Zoning Administrator.

1. A Zoning Administrator shall be employed by the Township Board under the terms and conditions determined by the Board to administer the provisions of this Ordinance. The Board may also employ a Deputy Zoning Administrator under the terms and conditions determined by the Board to assist the Zoning Administrator in administering this Ordinance.

2. Duties of the Zoning Administrator.

a. **Issue Zoning Permits.** The Zoning Administrator shall have the power to grant zoning permits and to make inspections of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, that may occur upon the granting of said permit.

b. **Inspections.** The Zoning Administrator shall be empowered to make inspections of premises as required to enforce this Ordinance.

- c. **Complaints.** The Zoning Administrator shall respond in writing to all complaints regarding violations of the Zoning Ordinance within sixty (60) days. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the Planning Commission meetings.
- d. **Violations.** The Zoning Administrator or the Deputy Zoning Administrator is the authorized local officer responsible to issue citations to those responsible for committing municipal civil infractions pursuant to **Section 909**.
- e. **Review Applications for Planning Commission Submittal.** The Zoning Administrator shall receive and review for completeness all applications for site plan review and Special Uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- f. **Review Applications for Zoning Board of Appeals Submittal.** The Zoning Administrator shall receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- g. **Review Applications for Ordinance Amendment.** The Zoning Administrator shall receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- h. **Records.** The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, maps, amendments, Special Use permits, variances, and appeals.
- i. The Zoning Administrator shall, under no circumstances, be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of the Zoning Administrator.

B. Deputy Zoning Administrator.

The Deputy Zoning Administrator shall have the same duties and authority as the Zoning Administrator. The Deputy Zoning Administrator acts in the Zoning Administrator’s stead in the Zoning Administrator’s absence.

C. Planning Commission.

- 1. The Planning Commission shall be appointed by the Township Board as provided by under the **Michigan Planning Enabling Act, 2008 PA 33**, MCL125.3815, et. seq. and shall have such duties and responsibilities as are herein set forth. The Planning Commission shall establish rules and procedures for the discharge of its duties and the conduct of its hearings. Compensation shall be set by the

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Township Board. The Planning Commission is authorized by the provisions of the Michigan Zoning Enabling Act, 2006 PA 110, as amended, to perform the duties as specified in the Act.

2. **Duties & Responsibilities.**

- a. **Zoning Ordinance.** The Planning Commission shall develop a Zoning Ordinance.
- b. **Site Plan Approval.** The Planning Commission shall review site plans as specified in **Table 500** and issue its approval, conditional approval, or denial.
- c. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use permit including Planned Unit Developments. Following a public hearing, the Planning Commission shall review and approve with or without conditions or deny said application.
- d. **Review of Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

D. **Township Board.**

- 1. **Zoning Ordinance Adoption.** The Township Board adopts the Zoning Ordinance after review by the Planning Commission.
- 2. **Rezoning or Text Amendment.** The Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
- 3. **Fees.** The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

Section 901 Zoning Permits

A. **Requirement of Zoning Permit.**

A zoning permit shall be required for each of the following:

- 1. An activity or use of land previously vacant.
- 2. Erection, enlargement, or relocation of a building other than a residential or agricultural accessory building exempt from the applicable building code.

B. **Validity.**

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A zoning permit issued for which its purposes have not been commenced within one (1) year shall thereafter be invalid.

C. Uses Prohibited Without Permit.

Any activity on or use of land in Briley Township for which a Zoning Permit is required and for which a Zoning Permit has not been issued is prohibited and is a violation of this Ordinance.

D. Zoning Permit Application and Issuance.

1. An application for a Zoning Permit shall be made to the Zoning Administrator on a form provided by the Township and shall include and be accompanied by the following:
 - a. The name and address of the applicant and the owner of the premises
 - b. A complete description of the premises.
 - c. A complete narrative description of the proposed use and all existing and surrounding uses of the premises.
 - d. A basic site plan as required in **Section 501** or a detailed site plan as required in **Section 502** (see **Table 500** for type of plan required).
 - e. A description of the property's water supply and sewage facilities, existing and proposed.
 - f. The required application fee.
2. **Timing.** Any application requiring approval from the Planning Commission must be submitted not less than fifteen (15) days prior to a scheduled meeting for consideration at that Planning Commission meeting (this time frame shall be forty-five (45) days for Special Uses).
3. **Surveys.** The Zoning Administrator shall have the authority to require a legal survey, sealed by a professional surveyor, in the cases where there might be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
4. **Copies of Other Permits.** Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator shall be submitted. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for. A zoning permit shall be required prior to a building permit.
5. **Application Review.** The Zoning Administrator shall review the application for completeness.

- a. **Applications Reviewed by the Zoning Administrator.** If the application shows the proposed use will conform to this Ordinance and the Zoning Administrator has authority to issue the Zoning Permit, then the Zoning Administrator shall proceed with the inspection process.
- b. **Applications Reviewed by the Planning Commission.** If the application shows the proposed use will conform to this ordinance and the Planning Commission has authority to issue the Zoning Permit, then the Zoning Administrator shall forward the application materials onto the Planning Commission. After the Planning Commission has reviewed and approved the application, the Zoning Administrator shall proceed with the inspection process.

6. **Property Staking and Inspections.**

- a. **Staking of Property.** The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit. The applicant shall notify the Zoning Administrator when the property has been staked and is available for inspection.
- b. **Final Inspection.** The Zoning Administrator shall be given the opportunity to make a final inspection of all sites after completion, before occupancy begins, upon receiving notice from the owner, contractor, or their agent that the site is ready for final inspection. The site improvements shall comply with the statements in the approved application, approved plot plan or site plan, and conditions.
- c. The Zoning Administrator, township officials, and agents shall have the right to inspect lots, buildings, and/or structures to determine violations of or compliance with this Ordinance. The Zoning Administrator, township officials, and agents may exercise this right to inspection by consent of the person having the right to possession of the lot, building, structure or any part thereof, or by administrative search warrant issued by a court of competent jurisdiction.

7. **Issuance of Zoning Permits.**

- a. **Zoning Administrator Approval (per Table 500).** If the Zoning Administrator finds the application conforms with the requirements of the Ordinance, the copies submitted shall be so marked with his/her signature, including the date. One (1) copy shall be filed at the Township and one (1) returned to the applicant.
- b. **Planning Commission Approval (per Table 500).** The Zoning Administrator shall issue a zoning permit for applications that have been approved by the Planning Commission through the site plan review or Special Use review process. Two (2) copies of the site plan shall be signed and dated by both the applicant and Planning Commission Chair. One (1) signed and dated site plan shall be provided to the applicant and one (1) shall be retained by the Zoning Administrator as part of the Township’s permanent zoning file.

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8. **Transmission to Assessor.** Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings, shall be transmitted to the Township Assessor.
9. **Denial.** If an application is denied, the applicant may modify their application and resubmit the modified application within thirty (30) days of the denial without the requirement of paying an additional fee.

E. Conformance with Approved Plans.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in **Section 909**.

F. Failure to Obtain a Zoning Permit.

1. Any person who fails to obtain any necessary zoning permit shall be subject to **Section 909** unless a Permit-After-the-Fact is obtained pursuant to **subsection F.2** below.
2. **Permit After-the-Fact.** Any building erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Use permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

G. Zoning Permit Expiration.

1. Any permit issued shall become invalid if the authorized work is not commenced within six (6) months. Completion of the exterior of the structure shall not exceed twelve (12) months from issue date, but the permit may be renewed for an additional twelve (12) months upon reapplication and payment of the original fee, subject to the provisions of the Ordinance then in effect.
 - a. See **Section 503.G** for expiration of a site plan.
 - b. See **Section 605.A** for expiration of a Special Use.
2. A case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentations made in the application, shall be considered a violation of this Ordinance.

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H. Stop Work Order.

Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this Ordinance or 2006 PA 110, the Michigan Zoning Enabling Act, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated. Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed. Any person, firm, or company who continues such activity or fails to correct such site conditions after having been served with the stop work order shall be subject to **Section 909**.

Section 902 Fees

- A. Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board.
 - 1. To assist in defraying the cost of zoning administration, inspection, investigations, review, and necessary advertisements, the Township Board may from time to time, by resolution, adopt a Fee Schedule governing certain provisions of this Ordinance.
 - 2. Said fees shall be placed in the appropriate fund, as determined from time to time by the Township Board, and such fees shall be used solely for costs of administration or as directed by the Township Board.

- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

- C. **Additional Fees.**
 - 1. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners,

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engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Township Treasurer, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs.

2. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.
3. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
4. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
5. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

Section 903 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Use approval, or a Planned Unit Development project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, site restoration, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- a. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;

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- b. An additional one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- c. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 904 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 905 Public Notification

All applications for development approval requiring a public hearing (including Zoning Board of Appeals requests, Special Uses, and ordinance amendment requests) shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the **Michigan Zoning Enabling Act** require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other

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means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or when the request is for an Ordinance interpretation not involving a specific property.

- 3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
- 4. **Written Comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. **Notice.**

- 1. Except as noted in **Section 905.C.2** and **Section 905.C.3** below, notices for all public hearing notices shall be published and/or given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the Township.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 2. Newspaper publication as required in **Section 905.C.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.

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3. For ordinance interpretations and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in **Section 905.C.1** above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first-class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 906 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

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Section 907 Rehearing

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
3. The Township attorney by written opinion states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first-class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 908 Conflicting Regulations

A. Conflicting Regulations and Rules.

1. **Conflicts when this Zoning Ordinance is More Restrictive.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, or private deed restriction, then the provisions of this Ordinance shall govern except where legally superseded by such other law or ordinance.
2. **Conflicts when Another Ordinance is More Restrictive.** Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.
3. **Conflicts within this Zoning Ordinance.** Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

B. Conflicting Graphics, Tables, and Text.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. In the event of a conflict between the Table of Permitted and Special Uses in **Section 410** and the individual Tables of Permitted and Special Uses within the specific district sections in **Article 4** (Sections **403, 404, 405, 406, 407, 408, and 409**), the individual tables within the specific district sections shall prevail.

Section 909 Violations & Penalties

A. Enforcement of Ordinance.

The Zoning Administrator shall, upon receipt of a written complaint, investigate an alleged violation of this Ordinance. If as a result of such investigation, the Zoning Administrator determines that a violation of this Ordinance exists, the administrator shall forthwith send a notice of violation to the occupant and/or the owner of the premises. A notice that the recipients shall within thirty (30) days after receipt of same, correct the violation. If the violation is not corrected, a citation will be issued.

B. Penalties.

Any person, firm, or corporation who violates, neglects, omits, or refuses to comply with the provisions of this Ordinance or any permit or exception granted hereunder or any lawful requirement of the Zoning Administrator, shall be responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine determined by the court not to exceed five hundred (500) dollars per occurrence.

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Additionally, the violator shall pay costs in connection with the violation, which may include all direct or indirect expenses to the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce this Ordinance, in accordance with Section 8302 of **1961 PA 236**.

In no case, however, shall costs of less than fifty (\$50.00) dollars or more than five hundred (\$500.00) dollars be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as authorized under Michigan Law. Each day’s violation of this Ordinance that continues to exist constitutes a separate violation.

C. Civil Enforcement.

1. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
2. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in **1994 PA 12**, amending **1961 PA 236**, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.
3. The Township Supervisor and Zoning Administrator are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 910 Summary of Administrative Actions

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it.

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Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - days before hearing	Body to which applicant may appeal a denial	
Single-family and two-family dwellings, signs, accessory buildings, signs, fences	Applicant	ZA	No	----	----	ZBA	
Multiple-Family Dwellings, Non-Residential Uses	Applicant	PC	No	----	----	ZBA	
Special uses	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Planned unit development	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Rezoning or Text Change (Amendment)	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision	
		Step 2: County Planning Commission reviews amendment & provides comment (30 days)					
		Step 3: TB	No	----	----	----	
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days of adoption). Rezoning (map amendment) goes into effect on the 8th day after publication.					
Zoning ordinance enforcement	ZA	----	----	----	----	ZBA	
ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals							

Article 10

Adoption & Amendments

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Section 1000 Authority to Amend this Ordinance

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

Section 1001 Amendment Procedure

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Briley Township Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.

A. Filing of Amendment Application.

1. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
2. Each application, by one (1) or more persons, for an amendment shall be submitted to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
3. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he or she transmits the amendment request to the Planning Commission.

B. Planning Commission Action.

1. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
2. **Public Hearing.** Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, the notice of the time and place of which shall be given pursuant to **Section 905**. If the property involved adjoins another unit of government, the proper officials are to be given notice of the public hearing and shall also be given an opportunity to comment on any coordinated action or review deemed necessary.
3. **Submission to the County Planning Commission.** Following the public hearing, the Planning Commission shall submit the proposed amendment, including any zoning map changes, to the County Planning Commission or Coordinating Zoning Committee established by the County Board of Commissioners (unless the County has waived its right to review by resolution). If the recommendation of the County Planning Commission or Coordinating Zoning Committee has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
4. **Submission to the Township Board.** After receipt of a response from the County Planning Commission or Coordinating Zoning Committee or, upon expiration of the thirty (30) day period, if no response is received, the Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

C. Township Board Action.

1. **Optional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper which circulates in the Township not less than fifteen (15) days before the hearing.
2. **Township Board Decision.** The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed by Section 401 of **2006 PA 110**, as amended.
3. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8th) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

The notice of adoption for Zoning Ordinance amendments shall include the following:

- a. Either a summary of the regulatory effect of the zoning ordinance amendment, including the geographic area affected, or the text of the zoning ordinance amendment.

- b. The effective date of the zoning ordinance amendment.
- c. The place where and time when a copy of the zoning ordinance amendment may be purchased or inspected.

D. Resubmittal.

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

Section 1002 Rezoning Factors

The Planning Commission shall review and apply the following factors in the consideration of any rezoning request.

- A. Is the proposed rezoning consistent with the Briley Township Master Plan?
- B. Is the proposed rezoning reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Will there be an adverse effect on property values in the adjacent area?
- E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- F. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- H. Is the site served by adequate public facilities or is the petitioner able to provide them?

Section 1003 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use of land as part of the

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rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing with notice as set forth in **Section 905** of this Ordinance and consideration of the factors set forth in **Section 1002** (except 1002.G) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the County Planning Commission as specified in **Section 1001.B.3** for not more than thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

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E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the **County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning

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classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

- 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

- 1. Any person who commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
- 2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Use.

Unless another time period is specified in the Ordinance, the approved use of the land pursuant to building or other required permits must be commenced upon the land and substantial construction shall be shown within twenty-four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

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When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the **County Register of Deeds** that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 1004 Severability

This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 1005 Vested Right

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

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Section 1006 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Briley Township Zoning Ordinance in its entirety.
- B. The repeal of the Briley Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 1007 Enactment & Effective Date

- A. This Ordinance was adopted _____ by the Briley Township Board of Trustees and will be effective _____. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on _____.
- B. This Ordinance or Map of Zoning Districts shall become effective on the eighth (8th) day after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with **2006, PA 110, the Michigan Zoning Enabling Act**, as amended.

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