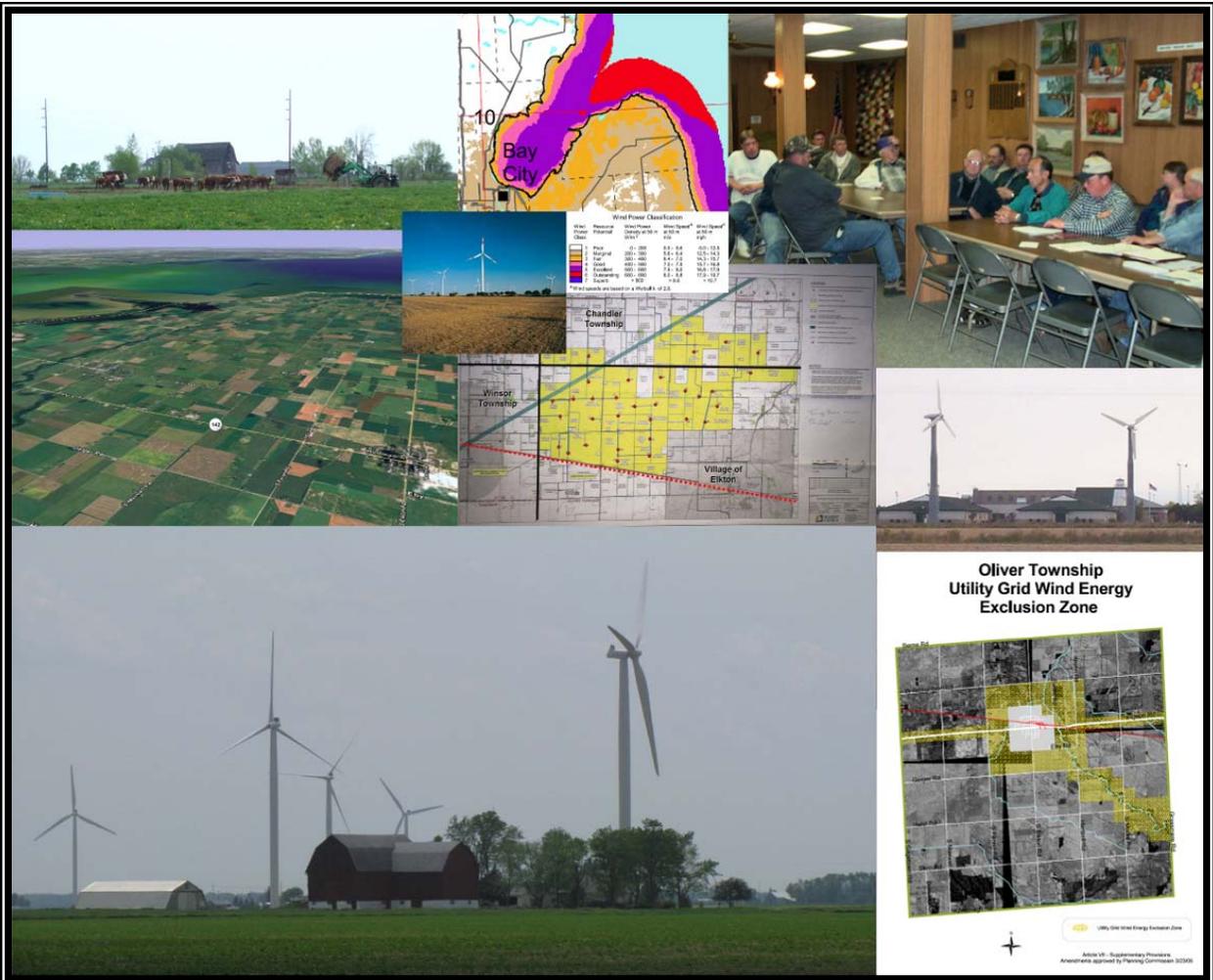


# Oliver Township

## Zoning Ordinance

Huron County, Michigan



Adopted: March 2, 2009

Effective: March 23, 2009

Amended: May 9, 2018



Saginaw, Michigan

(989) 754-4717

# Table of Contents

Chapter-Page

<b>Chapter 1 – General Provisions</b> .....	<b>1-1</b>
Section 101 Short Title.....	1-1
Section 101 Purpose.....	1-1
Section 103 Interpretation.....	1-2
Section 104 Provisions Supplementary to Other Laws.....	1-2
Section 105 Vested Rights.....	1-2
Section 106 Severability.....	1-2
Section 107 Amendment and Supplement.....	1-2
Section 108 Repeal.....	1-3
Section 109 Effective Date.....	1-3
<b>Chapter 2 – Definitions</b> .....	<b>2-1</b>
Section 201 Rules Applying to the Text.....	2-1
Section 202 Definitions.....	2-1
<b>Chapter 3 – Administration, Enforcement, and Amendments</b> .....	<b>3-1</b>
Section 301 Intent and Purpose.....	3-1
Section 302 General Administration.....	3-1
Section 303 Site Permits.....	3-3
Section 304 Site Permit Application Requirements.....	3-4
Section 305 Site Plan Review.....	3-4
Section 306 Public Notice.....	3-10
Section 307 Planning Commission.....	3-12
Section 308 Conditional Rezoning.....	3-13
Section 309 Enforcement.....	3-16
Section 310 Amendment.....	3-17
Section 311 Temporary Permits.....	3-18
Section 312 Zoning Board of Appeals.....	3-18
<b>Chapter 4 – Zoning Districts</b> .....	<b>4-1</b>
Section 401 Division of the Township.....	4-1
Section 402 Official Zoning Map.....	4-1
Section 403 Interpretation of District Boundaries.....	4-2
Section 404 Zoning of Vacated Areas.....	4-2
Section 405 Scope of Regulations.....	4-2
Section 406 Approval of Plats.....	4-2
<b>Chapter 5 – AP Agricultural Preservation District</b> .....	<b>5-1</b>
Section 501 Intent and Purpose.....	5-1
Section 502 Uses Permitted by Right.....	5-1
Section 503 Uses Permitted by Special Use Permit.....	5-1
Section 504 Dimensional Regulations.....	5-2

<b>Chapter 6 – R-1 Rural Residential District</b> .....	<b>6-1</b>
Section 601 Intent and Purpose .....	6-1
Section 602 Uses Permitted by Right.....	6-1
Section 603 Uses Permitted by Special Use Permit.....	6-1
Section 604 Dimensional Regulations.....	6-1
<b>Chapter 7 – R-2 Village Residential District</b> .....	<b>7-1</b>
Section 701 Intent and Purpose .....	7-1
Section 702 Uses Permitted by Right.....	7-1
Section 703 Uses Permitted by Special Use Permit.....	7-1
Section 704 Dimensional Regulations.....	7-1
<b>Chapter 8 – R-3 Multi-Family Residential District</b> .....	<b>8-1</b>
Section 801 Intent and Purpose .....	8-1
Section 802 Uses Permitted by Right.....	8-1
Section 803 Uses Permitted by Special Use Permit.....	8-1
Section 804 Dimensional Regulations.....	8-1
<b>Chapter 9 – Reserved</b> .....	<b>9-1</b>
<b>Chapter 10 – C Commercial District</b> .....	<b>10-1</b>
Section 1001 Intent and Purpose .....	10-1
Section 1002 Uses Permitted by Right.....	10-1
Section 1003 Uses Permitted by Special Use Permit.....	10-2
Section 1004 Dimensional Regulations.....	10-2
<b>Chapter 11 – Reserved</b> .....	<b>11-1</b>
<b>Chapter 12 – M-1 Industrial/Manufacturing District</b> .....	<b>12-1</b>
Section 1201 Intent and Purpose .....	12-1
Section 1202 Uses Permitted by Right.....	12-1
Section 1203 Uses Permitted by Special Use Permit.....	12-1
Section 1204 Special District Requirements .....	12-2
Section 1205 Dimensional Regulations.....	12-2
<b>Chapter 13 – General Requirements</b> .....	<b>13-1</b>
Section 1301 Nonconforming Uses .....	13-1
Section 1302 Accessory Buildings .....	13-3
Section 1303 Supplementary Area Regulations.....	13-3
Section 1304 Supplementary Height Regulations.....	13-4
Section 1305 Supplementary Use Regulations .....	13-4
Section 1306 Home Industry .....	13-5
Section 1307 Home Occupation.....	13-6
Section 1308 On-Site Use Wind Energy System Requirements .....	13-7
Section 1309 Parking Requirements .....	13-10
Section 1310 Signs .....	13-12
Section 1311 Essential Services .....	13-18
Section 1312 Utility Grid Wind Energy Exclusion Zone.....	13-19

<b>Chapter 14 – Special Use Permits .....</b>	<b>14-1</b>
Section 1401 Intent & Purpose.....	14-1
Section 1402 Approving Body .....	14-1
Section 1403 Uses & Districts .....	14-1
Section 1404 Application, Notification Process, Public Hearing.....	14-1
Section 1405 Administrative Procedures and Requirements .....	14-2
Section 1406 General Requirements and Standards.....	14-3
Section 1407 Special Uses Requiring Additional Standards.....	14-4
<i>A. Utility Grid Wind Energy Systems .....</i>	<i>14-4</i>
<i>B. Extractive Industries.....</i>	<i>14-12</i>
<i>C. Salvage Yards .....</i>	<i>14-12</i>
<i>D. Outdoor Storage .....</i>	<i>14-12</i>
<i>E. Wireless Communication Facilities .....</i>	<i>14-13</i>



## **Chapter 1 – General Provisions**

This Ordinance is enacted pursuant to PA 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to PA 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the “Zoning Act.”

### **SECTION 101. SHORT TITLE**

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

### **SECTION 102. PURPOSE**

This Zoning Ordinance is based on the adopted Oliver Township Land Use Plan and any amendments to the Land Use Plan addressing future development patterns and development goals. This Ordinance is intended to implement the Land Use Plan by regulating the use of land, buildings, and structures to promote the public health, safety, and general welfare by accomplishing the following:

1. Establishment of zoning districts and uniform regulations applicable to each district governing the use of the land and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.
2. Accommodate and promote land uses which are compatible with the Township’s character and conserve the property values and long term stability of prime farmlands, residential neighborhoods, conservation areas, and business districts.
3. Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving important environmental features in the Township, such as wetlands, surface water, prime farmland, topography, open space, mature vegetation, and wildlife habitat. The Ordinance acknowledges the importance of these features on the long-term economic climate of all uses in the Township and the overall quality of life for Township residents.
4. Limit or prohibit improper use of land.
5. Reduce hazards to life and property.
6. Balance the Township’s right to compatible and quality development with the property owners’ right to a reasonable rate of return on investment.
7. Provide property owners with reasonable, though not always direct, access to property.

8. Lessen congestion on the public streets and highways and facilitate safe and convenient access appropriate to various uses of land and buildings throughout the community.
9. Form a stable guide for public action to facilitate the adequate provision of sewerage and drainage, water supply distribution, and educational, recreational, and other public services.
10. Establish controls over potential conflicting land uses and uses which may need special regulations as Special Uses to be compatible with surrounding development patterns and zoning.
11. Comply with the Michigan Right to Farm Act, PA 93 of 1981, as amended. The Michigan Right to Farm Act provides farmers with protection from nuisance lawsuits and authorizes the Michigan Commission of Agriculture to develop and adopt Generally Accepted Agricultural and Management Practices (GAAMPs) for farms and farm operations.
12. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Zoning Act.

### **SECTION 103. INTERPRETATION**

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinance, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provision of this Ordinance shall control. Where provisions of any other Ordinance or Regulation of Oliver Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

### **SECTION 104. PROVISIONS SUPPLEMENTARY TO OTHER LAWS**

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

### **SECTION 105. VESTED RIGHTS**

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

### **SECTION 106. SEVERABILITY**

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of the remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

### **SECTION 107. AMENDMENT AND SUPPLEMENT**

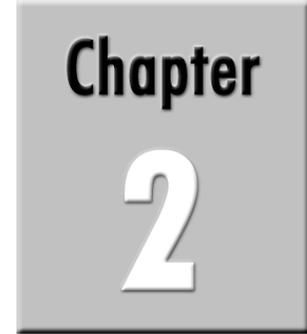
The Township Board, from time to time, on recommendation from the Planning Commission, or on petition, may amend, supplement or change the district boundaries or the regulations herein or subsequently established herein, pursuant to the authority and procedure established by law.

**SECTION 108. REPEAL**

Any Ordinance or parts thereof that are inconsistent with this Ordinance are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior Ordinance, as amended, if the use, so in violation, is in violation of the provisions of this Ordinance.

**SECTION 109. EFFECTIVE DATE**

The Ordinance shall take effect upon March 23, 2009, the date specified by the Oliver Township Board of Trustees at its meeting of March 5, 2009.

A gray rectangular box with the word "Chapter" in a bold, black, sans-serif font at the top, and a large, white, bold number "2" in the center.

## **Chapter 2 – Definitions**

### **SECTION 201. RULES APPLYING TO THE TEXT**

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

- a) Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- b) The word "person" includes a corporation or firm as well as an individual.
- c) The word "structure" includes the word "building."
- d) The word "dwelling" includes the word "residence."
- e) The word "lot" includes the word "plot", "tract" or "parcel".
- f) The term "shall" is always mandatory and not discretionary; the word "may" is discretionary.
- g) The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".
- h) The term "he" shall be read as he, or she.

### **SECTION 202. DEFINITIONS**

**Accessory Structure** – A structure whose use is associated with but incidental to the main use of the parcel on which it is situated.

**Accessory Sign** – Any sign identifying or advertising a business, person, activity, good, product or service located on the premises where the sign is installed and maintained.

**Adjacent Livestock Production Facilities** -- Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

**Adjacent Lot** – The parcel or parcels of land sharing a common boundary.

**Adjacent Property** – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Affiliated – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Agricultural Service Establishment – Agricultural service establishments engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.

Agritourism Business – A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products and whose proprietor resides on the site in a single-family dwelling unit; and which may include educational and/or outdoor recreational programs; a public accommodation use; farm tours; horseback riding; and similar activities.

Alternative Energy – Renewable energy sources, such as wind, flowing water, solar energy and biomass, which create less environmental damage and pollution than fossil fuels, and offer an alternative to nonrenewable resources.

Alternative Energy System – Includes the small-scale generation or release of energy from one or any combination of the following types of energy systems:

- a) A fuel cell energy system.
- b) A photovoltaic energy system.
- c) A solar-thermal energy system.
- d) A wind energy system.
- e) A CHP energy system.
- f) A microturbine energy system.
- g) A miniturbine energy system.
- h) A Stirling cycle energy system.
- i) A battery cell energy system.
- j) A clean fuel energy system.
- k) An electricity storage system.
- l) A biomass energy system.
- m) A thermoelectric energy system.

Ambient – Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

Anemometer – An instrument for measuring and recording the speed of wind and other meteorological parameters.

Animal Units – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

ANSI – American National Standards Institute.

Auto Repair Garage – It is a place where the following activities may be carried on: Vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work, welding and auto glass work.

Basement – That portion of a building which is partly or wholly below grade but so located so that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be rated as a first story.

Bed & Breakfast A private boardinghouse that provides accommodations and meals for paying guests.

Billboard – A free-standing sign placed along highways, generally for advertising purposes, oftentimes not placed on the site of the advertising business.

Breezeway – A roofed open passage connecting two buildings (as a house and garage) or halves of a building.

Building – Any structure used for the shelter of persons, animals, or property of any kind.

Building, Accessory – A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Building, Principal – A building in which is conducted the main or principal use of the lot on which it is located.

Cellar (Basement) – A story having more than one-half (1/2) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

Campground – Is a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.

Collocate – To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

Commercial Agriculture – The use of land for the growing and/or production of field crops, livestock and livestock products for the production of income including but not limited to the following:

- a) Field Crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflower.
- b) Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink.
- c) Livestock products, including: milk, butter, cheese, eggs, meat, fur, and honey.

Community Supported Agriculture – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Construction – The ongoing process or activity directed toward putting parts and materials together culminating in a building or structure.

Covenant – A legal agreement between two or more people or entities regarding the use of land.

dB(A) – The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel – The unit of measure used to express the magnitude of sound pressure and sound intensity.

Distances between a Livestock Production Facility and Non-Farm Residences – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

District – An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitation.

Drainage System – Any natural or artificial feature or structure used for the conveyance, drainage, or storage of surface and/or underground water, including, but not limited to, streams, rivers, creeks, ditches, channels, conduits, gulleys, ravines, washes, lakes or ponds, and structures such as culverts, drainage tile, dams, bridges and waterstorage basins.

Driveway – A private road or path for vehicle access to a public road, which is wholly located on the parcel which is afforded access.

Dwelling Unit – A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, Farm – A single-family dwelling located on a farm which is used or intended for use by the farm’s owner or a person employed thereon.

Dwelling, Multiple-Family – A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Non-farm – A single-family dwelling located on a farm or otherwise which is not a farm dwelling.

Dwelling, Single-Family – A free-standing mobile or permanent structure used or intended for habitation by just one family.

Dwelling, Two-Family – A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

Easement – A legal right held by one person to use the property of another.

Equipment Compound – An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Erected – Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill; drainage, installation of utilities and the like.

Essential Services – Means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cable, fire alarm boxes, police call 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 public health or safety or general welfare, but not including substations or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. It being the intent hereof to exempt such essential service, as defined, from the application of this ordinance.

Expanding Livestock Production Facility – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Extract – The act of removing resources from the ground by physical effort.

Family – A person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling units, as distinguished from a group occupying a rooming house, motel, or hotel, provided however, that for the purpose of definition, "family" shall not include more than six (6) persons unrelated to each other by blood, marriage, or legal adoption.

Farm – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

**Farm Building** – Any building or accessory structure other than a farm or nonfarm dwelling which is used in a farming operation, including but not limited to, a barn, granary, silo, farm implement storage building, or milkhouse.

**Farm Market** – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

**Farm Product** – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

**Feedlot** – A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation.

**Fence** – A structure at least three (3) feet high consisting of rails, timber, boards, wire, stone or other masonry material including any combination thereof; and includes gate.

**Fifty Percent of the Products Marketed** – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

**Flood Plains** – Areas subject to inundation by the highest expected flood water level.

**Floor Area** – For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basement, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structure.

**Free-standing** – To be supported by a structure solely for that purpose and not attached to a building or other service structure.

**Freestanding Sign** - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs, therefore, include pole, pylon, and monument/ground signs.

**Garage** – An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Garage, Public** – Any garage .available to the public, operated for gain and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

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

Grade - The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

Greenbelt – An open area and unoccupied ground covered by foliage and shrubs, designed to maintain a natural condition and oftentimes to serve as a buffer.

Habitable Structure – Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

Hearing – An advertised open public meeting at which comments and ideas are solicited from the public.

Home Industry – A small scale use providing a service primarily to the rural farming community and which is accessory to a one-family detached dwelling unit or an agricultural operation. A home industry may be conducted in whole or in part in an accessory building.

Home Occupation – An occupation that is traditionally or customarily carried on in the resident's dwelling unit.

Horticulture – The use of land for the growing or production for income of fruits; vegetables; flowers; nursery stock, including ornamental plants and trees; and cultured sod.

Hub Height – When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub. Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

IEC – International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO – International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

Irrigation System – Any structure or equipment, mechanized or other, used to supply water for commercial agriculture or horticulture, including but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

Junk – For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose of which they were manufactured.

Junk. Yard – Includes automobile wrecking yards and salvage areas and includes any area of more than five hundred square feet (500) for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit but does not include uses established entirely within enclosed buildings.

Kennel, Commercial – Any lot or premises on which 3 or more dogs or cats are either permanently or temporarily boarded.

Livestock – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Livestock Farm Residence - Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Livestock Facility – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Livestock Production Facilities - Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Lot – A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot, Corner – A lot where the interior angle of two adjacent sides of the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot of Record – A parcel of land, 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 exist as so shown or any part of such parcel held in record ownership separate from that of the remainder thereof.

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

Meteorological Tower – A structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting wind resources for the operation of a wind energy system.

Migrant Labor Housing Camp – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Mobile Home (Trailer Coach) – A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.

Mobile Home Park - Any parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with and building; structure; enclosure; street; equipment; or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Motel – A series of attached, semi-detached, or detached rental units containing bedroom, bathrooms and closet space. Units shall provide overnight lodging and are offered to the public for compensation, and shall cater to the public traveling by motor vehicle.

New Livestock Production Facilities - Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Non-conforming building – A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of this ordinance relative to height, bulk, area or yards for the district in which it is located.

Non-conforming use – A use which lawfully occupied a building or land at the time of this ordinance, or amendments thereto, became effective, that does conform to the use regulations of the district in which it is located.

Non-Farm Residence – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Nursery School – A private school generally run for profit and oriented to the care and education of children under public school age.

Occupied – Includes the meaning of intent, design or arranged for occupancy.

Offsite Manure Storage Facility - Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

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.

On Site Use Wind Energy Systems – A wind energy conversion system that is intended to primarily serve the needs of the consumer, and is considered a farm building.

Open Space – Any unoccupied space open to the sky on the same lot with a building.

Owner – Shall mean any person; or persons, natural or corporate, owning a legal or equitable title to the land.

Pads – Structural units of varied shapes and sizes, generally placed parallel with the land and used for the placement of structural supports for the location of mobile structures.

Parcel – A separate area of land, including a lot, having specific boundaries and capable of being conveyed and recorded.

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

Pasture Land - Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition..

Patio – An area, usually paved adjoining a dwelling unit, used for outdoor activity.

Permit – A legal form provided by a governmental unit.

Permit, Building – That permit issued by appropriate authority allowing the construction of a structure under a State-approved building code.

Plat – Map or chart of a subdivision of land.

Porch – An area, usually covered by a roof, adjoining a dwelling unit, used for outdoor activity.

Portable construction – The method of building which allows for the movement from place to place of the structure.

Poultry Facility – A confined area or structure used intensively for raising, feeding, breeding, or holding chickens, turkeys, and other poultry for eventual sale or the production of eggs.

Primarily Residential – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Processed – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Property Line Setback – Please refer to MDARD's current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

Public Service – Public service facilities within the context of this ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

**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, communications, telegraph, transportation or water.

**Quarter/Quarter Section** – The northeast, northwest, southwest, or southeast quarter of a quarter section delineated by the United States government system of land survey and which is exactly or nearly 40-acres in size.

**Recreation Area** – A parcel which may include water bodies and incidental buildings thereto used or intended for active or passive recreation, including, but not limited to, parks, playground, golf courses, hunting preserves, nature trails, bridle paths, beaches, campsites, ski and snowmobile trails, canoe routes; and similar unenclosed activity areas.

**Recreational Unit** – Is a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes, Travel trailer, Camping trailer, Motor home, Truck camper, Slide-in camper and Chassis-mount camper.

**Renewable Energy System** – See Alternative Energy System.

**Refuse facilities (Containers)** – The metal structures or vehicles used for the disposal of solid waste, garbage, etc.

**Renovation** – The act of restoring or renewing a structure.

**Residential** – Pertaining to areas where people live and reside on a regular basis.

**River** – A considerable natural stream of water flowing in a definite course or channel.

**Road** – A public thoroughfare, including without limitation, streets, highways, freeways, parkways, thoroughfares, roads, avenues, boulevards, lanes, or places, however described; but not including driveways.

**SCADA Tower** – A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

**Service Station** – A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to public on premises; including sale of minor accessories and services for automobiles.

**Setback** – The distance required to obtain front side or rear yard open space provisions of this ordinance.

Service business – A business oriented to the personal service needs of persons on a daily basis and includes barber and beauty shops, dry cleaners and similar uses.

Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sign – The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to show an individual firm, profession, and are visible to the general public.

Site permit – A document issued by the Zoning Administrator certifying that an individual is operating in accord with the zoning ordinance and giving them the right to proceed with securing a building permit as long as the action is as stated on the permit.

Sound Pressure – Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level – The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Shall – Used as an auxiliary word to express a mandatory situation.

Solar Energy Devices – A mechanism or series of mechanisms designed primarily to collect, convert, transfer or store for future use solar, wind or water energy for the purposes of heating, cooling or electric supply but not those parts of a heating, cooling, electric supply system that would be required regardless of the energy source being utilized.

State Licensed Residential Facility – A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence. None of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

Storage – A structure or area used for the safekeeping of goods and materials.

Stream – A small, usually regular, natural flowage of water.

Structure – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

**Subdivision** – The partitioning or dividing of a parcel or track of land by the owner thereof or his heirs, for the purpose of sale or lease.

**Temporary Building or Use** – A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

**Tip Height** – When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.

**Tourist Home** – Any dwelling used or designed in such a manner that certain room in excess of those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**U-Pick Operation** – Please refer to MDARD’s current Generally Accepted Agricultural and Management Practices (GAAMP) documentation for the latest version of this definition.

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

**Use Accessory** – A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

**Utility Grid Wind Energy Systems** – A wind energy conversion system that is designed and built to provide electricity to the electric utility grid.

**Variance** – A modification of the provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

**Wall Sign** – A sign attached to, painted on or erected against the wall, canopy or marquee of a building with the face in a parallel plane to the plane of the building wall.

**Waste Disposal** – Includes recycling plants, scrap metal storage, settling ponds, and includes operations oriented toward the processing, storage or burial of waste.

**Wetlands** – Those natural areas which are wet year-round or which are wet consistently during certain weather conditions.

**Wholesale** – The sale of commodities in large quantities, as to retailers or jobbers, rather than to consumers.

**Wind Energy System** – A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

**Wind Site Assessment** – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

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.

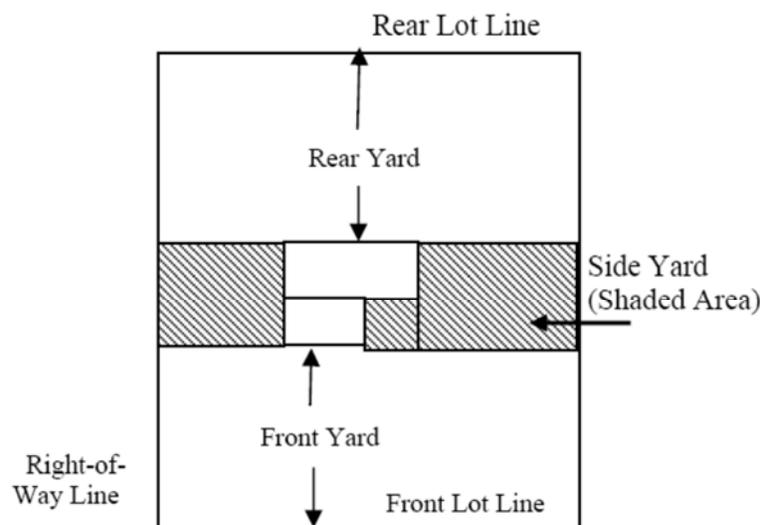
Wireless Communications Support Structure – A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Yard – An open space on the same lot with a building, unoccupied, and unobstructed from the ground upward, except or otherwise provided herein. The measurement of a yard shall be constructed as the minimum horizontal distance between the lot line and building line.

Yard, Front – A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear – An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the center line of the building.

Yard, Side – An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or a rear line shall be deemed a side line.

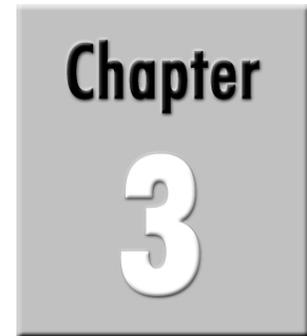


Zoning Administrator – Appointed officer of the Township to effect proper administration of this Ordinance.

Zoning Board of Appeals – The Board provided for in the Michigan Zoning Enabling Act, being Act No. 110 of the Public Acts of 2006, as amended, with powers and duties as defined therein, except as modified herein.

Zoning Exception – An exception is a use permitted only after review by the Zoning Board of Appeals of an application; such a review being necessary because of the provisions of the ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation and such review as required by the ordinance. The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this ordinance appear as uses authorized by special permit or review by the zoning board of appeals or Board of Trustees. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these include one or more of the following:

- 1) They require large areas.
- 2) They are infrequent.
- 3) They sometimes create an unusual amount of traffic.
- 4) They are sometimes obnoxious or hazardous.
- 5) They are required for public safety and convenience.



## **Chapter 3 – Administration, Enforcement, and Amendments**

### **SECTION 301. INTENT AND PURPOSE**

The purpose of administration of the zoning ordinance and in particular with the issuance of site permits, building permits, and site plan review is to ensure compliance with the provisions and intent set forth in this ordinance and to promote the orderly development of the Township and to prevent the development or alteration of land without proper attention to siting and appearance.

### **SECTION 302. GENERAL ADMINISTRATION**

The provisions of this Ordinance shall be carried out by the Oliver Township Planning Commission, the Zoning Board of Appeals, the Zoning Administrator and the Township Board of Trustees in conformance with applicable State of Michigan enabling legislation.

1. **Responsibility.** The Township Board of Trustees shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this Ordinance. The term of employment, compensation and any other conditions of employment shall be established by the Township Board of Trustees. For the purposes of this Ordinance, the Zoning Administrator shall have the power of a police officer.
2. **Duties of Zoning Administrator.** All applications for site permits shall be submitted to the Zoning Administrator who may issue site permits when all applicable provisions of this Ordinance have been met. The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.
  - (1) **Accept and Record Applications, Issue and Record Permits.** All applications for site permits shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related site permits, including documentation for each.
  - (2) **Issue Written Denial.** When any application for a site permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.

- (3) Notice of Hearings. Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator or Township Clerk shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
  - (4) Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
  - (5) Record Nonconforming Uses. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 13.
  - (6) Record Special Use. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 14.
  - (7) Record Interpretations of Ordinance. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals to fulfill requirements of Section 312. This record shall be consulted whenever questions arise concerning interpretation of any provisions of this Ordinance to determine whether any applicable precedents have been set.
  - (8) Public Information. The Zoning Administrator or Township Clerk shall respond to inquiries and dispense information or copies of this Ordinance to make public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
  - (9) Respond To Complaints. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature of the disposition of complaints that have been received.
  - (10) May Not Change Ordinance. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
3. **Fees.** An application or request for a site permit, site plan reviews, special land use applications, rezoning, and issues directed to the Zoning Board of Appeals shall be accompanied by a fee to defray the actual costs thereof the Township. All fees shall be payable to the Township Treasurer to the credit of the general fund of the Township. Fees shall be made to the Oliver Township Treasurer in advance of formal site plan review and issuance of a site permit. Such fees, including fees to be deposited in an escrow account, are necessary to pay for professional services related to site plan review, engineering reviews, and staffing planning commission meetings. The Township may retain professional assistance in performing such services with those costs to be passed on to the applicant. The fee schedule is adopted and adjusted annually by the Township Board and can be updated, by resolution, periodically throughout the year.

### **SECTION 303. SITE PERMITS**

A site permit is issued by the Zoning Administrator to ensure that the use and physical development of the site conforms with all applicable provisions of the zoning ordinance and all other requirements of this zoning ordinance. A site permit is required for the occupancy, use or change of any use of any property within the Township. The site permit may certify that the new construction meets the zoning ordinance or that a new business complies with the zoning requirements applicable to its proposed location.

The Zoning Administrator shall inspect the site permit application and required site drawing submittal, as detailed in Section 304, to ensure such application and related information is found to conform with this Ordinance.

The site permit shall be required to secure a building permit and certificate of occupancy issued by the building inspector operating within Oliver Township.

1. A site permit is required for any and all of the following circumstances:
  - a. Occupancy and use of a new structure.
  - b. A change in use of an existing building.
  - c. Occupancy and use of vacant land except for the raising of crops.
  - d. A change in the use of land except for the raising of crops.
  - e. Any change in a nonconforming use.
  - f. Signs

In addition to a site permit, special uses require the submittal of site plans to be reviewed by the Planning Commission prior to the issuance of a Special Use Permit. Regulations for special uses are further described in Chapter 14. Site plan review is further described below in Section 305.

In case of undue hardship as determined by the Zoning Administrator, a temporary or partial site permit may be issued for up to six months provided that:

1. The site and building are in safe useable condition.
2. All site development requirements are substantially completed, but due to unavoidable delays such as adverse weather conditions or other such items, cannot be entirely completed in a reasonable time.
3. The owner or owner's agent provides the Township with a deposit to ensure completion of all development requirements.

Site permits issued shall remain valid for one year from date of issuance and unless construction is started within that year, the permit expires. In the event a site permit expires, a new permit must be obtained prior to commencing construction.

## **SECTION 304. SITE PERMIT APPLICATION REQUIREMENTS**

A site permit is required to secure a building permit and a certificate of occupancy issued by the building inspector operating within Oliver Township. As a portion of the application for a site permit, the following information shall be included on a drawing of the property or site to scale showing:

- a. Shape, area, dimensions, of the lot or parcel and locations of street(s).
- b. Location, dimensions and height of existing and/or proposed structures to be erected, altered or moved on the lot.
- c. Use intended and intensity (such as: single family dwelling, farm building or trailer).
- d. Yards, open space, setbacks, and parking dimensions (if off-street parking is required) including driveways.
- e. Flood area and wetlands: The Zoning Administrator shall seek to determine and may request needed information to make a finding if the permit being requested is within 500 feet of a river, creek, or body of water as defined by the State of Michigan, the Zoning Administrator shall not issue a site permit until other permits (county or state) are obtained.
- f. Other permits required prior to obtaining Building Permits:
  1. Sewer or septic system permit: Huron County Health Department.
  2. Soil erosion control measures and plan approved for sites where more than one acre of land is being disturbed; or if site is within 500 feet of a lake, stream, or creek: Huron County Building & Zoning Department or State of Michigan.
  3. Culvert permit: Huron County Road Commission.
  4. Any other permits as may be required, eg. electrical, plumbing, mechanical: Huron County Building & Zoning Department – Bad Axe, Michigan.
- g. Any other information deemed necessary by the Zoning Administrator to assure that the site permit request is in compliance with the provisions of this Ordinance.

## **SECTION 305. SITE PLAN REVIEW**

A site plan shall be submitted for review and approval by the Oliver Township Planning Commission for any permitted use in the M-1 zoning district (Chapter 12) and any use permitted by special use permit (special use) described in Chapters 5 through 12, and Chapter 14. The purpose of site plan review is to determine compliance with the provisions and intent set forth in this ordinance, to promote the orderly development of the Township, and to prevent the development or alteration of land without proper attention to siting.

At no time shall a site plan be reviewed when considering a request for rezoning, except as authorized by MCL 125.3405 (Michigan Zoning Enabling Act, PA 110 of 2006, as amended), also known as conditional rezoning (See Section 308). A decision to rezone property should be based on the long-term goals and the future land use map as determined in the Master Plan of

the Township. Also, it is important to consider the timeliness of the development and the long-term use of land.

## 1. SITE PLAN SUBMITTAL REQUIREMENTS

- A. **Application Deadlines.** A complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
- B. **Application Material.** Site plans must be accompanied by a fee as established by the Township Board and by at least eight (8) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee. Fee requirements are described further under Section 302.
- C. **Site Plan Contents.** The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of the Oliver Township zoning ordinance.

- (1) **Scale.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
- (2) **Identification.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- (3) **Property Information.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Huron County Register of Deeds will be the legal description upon which a site plan decision is based.

- (4) **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
  - (5) **Transportation Features.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
  - (6) **Utilities.** The site plan must show the location and size of all existing and proposed public utilities. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
  - (7) **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
  - (8) **Supplementary Material.** The site plan shall be complemented by any additional information, which, in the Zoning Administrator's discretion, is important for the site plan review process.
- D. **Staff Review of Site Plan.** Before the site plan is reviewed by the Planning Commission, the building inspector, engineer, or contracted engineering services, public works director and fire chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- E. **Planning Commission Review of Site Plan.** The Planning Commission shall address the site plan review at a public meeting. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the site plan review is conducted.

- (1) **Approval.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project.
- (2) **Conditional Approval.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.
- (3) **Denial with Explanation.** Failure to comply with one or more of the review standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the review standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- F. **Record to be Maintained.** This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

2. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

- A. **District Regulations.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects.
- B. **Supplementary Regulations.** The project must comply with any and all of the Supplementary Regulations which may apply to it, as identified by Chapter 13 of this Ordinance.
- C. **Special Use Standards.** Any Special Use Standards relating to the proposed use, as identified in the applicable zoning district and Chapter 14, must also be satisfied.

- D. **Building Arrangements.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- E. **Transportation.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Huron County Road Commission shall be sought.
- F. **Driveways.** All driveways serving parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20) feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20) feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- G. **Utilities.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- H. **Signs and Lighting.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground mounted standards adjacent to or the parking lot or vehicular use areas.
- I. **Fire Protection.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.

- J. **Environment.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Environmental Quality, Huron County Health Department or other agencies.
- K. **Storm Drainage.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- L. **Consistency with Ordinance Intent.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located.

### 3. Performance Guarantee

- A. To ensure compliance with the provisions of this chapter and any conditions imposed in the approval of the site plan by the Planning Commission, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Planning Commission covering the estimated costs of improvements associated with a project for which a site plan approval is sought be deposited with the Township Clerk to ensure faithful completion of the improvements.
- B. The performance guarantee if required shall be deposited at the time of the issuance of the building permit authorizing the activity or project and shall be refunded at a time that a final occupancy permit is issued.

4. **Plat Requirements.** In those instances in which Act 288, Public Acts of 1967, as amended, the Subdivision Control Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plat to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts, and ordinances. Such plats shall remain in conformance with the approved Site Plan, unless specifically waived by the Planning Commission.

### 5. Revocation of Site Plan Approval.

- A. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of site plan approval revocation at least ten (10) days prior to review of the violation by the Planning Commission and the Zoning Administrator shall issue a stop work order. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Planning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.

B. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically expired one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

## **SECTION 306. PUBLIC NOTICE**

1. Public Notification: All applications for development approval requiring a public hearing shall comply with the Zoning Enabling Act and the other provisions of this Section with regard to public notification.
  - a. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) 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 Oliver Township and mailed or delivered as provided in this Section.
  - b. Content: All mail, personal and newspaper notices for public hearings shall:
    - 1) Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, ordinance interpretation or other purpose.
    - 2) Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including 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) 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.
    - 5) Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

c. Personal and Mailed Notice

1) General: When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

- a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
- b) Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Oliver Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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. The applicant shall provide the Zoning Administrator with a list of such persons along with the application.

All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 306.1.d 2., Registration to Receive Notice by Mail.

- c) Other governmental units or infrastructure agencies within one mile of the property involved in the application.
- 2) Notice by mail/affidavit: Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

d. Timing of Notice: Unless otherwise provided in the Zoning Act, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

- 1) For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose must be published in a newspaper of general circulation, and for those receiving personal notice, deposited for delivery or personally delivered, not less than fifteen (15) days before the date the application will be considered for approval.

2) Registration to Receive Notice by Mail:

- a) **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 306.1.c.1.b., Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- b) **Requirements:** The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

### SECTION 307. PLANNING COMMISSION

1. **Creation and Membership.** The Planning Commission shall be organized pursuant to Act 168 of 1959, as amended, and shall have the duties and powers prescribed by that law, which include responsibility for the administrative and enforcement activities under this ordinance, including:
  - a. **Site Plan Approval.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Section 304.
  - b. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided in Chapter 14.
  - c. **Rezoning or Amendments.** The Planning Commission shall conduct public hearings for proposal to rezone property or amend the text of this Ordinance as provided by Section 306. 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. **Planned Unit Developments.** The Planning Commission shall conduct a public hearing on any application for a planned unit residential or commercial development, in accordance with the standards and procedures for special use permits.
  - e. **Conditional Rezoning.** The Planning Commission shall process a request for conditional rezoning and a site plan review in accordance with Sections 307 and 308.
2. **Organization and Procedures.** The Planning Commission may adopt its own Rules of Procedures (or by-laws) as may be necessary to conduct its meetings and to carry out its functions. The by-laws shall address meeting times, officers, maintenance of records, conduct of hearings and manner of decision-making.

3. **Compensation.** The Oliver Township Board of Trustees shall establish the rate of compensation and/or reimbursement for officers and members of the Planning Commission for duties performed as commissioners.
4. **Report to the Township Board.** The Planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to this ordinance.
5. **Malfeasance.** A member of the Planning Commission shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. The Oliver Township Board of Trustees shall provide for the removal of a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.

### **SECTION 308. CONDITIONAL REZONING**

Oliver Township will not require nor imply that conditional zoning or zoning agreements are a necessity or a condition for approval.

1. A request for conditional rezoning or a zoning agreement shall be submitted, in writing, to the Zoning Administrator, Chairman of the Township Planning Commission and the Township Supervisor. The request shall be required prior to any application for rezoning or appearance before the Planning Commission.
2. Upon receipt of the request, the Zoning Administrator will prepare a memo to the Planning Commission and the Township Board detailing that a request has been received, from whom and the area proposed for rezoning. The applicant will receive a copy as well. The Zoning Administrator and the Township Supervisor will arrange for an informal meeting with the developer to discuss the specific request or requests.
3. **Informal Review Process**
  - a. An informal meeting will be held with the Zoning Administrator and the Township Supervisor and Chairman of the Planning Commission and the proposed developer or developers.
  - b. During the meeting the developer should be prepared to provide the following information, in writing:
    - 1) The zoning district desired.
    - 2) The specific use proposed.
    - 3) A sketch of the proposed development (hand sketch is acceptable; a full site plan is not required at this point.)
    - 4) Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
  - c. From this meeting, the Township will provide a follow-up letter to the developer and copied to the Planning Commission and Township Board which details the following:

- 1) The proposed use of the parcel and the desired zoning district.
- 2) A discussion of all related zoning requirements included within the existing zoning ordinance.
- 3) A discussion of potential items in addition to the typical zoning requirements, which may be necessary or desirable to mitigate the proposed rezoning, and associated development.
- 4) A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
- 5) An overview of the discussion, including any relative buffering or other such items which may be considered by the Planning Commission in terms of surrounding uses, intensity of surrounding uses and the purpose and intent of the zoning regulations and the adopted Master Plan and any other policy documents or guide so adopted by the Township.

**4. Formal Review Process**

- a. Using the proposed timeline as a guide, the developer or developers will submit all the required information, which for conditional rezoning or zoning agreement shall be:
  - 1) A rough site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
  - 2) An elevation of the proposed structure.
  - 3) Conversely, if a developer so chooses, full drawings may be submitted and request a site plan approval concurrently.
  - 4) The rezoning request must be submitted in accordance with the Township's rezoning policy, which requires submission prior to the next regularly scheduled Planning Commission meeting.
- \* *It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as represented to the Township at this point may result in a loss of the status of the conditional rezoning.*
- b. All public notifications, reviews and hearings will be scheduled and advertised as set forth in the Zoning Ordinance and as typically practiced in the Township for the rezoning of land. If the proposed use requires a special land use permit, the special land use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
- c. The Township Attorney will draft a zoning agreement for execution by the Township and the developer.
- d. Any and all conditions imposed as part of the conditional rezoning or zoning agreement process and proposed approval must meet the following criteria:

- 1) Conditions such as building appearance, landscaping, setbacks in an amount more than what is required; additional screening requirements, etc., shall be directly related to the proposed project and serve to mitigate any potentially deleterious effects on surrounding property owners or properties in general.
  - 2) Conditions serving as additional performance standards, including but not limited to lighting, noise, traffic, etc., shall be directly related to the proposed project and development and should serve to mitigate any potentially deleterious effects on surrounding properties, the road network, and the general area.
  - 3) Conditions limiting the specific use of the property are permitted, however, the Planning Commission and Township Board should be mindful of being too specific. For example, limiting a use to a “professional office” may prevent the parcel from being used for something similar in intensity, yet different, such as a day care center or commercial or private school. Care should be taken to be specific in terms of standards and intensity and more flexible in terms of naming specific uses.
  - 4) The Planning Commission will forward its recommendations to the Township Board for consideration.
- e. If the Planning Commission recommends, and the Township Board approves, a conditional rezoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case and the zoning approval and specific conditions.
  - f. A final zoning agreement, drafted and reviewed by the Township Attorney, will be executed. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement. These costs shall be passed through from the Township Attorney.
  - g. The developer, the Chairman of the Planning Commission and the Township Clerk shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with the Township.
  - h. A copy will be recorded at the Register of Deeds.
- 5. Enforcement**
- a. By approving the conditional rezoning or zoning agreement, the Township grants rezoning and then, subsequently or concurrently, site plan approval. The specific conditions imposed and agreed to by the developer and the Township become part of the approval.
  - b. Should the developer not meet the conditions as specified, they will be considered in violation of the Township Zoning Ordinance and will be pursued as such.
  - c. Any change to the conditions shall require a rezoning.
  - d. Should the developer not complete the proposed project within eighteen (18) months, the property shall revert to the previous zoning classification.

- e. Should the developer abandon the specific use and it is vacant and/or abandoned for a period of eighteen (18) months, the parcel shall convert to its previous zoning classification.
- f. A property that reverts from conditional rezoning will be considered a non-conforming use and subject to all applicable zoning regulations.
- g. Reversion of the subject property shall require the original developer, the current property owner (if different) and the occupant(s) of the property to be notified of the pending reversion by registered mail by the Township Clerk. The Township Board and Planning Commission shall receive the same notice. The notice will provide a thirty (30) day period for which the developer/owner can seek an extension of the time frame or begin construction.

### **SECTION 309. ENFORCEMENT**

The Zoning Administrator shall enforce the provisions of this Ordinance.

1. **Violation and Penalties.** Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed by or communicated to an official or employee shall be reported to the Zoning Administrator.
  - a. **Inspection of Violation.** The Zoning Administrator shall inspect each alleged violation or violations he observes or is aware of and shall order correction in writing, of all conditions found to be in violation of this Ordinance.
  - b. **Correction Period.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Board of Trustees which is hereby authorized to and shall initiate procedures to eliminate such violation.
  - c. **Penalties.** Every person, whether as principal, agent, servant, employee or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created; who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be guilty of maintaining a “nuisance per se” and upon conviction thereof shall be imposed by a fine of not more than five hundred (\$500) dollars or by imprisonment for a term of not-to-exceed ninety (90) days, or by both each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared.
  - d. **Cumulative Rights and Remedies.** This Ordinance is enforceable by any action, legal or equitable, authorized by statute or court decision of this state and may be brought in the name of the Township in any court of competent jurisdiction. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
2. **Enforcement Procedure.** Procedures for enforcement of this Ordinance shall be established by resolution of the Township Board of Trustees, signed by the Township Supervisor and attested by the Township Clerk. A copy of the enforcement procedure shall

be filed with the Zoning Administrator and other officials designated responsible for the enforcement of this Ordinance.

## **SECTION 310. AMENDMENT**

1. **Oliver Township Board of Trustees** upon recommendation from the Township Planning Commission, may amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.
2. **Initiation of Amendments.** Proposals for amendments, supplements or changes may be initiated by the Oliver Township Board of Trustees, by the Planning Commission or by petition of one (1) or more owners, option holders or their agents, of property to be affected by the proposed amendment.
3. **Amendment Procedures.**
  - a. **Petition to Township Board.** Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Oliver Township Board of Trustees shall be paid at the time of application to cover costs of necessary advertising, for public hearings and investigation of the amendment request. The clerk shall transmit the application to the Planning Commission for recommended action.
  - b. **Recommendation.** The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Land Use Plan for the community. The Planning Commission may recommend any additional or modifications to the original amendment petition to the Township Board of Trustees.
  - c. **Public Hearing.** After deliberation on any proposal the Planning Commission shall conduct a public hearing as provided by Section 306.
  - d. **County Planning Commission.** Following the conclusion of the public hearing, the Township Planning Commission shall submit the proposed amendments, on a form furnished by the Huron County Planning Commission including any zoning district map, to the County Planning Commission for their review. The approval of the Huron County Planning Commission shall be conclusively presumed unless such Commission, within thirty (30) days of its receipt, have notified the Township Board of Trustees of its disapproval or approval.
  - e. **Oliver Township Board of Trustees.** Upon receipt of the Township Planning Commission, together with the County Planning Commission's recommendation, the Oliver Township Board of Trustees shall review said recommendations. If the Board of Trustees deem that any amendments, changes, additions, or departures are advisable to the proposed Ordinance amendment as recommended by the Township Planning Commission for a report thereon within a time specified by the Board of Trustees.

After receiving the proposed amendment recommendations heretofore specified, the Oliver Township Board of Trustees shall conduct a meeting on the proposed amendment and may request the Township Planning Commission to attend such hearing. Thereafter,

the Board of Trustees may deny or adopt the amendment with or without any changes.

- f. **Resubmitted.** No application for a rezoning which has been denied by the Oliver Township Board of Trustees shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Trustees to be valid.
- g. **Fees.** A fee as established by the Board of Trustees shall be paid to the Township Clerk or Zoning Administrator at the time of requesting a zoning amendment. The purpose of the fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the Township in connection with the requested amendment.

## **SECTION 311. TEMPORARY PERMITS**

- 1. **Temporary Permits for a Mobile Home/Trailer Coach.** A temporary permit for parking a mobile home/trailer coach during construction of a home, commercial building, industrial building or structure and not located in a licensed mobile home park will be subject to the following procedures and limitations:
  - a. An application for a temporary permit for the erection or movement of a temporary structure for dwelling purposes, including mobile home/trailer coaches, shall be made to the Zoning Administrator on a special form used exclusively for that purpose.
    - 1) The temporary permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of the permit not to exceed twelve (12) months. No permit shall be transferable to any other owner or occupant. The temporary permit may be renewed for a period not to exceed one (1) year at the discretion of the Zoning Administrator, a reason may be that adequate progress has been made to the structure and additional time is required to complete the project.

## **SECTION 312. ZONING BOARD OF APPEALS**

- 1. **Procedures:** The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall also hear and decide on matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under a zoning ordinance adopted under this act. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Oliver Township zoning ordinance including reviews for special land use and planned unit development decisions.
  - a. **Hearings.** When notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Board shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served as specified in Section 306. Any person may appear and testify at the hearing, from time to time, and if the time and place of the continued hearing be publicly announced at the time of adjournment of the Zoning Board of Appeals hearing, no further notice shall be required.

- b. **Decisions.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days after a formal application for an appeal or request for a variance has been filed, unless a further time is agreed upon with the parties concerned. The decision of the Zoning Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Zoning Board of Appeals finds that the immediate effect of such order is necessary for the preservation of property or personal rights and so certifies on the record. A party aggrieved by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. An appeal from a decision of a Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision.
- c. **Majority Vote.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrator to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

2. **Process.**

- a. A request for a zoning appeal is received by the Zoning Administrator.
- b. Appeals can be filed by a person aggrieved, or an officer, department, board, or bureau of the state or local unit of government.
- c. The Zoning Board of Appeals shall have the authority to hear appeals concerning:

(1) Administrative Review. The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, determination or refusal made by the Zoning Administrator or by any other administrative official carrying out or enforcing any provision of this Zoning Ordinance, pursuant to the provisions of PA 110 of 2006, as amended.

(2) Interpretation. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Zoning Ordinance:

- (a) Appeals for the interpretation of the provisions of this Zoning Ordinance;
- (b) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject; and
- (c) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

(3) Variances.

(1) Nonuse (Dimensional) Variances: To authorize, upon an appeal, a variance from any dimensional standard or requirement of this chapter, such as, but not limited to, lot area and width regulations, building height and square foot regulations, setback, yard width and depth regulations, off-street parking and loading space requirements, landscaping requirements, sign regulations, and other similar requirements as specified in this Zoning Ordinance, whereby reason of unique physical characteristics a specific piece of property at the time of

enactment of this Zoning Ordinance or other extraordinary or exceptional conditions of such property, the strict application of such regulations if enacted would result in practical difficulties upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Ordinance. In granting a variance, the Zoning Board of Appeals may attach conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Zoning Ordinance. In granting a variance, the Zoning Board of Appeals shall state the grounds upon which it justified the granting of a variance. To obtain a nonuse variance, the applicant must submit an affidavit demonstrating a practical difficulty exists, by explaining all of the following:

- A. How the property, if developed in strict compliance with the requirements in the Zoning Ordinance, would be prevented from being used for a permitted purpose, or how compliance with the Zoning Ordinance requirements would be unnecessarily burdensome.
- B. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
- C. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
- D. The conditions and circumstances unique to the property which were not created by the owner, or his or her predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

For each nonuse variance, the variance requested is the minimum necessary to permit reasonable use of the land.

(2) Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

- d. Upon receipt of a request for appeal, the Zoning Administrator will review the request for appeal to insure it is complete and the fee is paid.
- e. If the application is not complete, the Zoning Administrator will return the application to the applicant with a letter that specifies the additional material required
- f. If the application is complete, the Zoning Administrator and chairman of the Zoning Board of Appeals shall establish a date to hold a hearing on the appeal.
- g. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a Circuit Court.

- h. The notices shall be given in accordance with Section 306 of this ordinance.
  - i. The Zoning Board of Appeals shall hold a hearing on the request for appeal.
    - 1) Representation at Hearing – Upon the hearing, any party or parties may appear in person or by agent or by attorney.
    - 2) Within eight days of the decision, the record of the decision shall be certified and a copy delivered by first class mail to the person requesting the appeal, the Zoning Administrator, and other parties. At a minimum the record of the decision shall include:
      - a) Formal determination of the facts,
      - b) The conclusions derived from the facts (reasons for the decision),
      - c) The decision.
  - b. Any person having an interest aggrieved by such decision shall have a right to appeal to Circuit Court within thirty (30) days of the certified decision of the appeals board, as provided by law.
3. **Fees.** A fee as established by the Township Board of Trustees shall be paid to the Zoning Administrator at the time of filing application with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Zoning Board of Appeals in connection with the appeal.
4. **Membership.**
- a. Membership of the Zoning Board of Appeals shall not be comprised of fewer than 3 members.
    - 1) One of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission.
    - 2) The remaining regular members, and any alternate members, shall be selected from the electors of Oliver Township. The members selected shall be representative of the population distribution and of the various interests present in Oliver Township.
    - 3) One regular member may be a member of the Township Board of Trustees but shall not serve as chairperson of the Zoning Board of Appeals.
    - 4) An employee or contractor of the Township Board of Trustees may not serve as a member of the Zoning Board of Appeals.
    - 5) A member of the Zoning Board of Appeals who is also a member of the Planning Commission, or the Board of Trustees 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, or the Board of Trustees. However, the member may consider and vote on other unrelated matters involving the same property.
  - b. The Township Board of Trustees 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 as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a

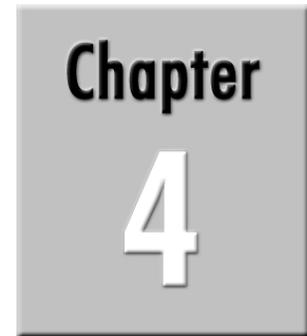
member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

- c. A member of the Zoning Board of Appeals who is also a member of the Planning Commission, or the Board of Trustees 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, or the Board of Trustees. However, the member may consider and vote on other unrelated matters involving the same property.

**5. Meetings.**

- a. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at other times as the Zoning Board of Appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- b. The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk.

**6. Malfeasance.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. The Oliver Township Board of Trustees shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing.



## **Chapter 4 – Zoning Districts**

### **SECTION 401. DIVISION OF THE TOWNSHIP**

For the purposes of this Ordinance, all land within Oliver Township, excepting streets and alleys, is divided into the following Zoning Districts:

- AP – Agricultural Preservation District
- R-1 – Rural Residential District
- R-2 – Village Residential District
- R-3 – Multi-Family Residential District
- C-1 – Neighborhood Commercial District
- C-2 – Regional Commercial District
- M-1 – Light Industrial District

### **SECTION 402. OFFICIAL ZONING MAP**

The boundaries of these districts are hereby defined and established as shown on a map entitled "Oliver Township Zoning Map," which accompanies this Ordinance and which map with all explanatory matter thereon is hereby made a part of this Ordinance. The official zoning map shall be kept and maintained by the Township Clerk.

The location and boundaries of the Zoning Districts established in the Township shall be shown on the Zoning Map and said map, and any section, or portion thereof, together with all notations, dimensions and other data shown thereon, are thereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

The Zoning Map may be amended from time to time to reflect changes in districts and the rezoning of a lot or lots shown thereon in the same manner as amendments may be made to the text of this Ordinance. Such changes shall be recorded to scale on duplicated copies of the Zoning Map and shall be accomplished by written legal descriptions in appropriate amendatory ordinances.

### **SECTION 403. INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be the midline between the main tracks.
4. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
6. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Zoning Board of Appeals shall interpret the district boundaries.
7. Insofar as some or all of the various districts may be indicated on the Zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

### **SECTION 404. ZONING OF VACATED AREAS**

If all or any portion of any public street, alley, right-of-way, easement, or land shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the district where located, or within the most restrictive of the immediately adjacent districts, if there be more than one.

### **SECTION 405. SCOPE OF REGULATIONS**

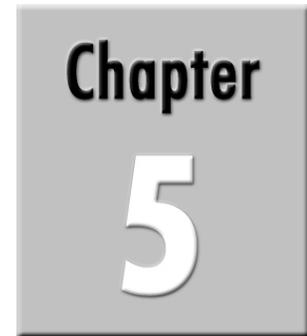
No building or structure or part thereof shall be hereafter erected, moved constructed, or altered, and no new use or change in use of a parcel or structure shall be made unless it conforms with the provisions of this Ordinance, including the regulation of the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitation on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the district regulations of any Zoning District.

### **SECTION 406. APPROVAL OF PLATS**

No proposed plat of a new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.



## **Chapter 5 – Agricultural Preservation District (AP)**

### **SECTION 501. INTENT AND PURPOSE**

The purpose of the Agricultural Preservation district is to encourage agricultural activities as a viable component of the local economy. This district has many areas where there are high quality soils, available water, and lands with highly productive agricultural capability, and it is necessary and desirable to preserve, promote, maintain, and enhance the use of the land for agricultural purposes. The Agricultural Preservation district is also intended to permit a range of uses and activities to support the development and production of renewable and alternative energy.

### **SECTION 502. USES PERMITTED BY RIGHT**

1. Farms for both general and specialized farming, together with farm dwellings and buildings, and other installations usual to such farms
2. Farm drainage and irrigation systems
3. Forestry
4. Horticulture
5. Agritourism
6. Nurseries and greenhouses
7. One-family detached dwelling unit
8. Home industry subject to the conditions described in Section 1306
9. State licensed residential facilities
10. Additional dwelling(s) on any farm for the use of farm or domestic employees of the owner or his lessees, provided there is only one (1) such tenant house in addition to the main dwelling for each ten (10) acres of farm land, and provided that each such tenant house is surrounded by sufficient land to provide a future separate lot of one (1) acre and a minimum width at the building line of three hundred (300) feet
11. Publicly-owned and operated parks, parkways, and recreational facilities
12. Public utility and service installations
13. Accessory buildings and uses customarily incident to any of the above permitted uses
14. On-site use wind energy systems and related wind site assessment devices, subject to the conditions described in Section 1308.

### **SECTION 503. USES PERMITTED BY SPECIAL USE PERMIT**

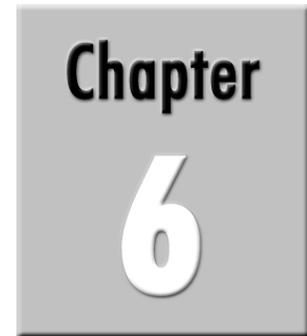
1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis, subject to the conditions described in Section 1406 – General Requirements and Standards.

2. Roadside produce stands
3. Agricultural retail facilities
4. Wholesale agricultural product storage
5. Feedlots and poultry facilities
6. Auction yards
7. Stables and riding academies
8. Private outdoor recreation areas
9. Golf courses, not including driving ranges or miniature golf courses
10. Bed & breakfasts
11. Agritourism
12. Colleges, universities, and other such institutions of higher learning
13. Religious, social, and educational institutions
14. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit
15. Airfields and landing strips
16. Extractive industries
17. Public buildings and any incidental uses
18. Cemeteries
19. Utility grid wind energy systems and related wind site assessment devices, subject to the conditions described in Section 1407 – Special Uses Requiring Additional Standards.
20. Other renewable and alternative energy systems

Regulations for special uses are further described in Chapter 14.

#### **SECTION 504. DIMENSIONAL REGULATIONS**

1. Lot Area, Minimum – Sixty-five thousand, three hundred and forty (65,340) square feet, or one and a half (1.5) acres.
2. Lot Width, Minimum – Three hundred (300) feet.
3. Front Yard, Minimum – One hundred (100) feet from the centerline of the road.
4. Rear Yard, Minimum - Forty (40) feet for all farm-related development. For a one-family detached dwelling unit, the minimum rear yard is twenty-five (25) feet from the rear lot line.
5. Side Yard, each, Minimum – Seventy-five (75) feet.
6. Corner Yard, Minimum – Seventy-five (75) feet for both the front and side yards.
7. Minimum Floor Area per Dwelling Unit – Each dwelling unit shall have a minimum finished living area of one thousand (1,000) square feet of floor area.
8. Height, Maximum – Thirty-five (35) feet or two (2) stories for principal structure. Maximum height for farm-related accessory structures is one hundred fifty (150) feet. The maximum height for farm-related accessory structures does not include silos, radio towers, and utility-grid wind energy systems.
9. Lot Coverage, Maximum Percent – Thirty-five (35%) percent
10. Accessory Structures - No accessory structure may be located closer than ten (10) feet to the principal structure or in the front yard. Accessory structures shall not be located closer than fifty (50) feet to any property line fronting a public road. Minimum setback from side and rear yards for accessory structures shall be fifteen (15) feet.



## **Chapter 6 – Rural Residential District (R-1)**

### **SECTION 601. INTENT AND PURPOSE**

The Rural Residential district is intended to maintain the rural character of Oliver Township while providing a limited but specific type of large-lot housing development. It includes low-density one-family homes on lot areas of at least one and a half acres and acts as a buffer between agricultural uses and other residential land uses. The purpose of this district is also to encourage an adequate buffer zone between developments and the Pinnebog River in order to protect natural features and conserve the ecological functions of the river.

### **SECTION 602. USES PERMITTED BY RIGHT**

1. One-family detached dwelling unit
2. Family day-care and group day-care homes
3. State licensed residential facilities
4. Publicly-owned and operated parks, parkways, and recreational facilities
5. Accessory buildings and uses customarily incident to any of the above permitted uses

### **SECTION 603. USES PERMITTED BY SPECIAL USE PERMIT**

1. Bed & breakfasts
2. Religious, social, and educational institutions
3. Public utility and service installations
4. Public buildings and any incidental uses

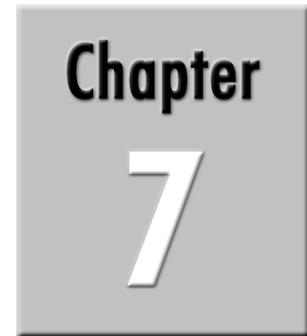
Regulations for special uses are further described in Chapter 14.

### **SECTION 604. DIMENSIONAL REGULATIONS**

1. Lot Area, Minimum – Sixty-five thousand, three hundred and forty (65,340) square feet, or one and a half (1.5) acres.
2. Lot Width, Minimum – Three hundred (300) feet.
3. Front Yard, Minimum – One hundred (100) feet from the centerline of the road.
4. Rear Yard, Minimum – Twenty-five (25) feet from the rear lot line.
5. Side Yard, each, Minimum – Seventy-five (75) feet.
6. Corner Yard, Minimum – Seventy-five (75) feet for both the front and side yards.

## Oliver Township Zoning Ordinance

7. Minimum Floor Area per Dwelling Unit – Each one-family detached dwelling unit shall have a minimum finished living area of one thousand two hundred (1,200) square feet of floor area.
8. Height, Maximum – Thirty-five (35) feet or two (2) stories for principal structure.
9. Lot Coverage, Maximum Percent – Thirty-five (35%) percent
10. Accessory Structures - No accessory structure may be located closer than ten (10) feet to the principal structure or in the front yard. Minimum setback from side and rear yards for accessory structures shall be ten (10) feet from the property line.



## **Chapter 7 – Village Residential District (R-2)**

### **SECTION 701. INTENT AND PURPOSE**

The Village Residential district is intended to encourage the development of an open low density single- and two-family dwelling area on individual lots or parcels in keeping with the existing environment. All pre-platted lots and subdivision recorded prior to the adoption of this ordinance shall conform to the requirements of Section 1303.

### **SECTION 702. USES PERMITTED BY RIGHT**

1. One-family detached dwelling unit
2. Two-family dwelling unit
3. Home occupations
4. Family day-care and group day-care homes
5. State licensed residential facilities
6. Publicly-owned and operated parks, parkways, and recreational facilities
7. Accessory buildings and uses customarily incident to any of the above permitted uses

### **SECTION 703. USES PERMITTED BY SPECIAL USE PERMIT**

1. Religious, social, and educational institutions
2. Golf courses, not including driving ranges or miniature golf courses
3. Schools
4. Cemeteries
5. Public buildings, including libraries
6. Public utility and service installations

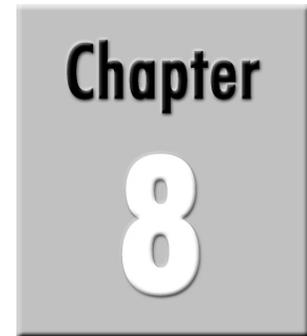
Regulations for special uses are further described in Chapter 14.

### **SECTION 704. DIMENSIONAL REGULATIONS**

1. Lot Area, Minimum – Twelve thousand (12,000) square feet.
2. Lot Width, Minimum – One hundred (100) feet.
3. Front Yard, Minimum – Twenty-five (25) feet from the road right-of-way.
4. Rear Yard, Minimum – Twenty (20) feet from the rear lot line.
5. Side Yard, each, Minimum – Ten (10) feet.
6. Corner Yard, Minimum – Twenty-five (25) feet for both the front and side yards from the road right-of-way.

## Oliver Township Zoning Ordinance

7. Minimum Floor Area per Dwelling Unit – Each one-family and two-family dwelling unit shall have a minimum finished living area of eight (800) square feet of floor area.
8. Height, Maximum – Thirty-five (35) feet, or two-and-a-half (2.5) stories for principal structure.
9. Lot Coverage, Maximum Percent – Twenty-five (25%) percent
10. Accessory Structures - No accessory structure may be located closer than ten (10) feet to the principal structure, side property line, or rear property line. Accessory structures are not permitted in the front yard.



## **Chapter 8 – Multi-Family Residential District (R-3)**

### **SECTION 801. INTENT AND PURPOSE**

The intent and purpose of the Multi-Family Residential district is to provide sites for multiple-family dwelling structures, and related uses. This district is further provided to offer a variety of housing styles, designs and costs to meet the needs of existing and potential residents while promoting development and preservation of neighborhoods of higher density than in the R-1 and R-2 districts.

### **SECTION 802. USES PERMITTED BY RIGHT**

1. One-family detached dwelling unit
2. Two-family dwelling
3. Multiple-family dwellings and apartments
4. Home occupations
5. Family day-care and group day-care homes
6. State licensed residential facilities
7. Accessory buildings and uses customarily incident to any of the above permitted uses

### **SECTION 803. USES PERMITTED BY SPECIAL USE PERMIT**

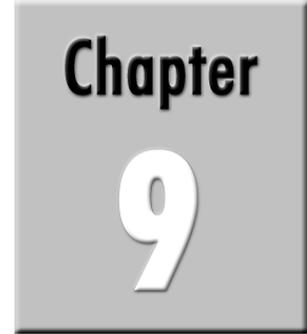
1. Funeral homes
2. Religious, social, and educational institutions
3. Publicly-owned and operated parks, parkways, and recreational facilities
4. Public buildings, including libraries
5. Public utility and service installations
6. Manufactured home parks

Regulations for special uses are further described in Chapter 14.

### **SECTION 804. DIMENSIONAL REGULATIONS**

1. Lot Area, Minimum –Forty-three thousand, five hundred and sixty (43,560) square feet, or twenty thousand (20,000) square feet if water and sewer available.
2. Lot Width, Minimum – One hundred (100) feet.
3. Front Yard, Minimum – Twenty-five (25) feet from the road right-of-way.
4. Rear Yard, Minimum – Twenty (20) feet from the rear lot line.
5. Side Yard, each, Minimum – Ten (10) feet.

6. Corner Yard, Minimum – Twenty-five (25) feet for both the front and side yards from the road right-of-way.
7. Apartment Unit, Minimum:
  - a) Efficiency Apartment - Is a dwelling unit containing not over six hundred forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
  - b) One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
  - c) Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
  - d) Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).
8. Minimum Floor Area per Dwelling Unit – Each one-family and two-family dwelling unit shall have a minimum finished living area of seven hundred twenty (720) square feet of floor area.
9. Height, Maximum – Thirty-five (35) feet, or two-and-a-half (2.5) stories for principal structure.
10. Lot Coverage, Maximum Percent – Forty (40%) percent
11. Accessory Structures - No accessory structure may be located closer than ten (10) feet to the principal structure, side property line, or rear property line. Accessory structures are not permitted in the front yard.

A gray square graphic with the word "Chapter" in black text at the top and a large white number "9" in the center.

**Reserved**

A gray rectangular box with the word "Chapter" in black text at the top and the number "10" in large white text with a black outline in the center.

## **Chapter 10 – Commercial District (C)**

### **SECTION 1001. INTENT AND PURPOSE**

The purpose of the Commercial district is to accommodate commercial activities that provide sites for more diversified and intensive business types and are often located to serve higher volumes of automobile traffic. Establishments in the Commercial district are characterized as having a majority of the following characteristics:

- a) Their customer is often served in their vehicle or has the vehicle serviced,
- b) They tend to require larger land areas,
- c) Their customers do not make frequent purchases,
- d) They combine retail, wholesale, service, and repair in various ways,
- e) Their market is regional as contrasted to local,
- f) Their market is partially dependent upon extending services to other business uses, and is generally not household oriented.

### **SECTION 1002. USES PERMITTED BY RIGHT**

1. Business services
2. Physician's offices
3. Medical and dental offices, including clinics
4. Personal service establishments
5. Professional and administrative offices
6. Public buildings, including libraries
7. Public utility buildings
8. Retail sales (not requiring outside storage)
9. Restaurant or other establishments serving food and/or beverages
10. Motels and hotels
11. Automobile showrooms for new and used automobiles
12. Automobile/vehicle and repair, when contained within a wholly enclosed building
13. Retail sales that require outside storage facilities, including agricultural implement and garden supply
14. Rental establishments renting single axle trucks, trailers and small contracting tools, such as but not limited to, compressors, power washers, compactors, and air hammers
15. Banks, savings and loans, or credit unions with or without drive-up windows, loan, or finance offices
16. Restaurant with drive-through
17. Greenhouses

18. Lumber yards
19. Monument sales
20. Assembly buildings including auditoriums, social clubs, fraternal organizations
21. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, or similar uses
22. Studios for instruction, such as dance or music
23. Religious, social, and educational institutions
24. Accessory buildings and uses customarily incident to any of the above permitted uses

When abutting a residential district, the Planning Commission may require the installation and maintenance of a screen, to include an opaque hedge, evergreen planting, solid masonry fence, or combination thereof to effectively screen the commercial use from the residential use. The fence and/or screen must be in accordance with the requirements stated in Section 1309(2)(k).

### **SECTION 1003. USES PERMITTED BY SPECIAL USE PERMIT**

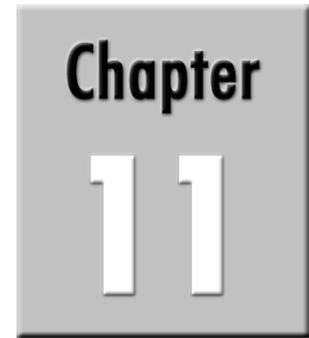
1. Regional shopping center
2. Self service storage/mini-storage
3. Manufactured home sales and service
4. Nursing homes and hospitals
5. Veterinary hospitals and clinics
6. Pet grooming establishment
7. Dry cleaners
8. Laundries
9. Golf course
10. Golf driving range
11. Miniature golf courses
12. Funeral homes or mortuary
13. Automobile car wash
14. Automotive service and repair, including fuel service
15. Sales and service of agricultural machinery
16. Salvage yards
17. Retail sales that require outside storage facilities
18. Convenience stores with fuel service
19. Wholesale business
20. Building supply and equipment establishments
21. Contracting and service establishments including offices and accompanying storage or shop area for plumbers, mechanical contractors, home builders, and other similar uses or trades provided all storage is screened from public view
22. Wireless communication facilities

Regulations for special uses are further described in Chapter 14.

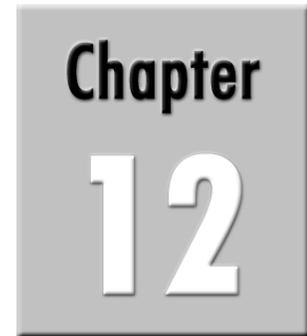
### **SECTION 1004. DIMENSIONAL REGULATIONS**

1. Lot Area, Minimum – Forty-three thousand, five hundred and sixty (43,560) square feet, or one (1) acre.
2. Lot Width, Minimum – One hundred and fifty (150) feet.
3. Front Yard, Minimum – Fifty (50) feet from the road right-of-way.
4. Rear Yard, Minimum – Twenty-five (25) feet from the rear lot line.
5. Side Yard, each, Minimum – Twenty-five (25) feet, but where the C district abuts a residential district, the side yard shall be forty (40) feet.

6. Corner Yard, Minimum – Twenty-five (25) feet for both the front and side yards from the road right-of-way.
7. Minimum Floor Area – None.
8. Height, Maximum – Thirty-five (35) feet or two (2) stories.
9. Lot Coverage, Maximum Percent – None
10. Accessory Structures – Accessory structures shall not be located closer than twenty-five (25) feet to any property line.



**Reserved**



## **Chapter 12 – Industrial/Manufacturing District (M-1)**

### **SECTION 1201. INTENT AND PURPOSE**

The purpose of the Industrial/Manufacturing district is to provide a location and space for all types of wholesale, warehousing, and manufacturing operations subject to restrictions on vibration, noise, emissions, and odors. Since this district is of a specialized nature and to efficiently develop its intended use, most other uses are to be excluded from this district.

### **SECTION 1202. USES PERMITTED BY RIGHT**

1. Manufacturing
2. Heavy equipment sales and service
3. Wholesaling
4. Warehousing
5. Public utility structures and buildings
6. Accessory buildings and uses customarily incident to any of the above permitted uses

### **SECTION 1203. USES PERMITTED BY SPECIAL USE PERMIT**

1. Storage of waste disposal vehicles
2. Extractive industries
3. Commercial cleaning plants
4. Sewage treatment and disposal
5. Wireless communication facilities
6. Institutions for the Mentally Retarded and Physically Handicapped, Drug or Alcoholic Patients and Camps or Correctional Institutions
7. Industrial parks
8. Fireworks storage
9. Crematoriums
10. Junk yards
11. Salvage yards

Regulations for special uses are further described in Chapter 14.

## **SECTION 1204. SPECIAL DISTRICT REQUIREMENTS**

All activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors PROVIDED that within two hundred (200) feet of any other district said storage shall be in completely enclosed buildings.

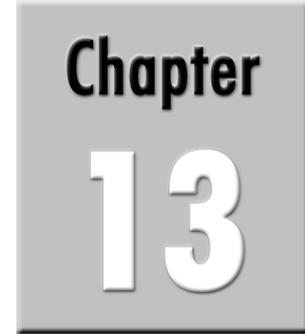
All outdoor storage, including junk or salvage yards, shall be effectively screened from public view by a solid, opaque, uniformly finished wall or fence with solid entrance and exit gates. The fence or wall shall be at least six (6) feet in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight (8) feet in height. Such storage shall be deemed to include the parking of licensed motor vehicles over one and one-half (1 1/2) tons rated capacity. Completely obscuring landscaping may be used as an alternative upon approval of the Planning Commission.

Uses in this District shall conform to the following standards:

1. Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare; except those produced by internal combustion engines under design operating conditions.
2. Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the parcel.
3. Produce no heat or glare to such an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.
4. Produce no physical vibrations to such an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
5. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive nor in the use of any such material in production.
6. Shall conform to all local, state and applicable federal pollution control standards, including noise, air and water quality.
7. Storage of hazardous materials shall conform to all applicable federal and state laws.

## **SECTION 1205. DIMENSIONAL REGULATIONS**

1. Lot Area, Minimum – Two hundred sixty-seven thousand, eight hundred (267,800) square feet, or five (5) acres.
2. Lot Width, Minimum – None.
3. Front Yard, Minimum – Ninety (90) feet from the centerline of the road.
4. Rear Yard, Minimum – Fifty (50) feet from the rear lot line.
5. Side Yard, each, Minimum – Fifty (50) feet.
6. Corner Yard, Minimum – Fifty (50) feet for both the front and side yards.
7. Minimum Floor Area – None.
8. Lot Coverage, Maximum Percent – Twenty (20%) percent
9. Accessory Structures - No accessory structure may be located in the front yard.



## Chapter 13 – General Requirements

### SECTION 1301. NONCONFORMING USES

**A. Intent and Purpose.** It is the intent of this ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structures may not conform with the provisions of this Ordinance.

It is also recognized that such uses are incompatible with permitted uses in the districts involved, and it is the purpose of this Ordinance not to encourage the survival of these nonconforming uses and structures. Further, it is the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this Section.

**B. Structural Changes or Enlargement.** The building or land use that is nonconforming shall not be structurally changed, altered, or enlarged unless the resultant changed, altered, or enlarged building or use conforms to the provisions of this Ordinance for the district in which it is located.

A basement, cellar, garage, or any incompletely constructed structure in use as a dwelling on the effective date of this Ordinance may be used as a dwelling following said date; however, owners are encouraged to bring such structures to completion in conformance with the regulations of this Ordinance relative to dwellings in the district in which such structure is located. If a change of ownership occurs, said structure shall be deemed a nonconforming use and shall be immediately discontinued. If a vacancy in such a structure occurs, the provisions of Subsection C below (Abandonment) shall apply.

**C. Abandonment.** Whenever a nonconforming use has been discontinued for twelve (12) consecutive months, or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandonment, the nonconforming use shall not be reestablished, and any further use shall be in conformity with the provisions of this Ordinance.

**D. Reconstruction And Restoration.** No nonconformity (whether it is a structure, a use, or a sign) shall be enlarged upon, expanded (including extension of hours of operation) unless such

alteration is in full compliance with all requirements of this Ordinance. Normal maintenance and incidental repair of a legal nonconformity shall be permitted, provided that this does not violate another section of this article.

1. Nothing in this ordinance shall be deemed to prevent restoring a structure to a safe condition in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structure or signs.
2. No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved, unless changes are being made to the site in conformance with other sections of this part.
3. No use, structure or sign which is an accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
4. Any lawful nonconforming use damaged by fire, explosion, an act of God or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the gross floor area or value of the structure to more than which is permitted in other sections of this part.
5. A dwelling nonconforming due to its location in a nonpermitted district, may be expanded or enlarged for residential purposes, by up to fifty (50%) percent of the existing ground floor area. An accessory building may be constructed or expanded upon the same lot.

**E. Repair.** Nothing in this Ordinance shall prohibit the improvement or modernization of a lawful nonconforming building to allow for facility improvement provided that such repair does not exceed fifty (50%) percent of the true cash value as determined by the State Equalized Value or increase the size of the primary structure by more than thirty (30%) percent. All improvements must be presented on a site permit developed in accordance with the data requirements of Section 303 and approved by the Zoning Board of Appeals.

**F. Changing Uses.**

- a. The Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to another nonconforming use unless such change shall be more nearly conforming.
- b. Transfer of Ownership and Use. Any nonconforming use status may be transferred with the same rights guaranteed the new owners as those belonging to the owners of record on the effective date of this Ordinance.

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

**H. Elimination of Nonconforming Uses.** The Township of Oliver 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 portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operations of special assessment districts for public improvements in townships. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act. No. 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

## **SECTION 1302. ACCESSORY BUILDINGS**

An accessory building or use shall not occupy more than twenty percent (20%) of the area of any rear yard.

Authorized accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal buildings, an accessory building shall be made structurally a part of it, and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building as provided in the preceding statement, shall not be nearer than ten (10) feet from any other separate structure on the same lot and conform to all other yard requirements.

## **SECTION 1303. SUPPLEMENTARY AREA REGULATIONS**

1. **Exception to Required Lot Area.** Lots in a pre-platted subdivision or any residential lot used for a single-family dwelling created and recorded prior to the effective date of this Ordinance may be used even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:
  - a) That the other requirements of the district are met.
  - b) That no adjacent land or lot is owned by the owner of the lot in question.
2. **Lot Area Can be Allocated Once.** No portion of a lot can be used more than once in complying with the provision for lot area and yard dimensions for the construction of a proposed or the alteration of an existing building.

## **SECTION 1304. SUPPLEMENTARY HEIGHT REGULATIONS**

Solar energy devices shall be exempted from the height restrictions contained in this Ordinance for each District.

## **SECTION 1305. SUPPLEMENTARY USE REGULATIONS**

### **A. Supplementary Dwelling Requirements**

1. **Must Comply with Code Requirements.** Every dwelling must comply with all adopted construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home or a manufactured home, all construction, insulation, plumbing, or electrical apparatus shall conform to the “Mobile Home Construction and Safety Standards” of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the “Mobile Home Construction and Safety Standards,” then the state or local standard shall apply.
2. **Mobile Home or Manufactured Home Permit Requirements.** Mobile Homes or manufactured homes, in the context of this Zoning Ordinance, are considered Single-Family Dwellings. Placement of dwellings on individual sites are required to meet all appropriate district setback requirements. Prior to placement, a Site Permit must be obtained from the Oliver Township Zoning Administrator, building permit, septic permit from the Huron County Health Department; Plumbing & Electrical permits from the Huron County Building & Zoning Department – both in Bad Axe.
3. **Mobile Home or Manufactured Home Installation.** In the event that a dwelling is a mobile home or a manufactured home, it must be installed pursuant to the manufacturer’s setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the township Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home or manufactured home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No manufactured home shall have any towing mechanism, undercarriage or chassis exposed.
4. **Structures to be of Uniform Quality.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
5. **Maintenance.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time, by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
6. **Foundation.** All single-family dwellings, except mobile homes or manufactured homes located in manufactured home parks, must be firmly attached to a permanent foundation meeting building code requirements. The walls for a dwelling must have the same perimeter dimensions as the dwelling.

**B. Uses of Structures for Temporary Dwelling.** No garage or other accessory building, tent, cabin, mobile home, or partial structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purpose for any length of time unless authorized by the Zoning Administrator by the issuance of a temporary permit not to exceed six (6) months, (this permit can be renewed only once) to provide living accommodations during construction of a permanent structure. Such a permit can only be issued after a building permit has been secured. The temporary permit can be renewed only in the event progress on the construction of the permanent structure is being made.

**C. Outdoor Storage.** All uses requiring outside storage shall comply with the following limitations:

- a). All outdoor storage facilities which exceed one thousand square feet (1,000 square feet) shall be enclosed by a fence or wall.
- b). No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.
- c). All materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

**D. Junk Yard Or Used Material Yard In Nonconforming Use.** Any junk yard or used material yard in existence on the effective date of this Ordinance, which is located in a district other than an Industrial District, shall be listed as a "Valid Nonconforming Use" and may continue to operate subject to the provisions of this Ordinance governing nonconforming use; and it is further provided that continuance of operation of such yards shall depend upon the maintenance of orderly appearance, the minimizing of noise, odors, smoke and absence of material number of justified and proven complaints that such yard is a nuisance.

**E. Solar Energy Systems.** Solar energy systems are typically designed as a single solar panel, or a set of solar panels, which are freestanding ground-mounted structures. Such panels contain an interconnected assembly of photovoltaic cells, including associated inverters, batteries, and interconnection wiring. This technology harnesses sunlight and converts it into energy which can be used directly on-site. Solar energy systems in Oliver Township are considered a compatible use in the Agricultural Preservation District. The siting of a ground-mounted solar energy system is permitted in the Agricultural Preservation District (Chapter 5) and must conform to the front, rear, and side yard setback requirements described in Section 504. Prior to the construction of a ground-mounted solar energy system, a Site Permit (Sections 303 and 304) must be approved by the Zoning Administrator.

## **SECTION 1306. HOME INDUSTRY**

A home industry is a use permitted by right in the AP Agricultural Preservation District, provided:

1. The owner or manager shall reside in the principal building and operate the home industry.
2. The area of the home industry shall not exceed fifty (50%) percent of the floor area of the dwelling unit. Areas within accessory buildings (attached garages, storage buildings, etc.) shall not be considered part of the dwelling unit for purposes of calculating

allowable home industry area but may be used for storage of goods associated with the home industry. The area within accessory buildings used for the purposes of a home industry shall not exceed 2,400 square feet in total area.

3. Accessory buildings used for the purposes of a home industry shall be located within 300 feet of the principal building.
4. Junk materials, supplies, unassembled parts, and equipment shall be stored entirely within an accessory building.
5. Vehicles and related equipment shall not be parked or stored within any required yards or setback areas of the lot or on adjacent streets.
6. All hazardous wastes, by-products and emissions must be stored and/or disposed of in conformance with Federal, State, local regulations.
7. Sales shall be limited to items produced on-site, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps, and antiques.
8. No person shall create, operate, or cause to be operated as part of a home industry any source of sound in such a manner as to create a sound level that exceeds 65 dB(A) (weighted sound level) when measured from the nearest property line.
9. All outdoor lighting used in association with the home industry shall be shielded to reduce glare and shall be arranged to direct light away from all adjacent properties, residences, and public rights-of-way.
10. The following activities shall be prohibited as a home industry:
  - a) Outdoor repair of any automobile, truck or heavy equipment,
  - b) Outdoor autobody work.
11. No more than two (2) non-residents shall be employed in a home industry.
12. On-site parking shall be provided as follows:
  - a) One (1) parking space for each non-resident employee of the home industry, and
  - b) One (1) parking space for customer parking.
14. One (1) accessory free-standing sign related to the home industry is permitted on the premises with the following requirements:
  - a) Not larger than thirty-two (32) square feet,
  - b) Not exceed ten (10) feet in height, and
  - c) Not posted within any required yard setbacks or right-of-way.

## **SECTION 1307. HOME OCCUPATION**

A home occupation is an occupation that is traditionally or customarily carried on in the resident's dwelling unit, and is permitted the R-2 and R-3 districts provided:

1. That such occupation is incidental to the residential use in the extent that not more than thirty percent (30%) of usable floor area of the principal building, or fifty percent (50%) of an accessory building, shall be occupied by such occupation.
2. That no article or service be sold or offered for sale on the premises except as is produced by such occupations.
3. That such occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily located in residential areas.
4. That there be no more than one (1) employee other than members of the resident family.

### **SECTION 1308. ON-SITE USE WIND ENERGY SYSTEM REQUIREMENTS**

1. An on-site use wind energy system is intended to primarily serve the needs of the consumer. An on-site use wind energy system with a tip height of 45 meters (150 feet) or higher shall be considered a utility grid wind energy system for siting purposes.
2. Anemometer towers more than 20 meters (66 feet) in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system must conform to the Oliver Township zoning ordinance.
3. Prior to the installation of an On Site Use wind energy system, an application for a Site Permit shall be filed with the Zoning Administrator that will include:
  - a) Applicant identification
  - b) A site plan
  - c) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met
  - d) Proof of the applicant's public liability insurance.

Prior to the installation of an anemometer tower more than 20 meters (66 feet) in height, a Site Permit shall be filed with the Oliver Township Zoning Administrator that will include:

- a) Applicant identification
- b) A site plan
- c) A copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment
- d) Proof of the applicant's public liability insurance.

#### **4. On-Site Wind Energy Systems Site Permit Application.**

- a) An on-site wind energy system is designed and intended to primarily serve the needs of the consumer. Prior to the installation of an on-site wind energy system, an application for a Site Permit must be filed and subsequently approved by the Oliver Township Zoning Administrator and shall include the following:
  - 1) Applicant Identification: Applicant name, address, and contact information.
  - 2) Project Description: A general description of the proposed project including a legal description of the property on which the project would be located.

- 3) **Site Plan:** The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road, 4) existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project. Additional site plan requirements are described in Section 305.
  - 4) **Insurance:** Proof of the applicant's public liability insurance.
  - 5) **Consent Documents:** Copies of any written waivers from neighboring property owners.
  - 6) **Sound Pressure Level:** Copy of the modeling and analysis report.
  - 7) **Certifications:** Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
5. An On-site wind energy system shall meet the following standards and requirements:
- a) **Property Setback.**
    - 1) The distance between an on-site use wind energy system and the owner's property lines shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position (tip height).
    - 2) The distance between an anemometer (met) tower and the owner's property lines shall be at least 1.5 times the height of the tower.
    - 3) Exceptions for neighboring property are allowed with the written consent of those property owners. Written consent letters must be submitted at the time of the Site Permit.
    - 4) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
  - b) **Other Required Setbacks.**
    - 1) The distance between an on-site use wind energy system and a road or a public right-of-way shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position (tip height).
    - 2) The distance between an anemometer (met) tower and a road or a public right-of-way shall be at least 1.5 times the height of the tower.
    - 3) No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to a road or a public right-of-way.

**c) Sound Pressure Level.**

- 1) On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system.
- 2) Exceptions for neighboring property are allowed with the written consent of those property owners.
- 3) This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

**d) Construction Codes, Towers, & Interconnection Standards.**

- 1) On-site use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements
- 2) On-site use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations.
- 3) An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid systems are exempt from this requirement.

**e) Safety.**

- 1) An on-site use wind energy system shall have a governing, or a feathering system to prevent uncontrolled rotation or over speeding.
- 2) All wind towers shall have lightning protection.
- 3) If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
- 4) The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

## **SECTION 1309. PARKING REQUIREMENTS**

1. Parking requirements shall be provided in the various zones determined by the proposed principal use.

<b><u>Principal Use</u></b>	<b><u>Off-Street Parking Space Required</u></b>
1. Banks, offices, libraries	One for each 300 square feet of total area.
2. Personal service shops	Two for each barber or beauty shop chair.
3. Churches, theaters, auditoriums	One for every four seats.
4. Doctor's and Dentist's offices	One for each 100 sq. ft. of floor area.
5. Dwellings	One for each dwelling unit.
6. Institutions of human care	One for every four beds and one for every two employees or staff.
7. Laundromats	One for every two washing machines.
8. Manufactured Home Park	Two for each mobile home site.
9. Motels, rooming houses, tourist homes, or lodging house	One for each sleeping room.
10. Manufacturing, wholesale or warehouse	Two for every three employees on maximum shift, plus loading and unloading space.
11. Furniture, appliance, hardware shops, showrooms, carpet sales	One for every 800 square feet of floor area.
12. Restaurants, taverns, except drive-ins	One for each 100 square feet of floor area.
13. Retail stores	One for each 150 square feet of floor area.
14. Schools (elementary)	Two for every classroom.
15. Schools (high)	One for every six seats in the main assembly area or three for every classroom, whichever is greater.
16. Home industry	See Section 1306

a) Any variations from these requirements must be requested in writing with justification and must be approved by the Zoning Administrator or by the Planning Commission when deemed necessary by the Zoning Administrator.

b) 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 ( $\frac{1}{2}$ ) shall be disregarded and fractions over one half ( $\frac{1}{2}$ ) shall require one (1) parking space.

**2. Miscellaneous Off-Street Parking Rules.** The following rules will be observed:

- a) Required off-street parking shall be provided on the lot on which is located the use to which the parking pertains. In special cases, with the Planning Commission's approval, such parking may be provided either on the same lot or on another lot or on another lot not in a residential district; where the lot on which the parking spaces are located and the lot on which the use requiring them is located are not separated by more than three hundred (300) feet at their closest points, measured along a street or streets.
- b) Where off-street parking is located on a lot other than the lot occupied by the use which required it, approval for both lots is required.
- c) The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
- d) A parking space shall be defined for the purpose of this Ordinance as an area ten (10) feet in width by twenty (20) feet in length exclusive of drives and turning area.
- e) Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
- f) Each off-street parking driveway opening to a public street must be approved by the agency having jurisdiction over the street following Township approval. If the public street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a public street at a ninety ( $90^\circ$ ) degree angle.
- g) Each off-street parking driveway shall include an on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.
- h) All off-street parking driveways shall have a clear vision area unobstructed by accessory structures or plantings, within twenty (20') feet of any public street right-of-way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
- i) Except for parallel parking, all parking spaces shall be clearly marked with striping which shall be maintained. Stone lots do not need to be striped.
- j) Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- k) Off-street parking areas shall be effectively screened on any side which abuts a residentially zoned district or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
- l) Access drives to and from a parking area shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed

approved by the Township staff and in the instance of State roads, the Michigan Department of Transportation.

- m) In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be surfaced with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
- n) The number, layout, design of accessible parking spaces, and required signage shall comply with the requirements of the Michigan Building Code.

3. **Required Off-Street Loading Spaces.** Loading spaces required under this section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

## **SECTION 1310. SIGNS**

1. These standards are adopted to:

- a) Maintain and enhance the aesthetics of the community.
- b) Enhance pedestrian and traffic safety.
- c) Preserve public health, safety, and welfare.
- d) Minimize the adverse effects of signs on nearby public and private property.
- e) Minimize driver distraction.
- f) Encourage appropriate plants and landscaping material.
- g) Avoid excessive signage.
- h) Protect and enhance the scenic views and natural landscapes.
- i) Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- j) Promote the use of aesthetically pleasing sign materials and colors.
- k) Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l) Preserve the right to enjoy scenic amenities.
- m) Enhance the effectiveness of necessary directional and warning signs.
- n) Preserve property values.
- o) Provide for the effectiveness of permitted signs.
- p) Avoid adverse lighting or reflection.
- q) Require structurally safe signs.

## **2. PERMIT PROCEDURE**

Prior to construction or establishment of any sign, except as otherwise specifically noted in this ordinance, a site permit conforming to Sections 303 and 304 shall be obtained from the Township Zoning Administrator. The permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

1. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a site permit.
  - a) **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
  - b) **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
  
2. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator and conform to Sections 303 and 304 of the zoning ordinance. The application shall include the following additional information.
  - a) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
  - b) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - c) The proposed dates of construction and completion of the sign.
  - d) Structural information necessary to comply with all current building codes.
  - e) In the case of a portable sign, the length of time the proposed sign will be on the site.
  
3. **DURATION OF PERMIT FOR PORTABLE SIGNS.** All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 7 days.

Zoning District	Duration of Permit	Permits per Parcel
R-1, R-2, & R-3	30 days	2 per year
AP	30 days	2 per year
C	30 days	2 per year
M-1	30 days	2 per year

### 3. MEASUREMENT OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address.

**4. TABLE OF SIGNS PERMITTED**

District	Type	# Per Parcel	Size	Placement	Height
<b>AP</b>	Monument/freestanding	1	32 sq.ft.	Within required yard	10 ft.
	Small sign	1	6 sq.ft.	Within required yard	6 ft.
	Wall Sign	1	No limit	Anywhere on bldg.	Height of wall
	Portable	1	32 sq.ft.	Within required yard	7 ft.
<b>R-1 R-2 R-3</b>	Monument/freestanding	1	18 sq.ft.	Within required yard	6 ft.
	Small sign	1	2 sq.ft.	Within required yard	4 ft.
	Wall Sign	1	6 sq.ft.	Any wall	Height of wall
	Portable	1	32 sq.ft.	Within required yard	5 ft.
<b>C</b>	Wall	No limit	32 sq.ft.	Anywhere on bldg.	Height of wall
	Monument/freestanding	1	64 sq.ft.	Within required yard	12 ft.
	Marquee/Canopy	1	32 sq.ft.	On structure	Height of highest eave
	Portable	1	32 sq.ft.	Within required yard	8 ft.
	Electronic message board	1	32 sq.ft.	Within required yard	8 ft.
<b>M-1</b>	Wall	1	No limit	Anywhere on bldg.	Height of wall
	Monument/freestanding	1	64 sq.ft.	Within required yard	12 ft.
	Pole sign	1	32 sq.ft.	Within required yard	12 ft. at grade of lot line
	Roof	1	60 sq.ft.	On structure	Roof line
	Portable	1	32 sq.ft.	Within required yard	5 ft.
	Electronic message board	1	32 sq.ft.	Within required yard	8 ft.

NOTES TO TABLE

1. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
2. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
3. Signs must be out of the road right-of-way.
4. Only one (1) monument sign shall be permitted on each lot, however one (1) monument sign for each 400' feet of street frontage may be permitted, see below. The entire sign shall not exceed twelve (12) feet in height. If more than four (4) businesses are located on a parcel, additional monument signs may be allowed. One (1) wall sign is allowed per individual business of thirty-two (32) square feet.
5. Electronic message boards have a maximum allowed area of 32 square feet. When an electronic message board is combined with a monument sign, the maximum area of the electronic message board will be half (50%) of the total sign area.
6. The height of wall signs may be up to the height of the wall.
7. Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage at the site plan review phase.

#### **5. SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following exempt signs are allowed in all zoning districts within the Township. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

1. **SMALL SIGNS.** In the AP, R-1, R-2, R-3 zoning districts, one (1) sign, no greater than six (6) square feet or four (4') feet in height is permitted without a permit, provided it is located within the required yard.
2. **PORTABLE SIGNS.** Portable signs with less than a seven (7) day duration.

#### **6. PROHIBITED SIGNS**

Signs are prohibited which:

1. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
2. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
3. Are not properly anchored or secured to a building or the ground.

## **7. ILLUMINATION**

There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

In the AP, R-1, R-2, and R-3 districts, only non-dwelling use signs may be illuminated.

## **8. NONCONFORMING SIGNS**

Note that portable signs are not considered to be acceptable nonconforming structures.

1. Nonconforming signs:
  - a) Shall not be changed in such a way to remain nonconforming.
  - b) Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

## **9. CONSTRUCTION AND MAINTENANCE**

The construction of any sign shall be such that it will withstand all wind and vibration forces that 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. No permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator.

## **10. VIOLATIONS AND REMOVAL**

1. Any sign erected, altered, or converted subsequent to the passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
2. Upon discovery of a violation of this ordinance, the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.
3. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
4. If the violating sign has not been removed or brought into compliance with this ordinance within thirty (30) days from the issuance of the order specified in (2) above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an

interpretation of the ordinance or an administrative decision at the Zoning Board of Appeals.

5. If the Zoning Board of Appeals determines that the sign involved is in violation of this ordinance, he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the Zoning Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
6. If the decision and order provided for in (5) above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
7. Nothing in this section shall prevent the Zoning Administrator from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

#### **11. ABANDONED SIGNS**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within thirty (30) days of the termination of business, the Zoning Administrator, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

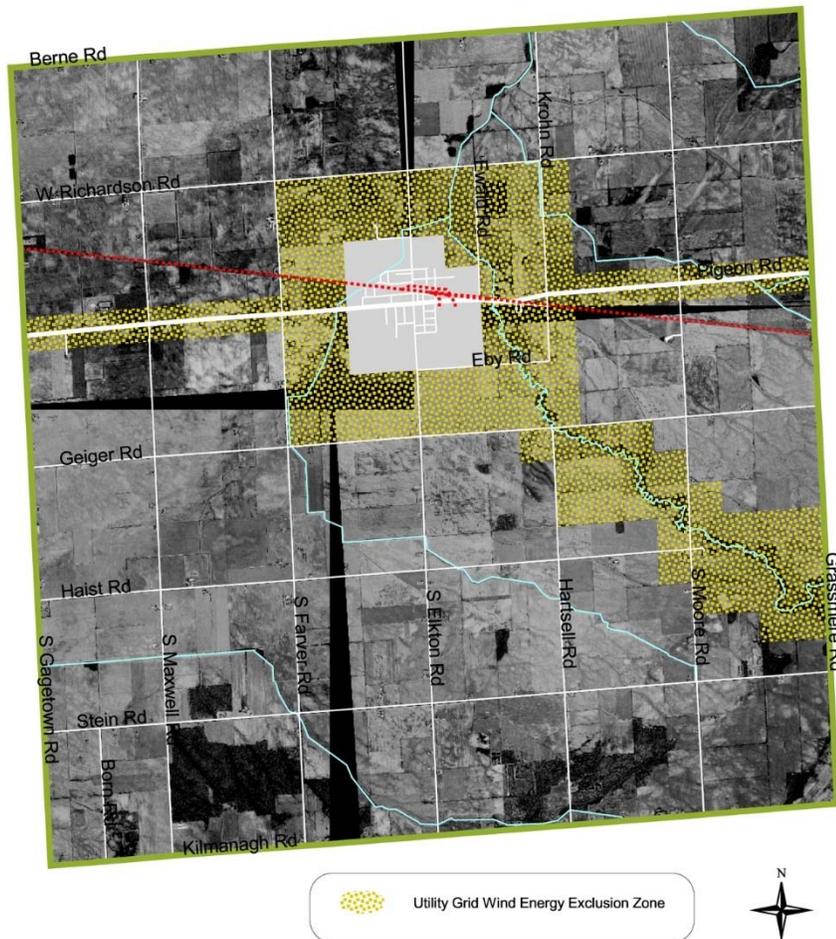
#### **SECTION 1311. ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utility or municipal department for the public health, safety, and welfare, but not including buildings other than such buildings which are primarily enclosures or shelters for essential services equipment or service personnel.

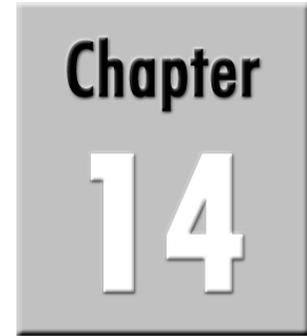
#### **SECTION 1312. UTILITY GRID WIND ENERGY EXCLUSION ZONE**

1. **Intent and Purpose.** It is the intent and purpose of the Utility Grid Wind Energy Exclusion Zone to provide residents of Oliver Township relief in specified areas from wind energy systems. Oliver Township permits utility grid wind energy systems as a special use requiring a Special Use Permit in the AP Agricultural Preservation District only. Utility grid wind energy systems are further restricted from all property in the "Exclusion Zone" as depicted on the Utility Grid Wind Energy Exclusion Zone Map, regardless of the zoning district.

2. **Map.** The boundaries of the Utility Grid Wind Energy Exclusion Zone are hereby defined and established as shown on the map entitled “Utility Grid Wind Energy Exclusion Zone Map,” which accompanies this Ordinance and which map, with all explanatory matter thereon, is hereby made a part of this Ordinance.



3. **Interpretation of Boundaries.** Where uncertainty exists with respect to the boundaries on the Utility Grid Wind Energy Exclusion Zone Map, the following rules shall apply:
- a) Boundaries indicated as approximately following the streets or highways shall be construed to be such boundaries.
  - b) Boundaries indicated as approximately following Township boundary lines or following lot lines shall be construed as following said lines.
  - c) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.



## **Chapter 14 – Special Use Permits**

### **SECTION 1401. INTENT & PURPOSE**

The formulation and enactment of this Zoning Ordinance is based upon the division of Oliver Township into districts. Each district allows for uses that have been deemed compatible, and those uses are permitted by right, provided that they satisfy all applicable dimensional requirements. Other uses, however, may also be compatible in these districts based on their location and their impact on the surrounding area. The special use shall only be authorized after it has been found that it is in compliance with the standards and requirements set forth in this chapter.

### **SECTION 1402. APPROVING BODY**

The Planning Commission shall have the authority to grant special uses. The granting of a special use shall be known as a special use permit. The Planning Commission shall attach any conditions it deems necessary to the special use permit to ensure that the spirit and intent of this chapter is complied with.

### **SECTION 1403. USES & DISTRICTS**

The uses subject to and permitted in a district are listed in Chapters 5 through 12, inclusive. Only those special uses specifically identified within a district may be considered by the Planning Commission for inclusion in the district in which the lot, plat or parcel is located.

### **SECTION 1404. APPLICATION, NOTIFICATION PROCESS, PUBLIC HEARING**

1. Application. In order to obtain a better idea of the proposed Special Use Permit request, the Planning Commission requires the submission of eight (8) copies of a site plan which conforms to the site plan review requirements of Section 305. The site plan shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent. A Special Use Permit request must be accompanied by a fee as established by the Township Board and will not be considered until the required number site plan copies has been submitted, including the fee. Fee requirements are described further under Section 302. The Zoning Administrator shall cause the Special Use Permit request to be placed on the agenda of the next regular Planning Commission meeting.

2. Notification Process. Upon receipt of an application for a special use permit, a public notice shall be issued which follows the requirements of Section 306 – Public Notice.
3. Public Hearing. A special use permit request and application conforming to the requirements of Section 1405 shall be the subject of both a site plan review and a public hearing conducted by the Planning Commission. The public hearing, with notification conforming to Section 306 of this Zoning Ordinance, shall be held before a decision is made on the special use permit request. A decision on a special use shall not be made unless notification of the request for special use approval and the required public hearing has been held as required by this section.

## **SECTION 1405. ADMINISTRATIVE PROCEDURES AND REQUIREMENTS**

1. Regulation and approval of special uses includes two separate steps. First is the review of the site plan for the proposed use. Second is the public hearing and the decision of whether a Special Use Permit will be granted.
  - a) The Planning Commission shall conduct a site plan review for the proposed special use, using the procedure and standards presented in Section 305 and any additional standards identified in Section 1407 for the special use described in this chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
    - 1) A site plan review may be completed before a public hearing is held on the question of granting the special use permit. This is because the site plan review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
    - 2) In the event the site plan is denied, consideration of the special use permit shall still occur, including the public hearing. The special use permit may still be approved with the condition that site plan approval must be obtained before the special use permit is valid.
  - b) The Planning Commission shall hold a public hearing on the application as part of the meeting in which the special use permit is considered and shall hear any person wishing to express an opinion on the special use permit request and application.
    - 1) Following the public hearing, the Planning Commission chairman shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. Planning Commission members shall then discuss the motion and vote upon it.
      - i. Open Meeting. The Open Meetings Act requires this vote to take place in an open public meeting.

- ii. Prompt Decision. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render its decision on the special use permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
  - 2) Issuance of Special Use Permit. Only upon approval of a Special Use Permit application by the Planning Commission may a Special Use Permit for the proposed use be issued by the Zoning Administrator.
2. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, a request for special use approval. The decision on a special use shall incorporate a statement containing the findings and conclusions relative to the special use under consideration which specifies the basis for the decision and any conditions recommended.
3. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. The Planning Commission may, as it deems necessary to promote the purpose of this Ordinance, require landscaping, walls, fences, drives, and other improvements. When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission. One of these two (2) approved copies shall be kept on file by the Township Clerk, and the other approved copy shall be returned to the petitioner or his designated representative.
4. Reapplication. An application for a special use permit which has been denied by the planning commission may not be resubmitted for one year after the date of such denial.

#### **SECTION 1406. GENERAL REQUIREMENTS AND STANDARDS**

Before the granting of a Special Use Permit, the Planning Commission shall, at a minimum, consider and provide written findings that the proposed use satisfies the applicable conditions; as follows:

1. Whether the proposed development is in general agreement with a Land Use Plan which includes the unincorporated portions of Oliver Township.
2. Whether the proposed development meets all the design standards of the zoning ordinance and other applicable local codes, regulations, or ordinances.
3. Whether the density or use characteristics of the proposed development are detrimental or could be considered to be significantly detrimental to adjacent properties and land uses.
4. Whether the proposed development would place an extreme burden on or lead to the need for community services and facilities in the township.

5. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.
6. Whether the character of the proposed development is in keeping with the existing or planned uses of the area.
7. Whether or not the following conditions are met in an AP District:
  - a) The use shall not be one to which the noise, odor, dust, or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass.
  - b) Non-farm structures: Shall be located on separately described parcels, excluding alternative energy systems.
  - c) Agricultural service establishments shall be:
    1. Located at least 250 feet from any driveway affecting access to a farm dwelling or field and at least 500 feet from any single family dwelling,
    2. All associated structures and activities (outdoor storage, corrals, etc.) shall be located at least 500 from any dwelling,
    3. Screened on the perimeter of the establishment by a solid fence, wall, or natural vegetation not less than 8 feet in height, and
    4. Be incidental and necessary to the conduct of agriculture within the district.
  - d) Public utility and service structures: Shall be located and constructed at such places and in such manner that they will not segment land of any one farm and will not interfere with the conduct of agriculture by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer and farm equipment including crop-spraying aircraft.

To ensure the protection of public health, safety, and welfare, and to protect adjacent property owners' rights, it may be necessary in some instances to impose conditions and safeguards as part of the authorization for the special use. Said conditions and safeguards may also be necessary for the use to conform to the requirements and standards of this chapter.

## **SECTION 1407. SPECIAL USES REQUIRING ADDITIONAL STANDARDS**

The following uses have been listed in certain district regulations as requiring a special use permit. Due to the nature and intensity of these uses, they shall meet the following minimum requirements:

### **A. Utility Grid Wind Energy Systems**

1. Wind Site Assessment for Utility Grid Wind Energy Systems
  - a) Prior to construction of a utility grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer on a meteorological tower shall be considered a special use.

- b) Prior to the installation of the meteorological tower, an application for a Site Permit and a Special Land Use permit shall be filed with the Oliver Township Planning Commission that will include:
  - 1) Applicant identification
  - 2) Site plan
  - 3) Copy of that portion of the applicant's lease with the land owner granting authority to install the meteorological tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment
  - 4) Proof of the applicant's public liability insurance
- c) The distance from the center of a meteorological tower and the property lines between the leased property and the non-leased property shall be at least the height of the meteorological tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are allowed with the written consent of those property owners.
- d) Meteorological towers shall comply with PA 259 of 1959 (Tall Structure Act), which may include that such towers be painted in equal, alternating bands of orange and white; have at least seven (7) foot safety sleeves placed at each anchor point that extends from the anchor point along each guy wire; and have at least one orange marker ball attached to each guy wire at the highest point that does not affect the stability of the tower and the measurement of wind speed.

## 2. Utility Grid Wind Energy Systems Special Use Permit Application

- a) A utility grid wind energy system is designed and built to provide electricity to the electric utility grid. Prior to the installation of a utility grid wind energy system, an application for a Site Permit and a Special Use permit must be filed and subsequently approved by the Oliver Township Planning Commission and shall include the following:
  - 1) Applicant Identification: Applicant name, address, and contact information.
  - 2) Project Description: A general description of the proposed project including a legal description of the property on which the project would be located.
  - 3) Site Plan: The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include 1) the project area boundaries, 2) the location, height, and dimensions of all existing and proposed structures and fencing, 3) the location, grades, and dimensions of all temporary and permanent on-site and access roads, including width and surface material, from the nearest county or state maintained road, 4)

existing topography, 5) water bodies, waterways, wetlands, and drainage channels, and 6) all new infrastructure above ground related to the project. Additional site plan requirements are described in Section 305.

- 4) Engineering Data: Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 3 feet.
- 5) Maintenance Schedule: Anticipated construction schedule, and description of operations, including anticipated regular and unscheduled maintenance.
- 6) Insurance: Proof of the applicant's public liability insurance.
- 7) Consent Documents: Copies of any written waivers from neighboring property owners.
- 8) Sound Pressure Level: Copy of the modeling and analysis report.
- 9) Certifications: Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
- 10) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
- 11) Environmental Impact: Copy of the Environmental Impact analysis.
- 12) Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- 13) Shadow Flicker: Copy of the Shadow Flicker analysis.
- 14) Manufacturers' Material Safety Data Sheet: Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- 15) Decommissioning: Copy of the decommissioning plan.
- 16) Complaint Resolution: Description of the complaint resolution process.

An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

3. The Utility Grid wind energy system project shall meet the following standards and requirements:

- a) Utility Grid Wind Energy Exclusion Zone: All proposed utility grid wind energy systems are subject to the Exclusion Zone, as described in Chapter 13.

b) Property Setback:

- 1) The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties, including public rights-of-ways and roads, shall be at least 1.5 times the height of the wind energy system tower including the top of the blade in its vertical position, measured from the centerline of the base of the wind energy tower to the property line, right-of-way, or road.
- 2) A setback for a wind turbine from the property lines of adjacent leased property is not required.
- 3) Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- 4) SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or Met tower.
- 5) An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.
- 6) Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.

c) Other Required Separation Distances:

- 1) The distance between a Utility Grid wind energy system and a habitable structure on a non-leased property shall be at least 1,500 feet, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure.
- 2) The distance between a Utility Grid wind energy system and a habitable structure on a leased property shall be at least 1,500 feet, measured from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure. Exceptions for adjacent participating property owners are allowed with the written consent of those property owners, in which case, the distance between a Utility Grid wind energy system and a habitable structure on a leased property may be a minimum of 1,000 feet from the centerline of the base of the wind energy tower to the nearest edge of the habitable structure located on the adjacent participating property. Written consent letters must be submitted at the time of hearing.
- 3) Turbine/tower separation shall be based on: Industry standards, manufacturer recommendation, and the characteristics of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the rotor diameter, and Utility Grid wind energy system shall be designed to

minimize disruption to farmland activity. Documents shall be submitted by the applicant confirming specifications for turbine/tower separation.

d) Sound Pressure Level:

- 1) The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. Exceptions to this requirement are allowed with the written consent of property owners. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- 2) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels.
- 3) Modeling and analysis shall conform to IEC 61400 and ISO 9613.
- 4) After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.
- 5) Documentation of the sound pressure level measurements shall be provided to the local government within 60 days after construction is completed on the wind energy system project.

e) Construction Codes, Towers, and Interconnection Standards:

- 1) Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
- 2) Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations.
- 3) The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
- 4) Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

f) Safety:

- 1) All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
- 2) All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
- 3) A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
- 4) The minimum vertical blade tip clearance from grade shall be 35 feet for a wind energy system employing a horizontal axis rotor.

g) Visual Impact:

- 1) Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color.
- 2) A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
- 3) No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
- 4) The applicant shall avoid state or federal scenic areas and significant visual resources listed in the comprehensive plan.

h) Environmental Impact:

- 1) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 2) The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.) , Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland

Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

- 3) The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system. In addition, the applicant shall submit to the Township and the appropriate Huron County office(s):
  - i. A description of the routes to be used by construction and delivery vehicles
  - ii. Any road improvements that will be necessary in Oliver Township to accommodate construction vehicles, equipment or other deliveries
  - iii. An agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid wind energy system

i) Avian and Wildlife Impact:

- 1) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 2) Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

j) Electromagnetic Interference:

- 1) No Utility Grid wind energy system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to the level present before operation of the wind energy system.
- 2) No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

k) Shadow Flicker:

- 1) The applicant shall conduct an analysis on potential shadow flicker at occupied structures.
- 2) The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year.
- 3) The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

l) Decommissioning:

- 1) The applicant shall submit a decommissioning plan. The plan shall include:
- 2) The anticipated life of the project
- 3) The estimated decommissioning costs net of salvage value in current dollars
- 4) The method of ensuring that funds will be available for decommissioning and restoration
- 5) The anticipated manner in which the project will be decommissioned and the site restored
- 6) Decommissioning shall include the removal of each wind turbines, all electrical components and associated facilities within the footprint of the wind turbine foundation to a depth of forty-eight (48) below original grade. Any foundation shall be removed to a minimum depth of forty-eight (48) inches below original grade, or to the level of bedrock if less than forty-eight (48) below original grade, provided, however, that the land owner may submit a request allowing concrete foundations to be left for other uses, subject to the approval of the Zoning Administrator.

- m) **Storage of Equipment:** All materials and equipment associated with construction and maintenance of a Utility Grid wind energy system shall be stored in an enclosed structure designated for the purposes of storing said equipment.
- n) **Complaint Resolution:**
  - 1) The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project.
  - 2) The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint.
  - 3) The process shall not preclude the local government from acting on a complaint.
  - 4) During construction the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

## **B. Extractive Industries**

For extractive industries, including gravel pits, sand and topsoil removal operations, and quarries, the removal of soil, sand, gravel, and other like materials shall be in accordance with the following:

- 1. There shall be only one (1) entranceway of any kind from a public road or right-of-way.
- 2. No activities shall take place before sunrise or after sunset, unless specifically authorized by the special use permit.
- 3. No extraction or excavating shall occur closer than 100 feet from any lot line
- 4. To the greatest extent possible, odors, smoke, fumes, and dust shall be confined to the site and not affect neighboring properties.
- 5. All machinery and equipment shall be located at least 100 feet from any lot line
- 6. A fence of not less than four (4) feet shall be erected around the entire area that is subject to excavation or extraction activities.

## **C. Salvage Yards**

- 1. There shall be only one (1) entranceway of any kind from a public street or right-of-way. A solid screen, wall, or fence of not less than six (6) feet shall be erected around the entire perimeter of the site. If in combination with an earth berm, the total height shall of the berm and screen, fence, or wall shall not be less than six (6) feet.
- 2. All storage or placement of materials whether operative or inoperative shall be in accordance with the setback requirements of the applicable zoning district for which the use is located.
- 3. All stored or placed materials whether operative or inoperative shall not exceed the height of the solid screen, fence, or wall as required by subsection 1 above.

**D. Outdoor Storage.** All uses requiring outside storage and permitted as a special use, comply with the following limitations:

- a). All outdoor storage facilities which exceed one thousand square feet (1,000 square feet) shall be enclosed by a fence or wall.

- b). No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.
- c). All materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

### **E. Wireless Communication Facilities**

Changing technology in the field of communications has resulted in a reliance on more versatile convenient forms of communication. Businesses, individuals, and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over again in emergency situations.

- 1. Qualifying Conditions. The following site and developmental requirements shall apply:
  - a. Wireless Communication Facilities shall be restricted to self supporting structures.
  - b. The base of the tower and accessory structures shall be enclosed with a minimum six (6) foot high fence.
  - c. Permitting
    - 1) A commercial freestanding tower, communication tower, and related wireless communications equipment is a permitted use of property and is not subject to special use permit approval if all of the following requirements are met:
      - i. The communication tower will be collocated on an existing wireless communications support structure or in an existing equipment compound.
      - ii. The existing wireless communications support structure or existing equipment compound is in compliance with the zoning ordinance or received prior approval by Oliver Township.
      - iii. The proposed collocation will not do any of the following:
        - Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
        - Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

- Increase the area of the existing equipment compound to greater than 2,500 square feet.
- iv. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by Oliver Township.
- 2) A commercial freestanding tower, communication tower, and related wireless communications equipment that meets the requirements of subsection (1)(i) and (1)(ii) but does not meet the requirements of subsection (1)(iii) or (1)(iv) is a permitted use of property if it receives special use approval under subsections (3) to (7).
  - 3) An application for conditional use approval of a communication tower described in subsection (b) shall include all of the following:
    - i. A site plan as required in Chapter 10, including a map of the property and existing and proposed buildings and other facilities.
    - ii. Any additional relevant information that is required by this zoning ordinance.
  - 4) After an application for a special use is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or 14 business days after the Zoning Administrator receives the application, whichever is first.
  - 5) If, before the expiration of the 14-day period under subsection (4), 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 14-day period under subsection (4) is tolled until the applicant submits to the Planning Commission the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed Oliver Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

- 6) The Planning Commission shall approve or deny the application not more than 60 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.
- 7) Special Use Permit approval of a communication tower described in subsection (2) may be made expressly conditional only on the communication tower's meeting the requirements of other Oliver Township ordinances and of federal and state laws before the communication tower and related wireless communications equipment begins operation.

2. Special Performance Standards:

- a. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by a report from a structural engineer registered in Michigan showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards, which tower shall be a self supporting lattice tower or a self supporting monopole. The applicant shall incur all costs associated with the review of such a report.
- b. Towers shall be setback from property lines a minimum distance equal to its height when erected on a parcel that abuts a residentially zoned parcel(s).
- c. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet.
- d. Accessory structures shall not exceed four hundred (400) square feet of gross building area per structure.
- e. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- f. The plans of the tower construction shall be certified by a Michigan registered structural engineer.
- g. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- h. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

- i. Communication towers in excess of one hundred seventy-five (175) feet in height above grade level shall be prohibited within two (2) miles of a public airport property boundary or a ½ mile radius of a helipad.
- j. Metal towers shall be constructed of, or treated with, a corrosive-resistant material. Applicant shall submit a maintenance program acceptable to the Township.
- k. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- l. Towers with antenna shall be designed to withstand a uniform wind loading as prescribed in the applicable Building Code.
- m. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and or structure, or between tower, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- n. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- o. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- p. The base of the tower shall occupy no more than five hundred (500) square feet.
- q. Minimum spacing between tower locations shall not be less than a 1½ mile radius to prevent a concentration of towers in one area.
- r. Towers shall not be artificially lit unless required by the Federal Aviation Administration.
- s. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- t. The tower and site compound shall be removed by the property owner or lessee within six months of being abandoned. The Township will require an irrevocable \$10,000.00 performance bond to ensure its removal.
- u. A conceptual plan must be submitted by the applicant that indicates any other locations within the Township that the communication provider may be considering to construct other towers.
- v. Towers shall be designed to provide for co-location. If the applicant demonstrates that they cannot co-locate on an existing tower, applicant must provide documentation satisfactory to the Township that co-location is not possible.
- w. Subject to the conditions in this subsection the Township may permit the location of Wireless Communication Facilities on any Township owned and occupied land.

- x. The applicant shall submit a copy of a valid FCC license for the proposed activity, or proof that the applicant or carrier is the successful bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.