Hatton Township

ZONING ORDINANCE

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ARTICLE 1: TITLE AND PURPOSE

1.1 TITLE

This Ordinance shall be known as the "Hatton Township Zoning Ordinance" and will be referred to herein as "this Ordinance."

1.2 AREA OF JURISDICTION

The provisions of this Ordinance shall apply to all development, public and private, throughout the incorporated areas of the Hatton Township, Clare County, Michigan, to the extent permitted by law.

1.3 PURPOSE OF THE ORDINANCE

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the residents of the Hatton Township. The Township desires to provide for the orderly development of the Township, which is essential to the wellbeing of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires:

A. Protecting the character and the stability of the natural resources, agricultural, residential, and commercial areas within Hatton Township and promoting the orderly and beneficial development of such areas;

B. Providing adequate light, air, privacy and convenience of access to property;

C. Lessening congestion in the public highways and streets;

D. Providing for the needs of residential, agriculture, commerce, and industry in future growth;

E. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, radioactivity, glare, and other noise, health, vibration, and safety hazards or similar nuisances;

F. Enhancing the aesthetic quality throughout the Township;

G. Conserving the expenditure of funds for public improvements and services; and

H. Promoting the conservation of energy resources, and protecting the general environmental quality of Hatton Township.

1.4 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is a tool used by the community to effectuate the recommendations of the Hatton Township Master Plan and other planning documents, which serve as a guide to the long-term physical development of the Township.

1.5 AUTHORITY

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

ARTICLE 2: GENERAL PROVISIONS

2.1 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the Township and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied "as a whole."

2.2 VESTED RIGHT

Nothing in this Article should be interpreted or construed to give rise to permanent vested rights in the continuance 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 or protection of public health, safety, and welfare.

2.3 CONFLICTING REGULATIONS

In the interpretation, application, and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than is imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall supersede tables or graphics; tables shall supersede graphics. Photographs and illustrations marked "example" or "for illustrative purposes only" are not regulatory and are provided for illustrative support only.

2.4 ACCESSORY BUILDINGS, STRUCTURES, & USES

A. When Attached to a Principal Building or Structure: Unless specifically provided for, accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this Ordinance applicable to principal buildings, structures, and uses.

B. Accessory buildings less than 200 sq. ft. do not require a zoning permit.

C. Prohibited Accessory Buildings, Structures, and Uses: No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:

1. Temporary offices, tool sheds, or similar temporary storage structures used as part of a permitted construction project and as regulated in this Article.

2. Storage/shipping containers may be allowed as a structure within the Township and shall meet required setbacks.

2.5 YARD ENCROACHMENTS

Architectural features may encroach into required yards as follows:

A. Cornices, eaves, sills, fireplaces, flues, gutters, chimneys, ornamental features, and other similar features may extend or project into a required yard a distance of not more than twenty-four (24) inches.

B. Paved terraces, patios, and similar structures may project into a yard as required herein, provided that such structure be unroofed and without walls or other continuous enclosures; except that porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.

C. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required yard a maximum of five (5) feet.

2.6 HEIGHT EXCEPTIONS

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments.

B. Those necessary appurtenances structural functions, such as but not limited to stacks, water tanks, elevator to mechanical or chimneys and smoke and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire, transmission structures, and cooling towers.

C. Those structural extensions deemed necessary for appropriate building design such as cornice or parapet walls may extend a maximum of five (5) feet above height limitations but shall have no window openings. Roof-mounted mechanical equipment may extend above the maximum height specified in the respective district if completely screened by said parapet wall.

D. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.

E. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.

2.7 FLOODPLAIN

No structures shall be erected within a floodplain as established by the Michigan Department of Environment, Great Lakes, and Energy for floods with a projected frequency of less than one hundred (100) years.

2.8 STREET ACCESS

Any lot of record created before the effective date of this Ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way.

2.9 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Official, or Public Health Inspector.

2.10 REQUIRED WATER SUPPLY & SANITATION FACILITIES

Buildings erected, altered, or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the Clare County Health Department and the State of Michigan.

2.11 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

2.12 BARRIER FREE MODIFICATION

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

2.13 REFUSE RECEPTACLES

All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards:

A. Dumpsters shall only be used for residential structures serving more than four (4) dwelling units on a single lot and for non-residential uses. An exception shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit but shall be removed within seven (7) days after the work has been completed.

B. Dumpsters shall be placed on a concrete pad and shall have a deep strength concrete approach large enough to accommodate a truck used for emptying the dumpster(s).

C. All dumpsters shall be screened on all sides with a masonry wall or other material that match the front facade of the principal structure and shall include an opaque gate. The screening shall be a minimum of six (6) feet high, but tall enough to completely screen the refuse container. The Planning Commission shall have final determination in approving the screening material.

D. No refuse receptacle shall be stored in any front yard, yard setback, or required landscape areas.

2.14 PERFORMANCE STANDARDS

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets, or public rights-of-way.

2.15 VEHICLE STORAGE

No inoperable vehicle shall be stored outside an enclosed building except in permitted and licensed junkyards and landfills.

2.16 RECREATIONAL VEHICLES USED AS DWELLINGS

No recreational vehicle shall be used as a permanent dwelling unit, nor shall any recreational vehicle be permanently connected to drinking water or sewerage facilities. On undeveloped lots or parcels, the Zoning Administrator may issue a renewable temporary use permit for recreational occupancy not to exceed periods of one hundred twenty (120) days. Renewal may be denied, or an issued permit may be revoked if any of the following conditions occur:

A. Unsafe or objectionable sanitation conditions

B. Litter

C. Lack of maintenance

D. Any other site condition determined by the Zoning Administrator to constitute a safety hazard or public nuisance.

2.17 PRIVATE ROADS

Where a private road serves five (5) or more parcels, new private roads shall be developed in accordance with Clare County Road Commission design standards regarding right-of-way drainage, construction, erosion control, surface, and signage. Where a private road serves three (3) or more parcels, a permanent right-of-way or easement of at least sixty-six (66) feet in width shall be reserved at a location feasible for future vehicular access, and a passable vehicular access installed within the right-of-way.

2.18 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures, including shipping containers, may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed prior to issuance of a Certificate of Occupancy. No temporary building or structure shall be used as a dwelling unit.

2.19 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

2.20 CORNER LOTS

A corner lot shall have two front yard setbacks along the roads and two side yard setbacks for the remaining property lines. New land divisions and parcels shall consider the impact of corner setbacks on the ability to build.

2.21 ONE LOT, ONE SINGLE FAMILY DWELLING UNIT

In all districts, only one (1) single family dwelling unit shall be placed on a single lot, parcel, or unit unless specifically permitted by this Ordinance.

ARTICLE 3: ZONING DISTRICTS & MAP

3.1 ZONING MAP

The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the "Official Zoning Map". The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.

3.1.1 Location

The Official Zoning Map is filed in the office of the Township Clerk.

3.1.2 Updates

The Township Board may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Hatton Township Planning Commission.

3.1.3 Zoning Districts Established

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

Residential Districts
CR: Conservation and Recreation
FR: Forestry
AG: Agricultural
R-1: Rural Residential
R-2: Moderate Density Residential
MHD: Manufactured Housing

Commercial Districts
CM: Commercial
IND: Industrial
INS: Institutional

3.1.4 Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

A. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot

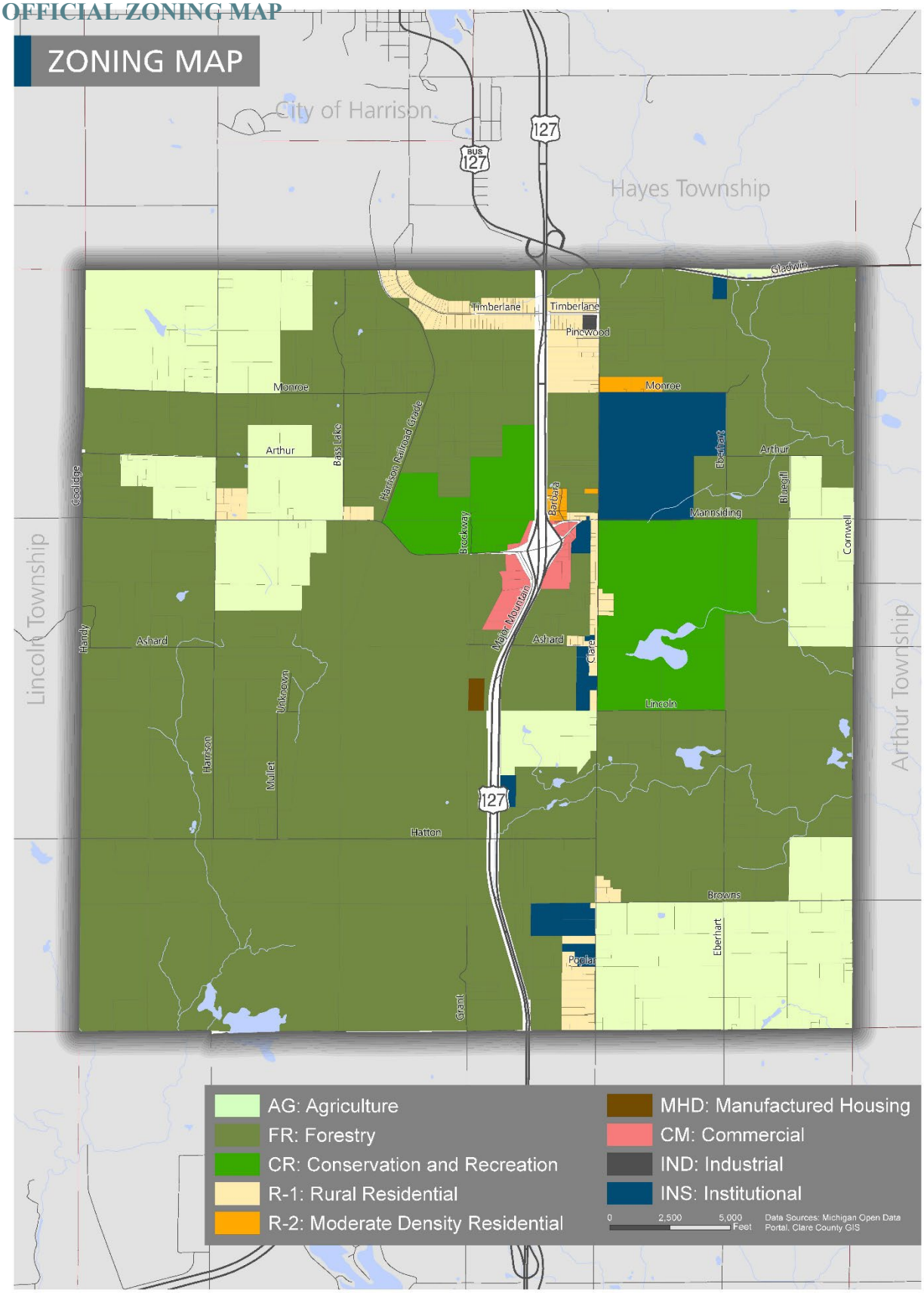
lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.

C. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Clare County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all areas included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

D. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "A" through "C" above, the Zoning Administrator shall provide an opinion of the boundaries.

E. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.

3.2 OFFICIAL ZONING MAP



3.3 ZONING DISTRICT REGULATIONS

3.3.1 Overview

The following Sections regulate the uses, dimensional standards, principal building form, landscaping, screening, and off-street parking design. Additional standards related to these items exist throughout the Ordinance and are in effect as applicable.

3.3.2 Determinations Of Use

If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

3.3.3 Interpreting District Regulations

A. The standards provided in the following sections are to be interpreted as the minimal requirements, unless explicitly stated as a maximum.

B. Regulated uses listed as "By Right" approval type shall require site plan review, where applicable. Regulated uses listed as "Special Land Use" approval type shall require a special land use permit.

C. Regulated uses that have additional supplemental use standards are indicated with the section number where the supplemental use standards can be found.

D. Additional standards applicable to the items regulated for each zoning district, including but not limited to landscaping, fencing, parking, and loading zones, exist within this Ordinance. Nothing in this Article shall exempt a land use or development from satisfying any additional, applicable standards or design requirements contained within this Ordinance.

E. In addition to the standards in this subsection and those under this Section, all properties in an overlay district shall be subject to the requirement of the overlay district as presented in Article 4. Where there is a conflict between the standards of this Section and those of the overlay district, those of the overlay district shall supersede the regulations of this section.

3.4 F: FORESTRY DISTRICT

3.4.1 Intent & Purpose

The purpose of this district is to prevent destruction or loss of natural land, water features, and natural historic sites, to provide habitat for wildlife and to exercise good natural resources conservation practices. Such zoned land is widely scattered in the Township and has the capacity to support agricultural and forestry activities, nature trails, hunting and fishing preserves, and carefully planned low density residential uses, which do not cause adverse impacts on environmentally sensitive lands.

3.4.2 Regulated Uses

F: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
1 Family Dwelling	By Right	§	2/dwelling unit
Accessory uses including:	By Right		--
Agricultural Operations	By Right		
Canoe liveries	By Right		.5/ canoe stock rented or stored
Extractive industries	Special		1.5/employee
Home occupation	By Right		--
Outdoor Wood Stoves and Furnaces	By Right		
Public Use–Critical, Essential, and Supporting	By Right		--
Personal solar installations	By Right	7.2	
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	
Solar farms	Special	7.3	
Roadside stand	By Right		2 spaces
Sale of forest products, including sawmills/pallet assembly	By Right		1/500 sq. ft. of usable floor area

3.4.3 Dimensional Standards & Building Form

F: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	1 acre
Maximum Density	–
Maximum Lot Coverage	25%
Maximum Impervious Coverage	35%
Principal Structures	
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
2nd Front Setback (Corner Lots)	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Minimum Ground Floor Area	720sq ft
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Front, side, or rear yard – must be 10 feet from any other structure Structures housing livestock or storage of feed/manure: 100 feet from lot line
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Maximum Number	–
Maximum Area	–

NOTES: Additional accessory building standards located in Article 2.

3.5 CR: CONSERVATION AND RECREATION

3.5.1 Intent & Purpose

The purpose of this district is to preserve state and township forest and recreation areas, and privately held timber lands and to prevent the encroachment of residential growth. The provisions of this section are intended to create a zoning district within Hatton Township which recognizes these unique characteristics while at the same time permitting utilization of lands suitable for low-intensity recreational uses including hiking, hunting, and fishing that do not disrupt the natural systems or cause removal of vegetation.

3.5.2 Regulated Uses

CR: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
1 Family Dwelling	By Right		
Accessory structures and uses	By Right		--
Agricultural operations	By Right		
Canoe liveries	By Right		.5/ canoe stock rented or stored
Extractive industries	Special		1.5/employee
Outdoor Wood Stoves and Furnaces	By Right		
Personal solar installations	By Right	7.2	
Public or private conservation area	By Right		
Public Use–Critical, Essential, and Supporting	By Right		--
Recreational facility	By Right		.75 of occupancy
Recreational facility, non-intensive	By Right		.75 of occupancy
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	

3.5.3 Dimensional Standards & Building Form

CR: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	1 acre
Maximum Density	–
Maximum Lot Coverage	25%
Maximum Impervious Coverage	35%
Principal Structures	
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
2nd Front Setback (Corner Lots)	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet

Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Minimum Ground Floor Area	720 sq ft
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Front, side, or rear yard – must be 10 feet from any other structure Structures housing livestock or storage of feed/manure: 100 feet from lot line
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2.	

3.6 A: AGRICULTURAL

3.6.1 Intent & Purpose

The purpose of this district is to preserve prime soil for agricultural uses and to protect viable agricultural enterprises. This district is to be applied to areas with soil that are well suited to agricultural activities and prohibits the intrusion of nonagricultural and incompatible uses. This district is intended to have large continuous blocks of agricultural land to help ensure profitable agricultural endeavors that protect the land from speculation for higher density uses.

3.6.2 Regulated Uses

A: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
1 Family Dwelling	By Right	§	2/dwelling unit
Accessory structures and uses	By Right		--
Agricultural assembly place	Special		.75 occupancy
Agricultural operation	By Right		1/employee
Agricultural processing facility	By Right		1/employee
Agricultural worker housing (State Approved)	By RIght		
Cemeteries	Special		--
Commercial stables	Special		1 per horse
Distilleries, wineries, breweries	Special		.75 of occupancy
Educational institutions	Special		.75 total occupancy
Farm markets	By Right		2/vendor
Garden nurseries	Special		1/500 sq. ft. of usable floor area
Golf courses	Special		3/hole
Greenhouses	Special		1/500 sq. ft. of usable floor area
Home occupation	By Right		--
Outdoor Wood Stoves and Furnaces	By Right		
Personal solar installations	By Right	7.2	
Public or private conservation area	By Right		1/ 3 acres
Public Use–Critical, Essential, and Supporting	By Right		--
Recreational facility	Special		.75 of occupancy
Religious institutions	Special		1 per 4 seats
Roadside stand	By Right		2 spaces
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	
Solar farms	Special	7.3	

3.6.3 Dimensional Standards & Building Form

A: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	1 acre
Maximum Density	–
Maximum Lot Coverage	25%
Maximum Impervious Coverage	30%
Principal Structures	
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
2nd Front Setback (Corner Lots)	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Minimum Ground Floor Area	720 sq ft
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Front, side, or rear yard – must be 10 feet from any other structure Structures housing livestock or storage of feed/manure: 100 feet from lot line
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2.	

3.7 R-1: RURAL RESIDENTIAL

3.7.1 Intent & Purpose

The purpose of this district is to preserve the rural countryside atmosphere of Hatton Township. The intent of this district is to provide transitional zoning from strictly agricultural to higher density residential without substantially changing the essential character of these areas.

3.7.2 Regulated Uses

R-1: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
1 Family Dwelling	By Right	§	2/dwelling unit
Accessory structures and uses	By Right		--
Agricultural operations	By Right		1/employee
Campgrounds	Special		1/campsite
Cemeteries	Special		.75 total occupancy
Child care centers	By Right		1/child
Educational institution	Special		.75 total occupancy
Golf courses	Special		3/hole
Home occupation	By Right		--
Outdoor Wood Stoves and Furnaces	By Right		
Personal solar installations	By Right	7.2	
Public or private conservation area	By Right		1/ 3 acres
Public Use–Critical, Essential, and Supporting	By Right		--
Religious institutions	Special		.25 total occupancy
Roadside stand	By Right		2 spaces
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	

3.7.3 Dimensional Standards & Building Form

R-1: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	1 acre
Maximum Density	–
Maximum Lot Coverage	30%
Maximum Impervious Coverage	35%
Principal Structures	
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
2nd Front Setback (Corner Lots)	Primary and section line roads: 127 feet from the centerline

	Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Minimum Ground Floor Area	720 sq ft
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Side or rear yard – must be 10 feet from any other structure Structures housing livestock or storage of feed/manure: 100 feet from lot line
Front Setback	Primary and section line roads: 127 feet from the centerline Quarter line roads: 110 feet from the centerline All other roads, 100 feet from the centerline
Side Setback	20 feet
Rear Setback	35 feet
Maximum Height	For dwelling and nonfarm structures: 35 feet For general and specialized farm buildings and structures: 95 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2.	

3.8 R-2: MODERATE DENSITY RESIDENTIAL

3.8.1 Intent & Purpose

The purpose of this district is to provide a variety of housing types: single-family, duplex, apartments, condominiums, and townhomes. It is intended to provide a moderately dense living environment. However, it must be recognized that without sanitary sewage treatment facilities in the Township, allowable densities for such housing must respect those limitations. Therefore, moderate density is interpreted in terms of relative infrastructure capacity.

3.8.2 Regulated Uses

R-2: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
1 Family Dwelling	By Right	§	2/dwelling unit
2 Family Dwellings	By Right		1.5/ dwelling unit
3+ Family Dwellings	Special		1.5/ dwelling unit
Accessory structures and uses	By Right		--
Adult day care facility	Special		1/dwelling unit
Adult day care home	Special		1/dwelling unit
Adult foster care family home	Special		1/dwelling unit
Adult foster care large group home	Special		1/dwelling unit
Assembly facility	By Right		1 for every 4 seats
Assisted living facility	By Right		1/ 2 dwelling units
Boathouse	By Right		1/ 2 boats
Campgrounds	Special		1/ campsite
Child care centers	By Right		1/child
Educational institution	Special		.75 of total occupancy
Golf courses	Special		3/ hole
Home occupation	By Right		--
Hospitals	Special		.75 of total beds
Outdoor Wood Stoves and Furnaces	By Right		
Personal solar installations	By Right	7.2	
Public Use–Critical, Essential, and Supporting	By Right		--
Religious institutions	Special		1 for 4 seats
Senior living facility	By Right		1/ 2 dwelling units
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	

3.8.3 Dimensional Standards & Building Form

R-2: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	150 feet
Minimum Lot Area	1-Family Dwelling: 20,000 sq. ft. 2-Family Dwelling: 24,000 sq. ft.

	3+ Family Dwelling: 10,000 sq. ft. per unit
Maximum Density	–
Maximum Lot Coverage	25%
Maximum Impervious Coverage	30%
Principal Structures	
Front Setback	Section line roads: 110 feet from the centerline Quarter line roads: 93 feet from the centerline All other roads: 83 feet from the centerline
2nd Front Setback (Corner Lots)	Section line roads: 110 feet from the centerline Quarter line roads: 93 feet from the centerline All other roads: 83 feet from the centerline
Side Setback	15 feet
Rear Setback	35 feet
Maximum Height	30 feet
Minimum Ground Floor Area	720 sq ft per dwelling
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Side or rear yard – must be 10 feet from any other structure
Front Setback	Section line roads: 110 feet from the centerline Quarter line roads: 93 feet from the centerline All other roads: 83 feet from the centerline
Side Setback	15 feet
Rear Setback	35 feet
Maximum Height	30 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2..	

3.9 MHD: MANUFACTURED HOUSING

3.9.1 Intent & Purpose

The purpose of this district is to provide a location for manufactured housing in an attractive and orderly manner. The Hatton Planning Commission and the Hatton Township Board of Trustees shall determine, in a separate Ordinance, criteria for the establishment of this district, provided that it aligns with the Manufactured Housing Commission's standards.

3.9.2 Regulated Uses

Uses shall be the same as permitted int the R-1 zoning district.

3.9.3 Dimensional Standards & Building Form

MHD: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	Variable
Minimum Lot Area	15 acres/park and 10,000 square feet/site
Maximum Density	–
Maximum Lot Coverage	--
Maximum Impervious Coverage	--
Outside of an Approved Park Principal Structures	
Front Setback	Section line roads: 110 feet from the centerline Quarter line roads: 93 feet from the centerline All other roads: 83 feet from the centerline
2nd Front Setback (Corner Lots)	Section line roads: 110 feet from the centerline Quarter line roads: 93 feet from the centerline All other roads: 83 feet from the centerline
Side Setback	15 feet
Rear Setback	35 feet
Maximum Height	30 feet
Minimum Ground Floor Area	720 sq ft
Minimum Horizontal Dimensions	–

3.10 C: COMMERCIAL

3.10.1 Intent & Purpose

The purpose of this district is to provide for a variety of commercial land uses that serve residential needs without encroaching on other land uses in an undesirable way. The regulated uses would provide convenient access to Township neighborhoods for goods and services but would not generate significant impacts on surrounding properties.

3.10.2 Regulated Uses

C: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Assembly facility	By Right		1 for every 4 seats
Automobile service stations	By Right		2 spaces/bay +1/employee
Automobile washing station	By Right		3 spaces/bay
Business services	By Right		1/200 sq. ft. of usable floor area
Commercial kennel	Special		.5 of occupancy
Funeral homes	By Right		1 for every 4 seats
Hotels and motels	Special		1/hotel room
Manufacturing – light	Special		1/employee
Motor vehicle repair, general or minor	Special		2 spaces/bay
Motor vehicle service center	Special		
Outdoor Wood Stoves and Furnaces	By Right		
Outdoor vehicle sales or rentals	By Right		1.5/employee
Personal services	By Right		1/500 sq. ft. of usable floor area
Personal solar installations	By Right	7.2	
Professional services	By Right		1/200 sq. ft. of usable floor area
Public Use–Critical, Essential, and Supporting	By Right		--
Residence (accessory to principal commercial use)	By Right		2/dwelling unit
Restaurants and taverns	By Right		1 for every 4 seats
Retail establishments	By Right		1/500 sq. ft. of usable floor area
Sexually-oriented businesses	Special		1/500 sq. ft. of usable floor area
Shopping centers	Special		1/500 sq. ft. of usable floor area
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	

3.10.3 Dimensional Standards & Building Form

C: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	150 feet
Minimum Lot Area	20,000 sq. ft.
Maximum Density	–
Maximum Lot Coverage	50%
Maximum Impervious Coverage	65%
Principal Structures	
Front Setback	50 feet
2nd Front Setback (Corner Lots)	50 feet
Side Setback	15 feet
Rear Setback	When abutting residential: 50 feet All other districts: 35 feet
Maximum Height	35 feet
Minimum Ground Floor Area	–
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Side or rear yard – must be 10 feet from any other structure
Front Setback	50 feet
Side Setback	15 feet
Rear Setback	35 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2.	

3.11 IND: INDUSTRIAL

3.11.1 Intent & Purpose

The purpose of this district is to provide for a variety of industrial land uses. It is the intent of this district to remain compatible with adjacent land uses in an undesirable way, meaning that noise, dust, vibrations, glare, light, and smoke are mitigated so as not to have detrimental effects on the Township.

3.11.2 Regulated Uses

IND: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Automobile repairs – major or minor	By Right		3 spaces / bay
Automobile service station	By Right		2 spaces/bay +1/employee
Automobile washing station	By Right		3 spaces/bay
Contractor's storage yard and establishment	By Right		1.5/employee
Equipment rental establishment	By Right		1/500 sq. ft. of usable floor area
Landfill or junkyard	Special		1.5/employee
Manufacturing - heavy	By Right		1.5/employee
Motor vehicle repair – major	By Right		2 spaces/ bay
Offices as an accessory use to the principal use onsite	By Right		1.5/employee
Outdoor Wood Stoves and Furnaces	By Right		
Outdoor vehicular sales or rental	By Right		1.5/employee
Personal solar installations	By Right	7.2	
Public Use–Critical, Essential, and Supporting	By Right		--
Restaurant and taverns	By Right		1 for 4 seats
Retail establishments	By Right		1/500 sq. ft. of usable floor area
Salvage yard	Special		1/employee
Self-storage facility	Special		1/ 2 units
Sexually-oriented businesses	Special		1/500 sq. ft. of usable floor area
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	
Warehousing	Special		1.5/employee
Wholesale establishments	By Right		1/employee

IND: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	200 feet
Minimum Lot Area	20,000 sq. ft.
Maximum Density	–
Maximum Lot Coverage	50%
Maximum Impervious Coverage	60%
Principal Structures	
Front Setback	50 feet
2nd Front Setback (Corner Lots)	50 feet
Side Setback	25 feet
Rear Setback	When abutting residential: 50 feet All other districts: 35 feet
Maximum Height	35 feet
Minimum Ground Floor Area	--
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Side or rear yard – must be 10 feet from any other structure
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	When abutting residential: 50 feet All other districts: 35 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2.	

3.11.3 Dimensional Standards & Building Form

3.12 INS: INSTITUTIONAL

3.12.1 Intent & Purpose

The purpose of this district is to provide ample space for essential and enriching places and services that broadly serve the public such as uses that are educational, governmental, religious, cultural, and medical. Under the protection of their own zone, these uses are easier to preserve over time than if these uses are grouped into other zones.

3.12.2 Regulated Uses

INS: REGULATED USES	APPROVAL TYPE	SUPPLEMENTAL STANDARDS	MAXIMUM PARKING
Cemetery	By Right		--
Community centers	By Right		.5 of occupancy
Educational institution	By Right		.75 total occupancy
Hospitals	By Right		.75 of total beds
Library	By Right		.5 of occupancy
Museums	By Right		.5 of occupancy
Parks	By Right		1/3 acres
Personal solar installations	By Right	7.2	
Public Use – Critical, Essential, and Supporting	By Right		--
Religious institutions	By Right		1 for every 4 seats
Small wind energy systems (SWES), less than 65 feet in height	By Right	7.4	
Small wind energy systems (SWES), great than 65 feet in height	Special	7.4	

INS: DIMENSIONAL STANDARDS & BUILDING FORM	
Lot Occupation	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 sq. ft.
Maximum Density	–
Maximum Lot Coverage	50%
Maximum Impervious Coverage	60%
Principal Structures	
Front Setback	50 feet
2nd Front Setback (Corner Lots)	50 feet
Side Setback	25 feet
Rear Setback	35 feet
Maximum Height	35 feet
Minimum Ground Floor Area	
Minimum Horizontal Dimensions	–
Accessory Structures	
Permitted Locations	Side or rear yard – must be 10 feet from any other structure
Front Setback	50 feet
Side Setback	25 feet
Rear Setback	35 feet
Maximum Height	35 feet
Maximum Number	–
Maximum Area	–
NOTES: Additional accessory building standards located in Article 2.	

3.12.3 Dimensional Standards & Building Form

ARTICLE 4: OVERLAY DISTRICTS

4.1 RESERVED FOR FUTURE USE

ARTICLE 5: SITE DEVELOPMENT STANDARDS

5.1 INTENT & PURPOSE

The purpose of the regulations contained in this Article is to:

A. Protect the public health, safety, and general welfare.

B. To promote harmonious and orderly development.

C. To foster civic beauty by improving the appearance, character and economic value of civic, commercial, and industrial development.

5.2 OFF-STREET PARKING

5.2.1 General Requirements

The following standards shall apply to all off-street parking areas except those for one- and two-family residential uses:

A. Use: Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.

B. Location:

1. All off-street parking areas shall be on the same lot as the use it serves or within five hundred (500) feet, measured from the closest point of the building to the nearest point of the off-street parking area. Exception is granted to municipal parking lots for public use with or without a fee.

2. No off-street parking areas shall be located in the front yard on any lot unless expressly allowed in this Ordinance.

C. Screening and Landscaping: All off-street parking areas shall be screened as required by the district standards in Article 3.

D. Defined Area: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to clearly define parking and loading spaces.

E. Dimensions: Off-street parking areas shall be designed to the following minimum standards:

DIMENSIONAL STANDARDS FOR PARKING SPACES			
Parking Angle	Stall Width	Stall Depth	Min. – Max. Aisle Width
Parallel	8 feet	22 feet	12 – 16 feet

DIMENSIONAL STANDARDS FOR PARKING SPACES			
Parking Angle	Stall Width	Stall Depth	Min. – Max. Aisle Width
45 degrees	8.5 feet	19 feet	12 – 16 feet
60 degrees	8.5 feet	20 feet	16 – 20 feet
90 degrees	8.5 feet	18 feet	22 – 26 feet
90 degrees – compact	8 feet	17 feet	20 – 24 feet

F. Surfacing: Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, or pavers. Pervious materials are recommended.

G. Drainage: All off-street parking areas shall utilize Low Impact Development (LID) water quality technologies to collect and treat stormwater on site as required for site plan review.

H. Curbs and Vehicle Stops: All off-street parking areas shall include curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.

I. Barrier-Free Parking: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA), as applicable.

J. Exterior Lighting: Exterior lighting for new or redeveloped off-street parking, stacking, and loading areas shall comply with the standards of this Section.

K. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.

L. Completion: All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of certificate of occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.

M. Access Through Yards: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. (These drives shall not be considered as structural violations in front or side yards.) Any walk, terrace, or like surface area not in excess of nine inches above the grade upon which placed shall not be considered to be a structure and shall be permitted in any required yard.

N. Use Not Specified: For uses not specified, the Zoning Administrator shall make an interpretation as to the maximum number for a proposed use based on similar uses prescribed in Article 3. The Zoning Administrators determination may be appealed to the Zoning Board of Appeals for a final determination.

O. Shared Parking: Joint use of an off-street parking area may be permitted for two (2) or more uses located on the same, adjacent or nearby lots provided that the number of parking spaces does not exceed the sum of the maximum number of spaces allowed for each use sharing the off-street parking area. The owners of all lots used for or making use of shared parking areas shall record a commitment that is binding on future owners of the property(s) and shall be recorded with the Clare County Register of Deeds.

5.2.2 Access

A. All off-street parking, loading, and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.

B. Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street rights-of-way shall be prohibited.

C. Access to off-street parking areas shall be limited to one (1) curb cut or driveway per lot.

D. Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or in a residential zoning district.

5.2.3 Loading Zones

A. In all zoning districts, every building or portion thereof that is occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.

B. Location:

1. On-site loading zones shall only be in permitted yards based on the district standards in Article 3.

2. Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.

3. Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.

4. Developments with rear alley access may use the alley as a loading zone.

C. Administrative Waiver: The Planning Commission may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

5.3 EXTERIOR LIGHTING

5.3.1 Intent & Purpose

The provisions of this section are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky by:

A. Encourage good lighting practices such that lighting systems are designed to save energy and money.

B. Minimize glare.

C. Protect the use and enjoyment of surrounding property.

D. Increase nighttime safety, utility, security, and productivity.

5.3.2 Exemptions

The following uses and activities shall be exempt from the standards of this section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

A. New Technology: The Zoning Administrator may grant exceptions to the material, light source, or method of installation standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.

B. Residential Lighting: Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.

C. Holiday Decorations: Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.

D. Neon Lights: Displayed in windows or part of an approved sign.

E. Flag Lighting: Luminaires used for the illumination of the flag of the United States of America.

F. Temporary Lighting: Associated with an approved temporary event permitted by this Ordinance.

G. Statutory Authority: Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.

5.3.3 Shielding & Filtration

A. All nonexempt exterior lighting shall by hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-way.

B. All lighting fixtures shall have one hundred (100%) percent cut-off shielding that prevents light from being emitted above a horizontal plane the lowest direct light emitting part of the luminaire.

C. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.

Examples of Acceptable / Unacceptable Lighting Fixtures

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5.3.4 Exterior Lighting Site Standards

A. Hours of Operation: All exterior lighting shall be equipped with automatic timing devices and shall be shut off if no customers or staff are present between the hours of 10:00 pm and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.

B. Pole Height: The maximum pole height for exterior lighting shall not exceed twenty-seven (27) feet, or the maximum height of the principal building, whichever is less.

C. Prohibitions: The following light sources and fixtures shall be prohibited:

1. Unshielded luminous tube (neon), fluorescent or LED lighting used as accent lighting on facades
2. Mercury vapor
3. High pressure sodium
4. Animated, flashing, or moving lights
5. Laser sources of light
6. Search lights

5.4 SIGNS

5.4.1 Intent & Purpose

The intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize any negative effects on the public health, safety, welfare, and traffic safety. While this section recognizes that signs and outdoor advertising are necessary to promote commerce and public information, it also recognizes that the failure to regulate them may lead to poor identification of individual business, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists. To achieve its intended purpose, this section has the following objectives:

A. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses.

B. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products.

C. To keep signs within a reasonable scale with respect to the buildings they identify

D. To reduce visual distractions and obstructions to motorists traveling along, entering, or leaving streets.

E. To promote a quality manner of display which enhances the character of the Township.

F. To prevent the proliferation of temporary signs which might promote visual blight.

G. Promote economic development by allowing a fair opportunity for each property owner to attractively display their message in a clean and clear way.

5.4.2 General Requirements

A. Permit Required: Prior to the erection or structural alteration of sign, a zoning permit shall be secured from the Zoning Administrator. Exceptions to the permit requirements of this subsection shall include:

1. Address signs bearing only the property numbers, post box numbers, name of occupants, or other identification of the premises, limited to one (1) per building entrance and three (3) square feet of area.

2. Historical signs designated by the state or federal government, limited to ten (10) square feet per parcel.

3. Government signs erected on behalf or pursuant to the authorization of a government body, including street signs, legal notices, informational signs, and regulatory signs.

B. Design And Condition: All signs and sign structures shall be properly maintained and kept in a good state of repair.

C. Right-Of-Way: No sign shall be placed in the right-of-way except permitted awning, canopy and marquee signs with approval by the agency managing the right-of-way.

D. Traffic Interference: No sign shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

E. The standards in this section shall not be applicable to any sign not visible from a public right-of-way.

5.4.3 Sign Measurements

A. Surface Area:

1. Signs shall not exceed the maximum allowable area permitted in this section for sign type and district or use. When not limited to one sign of a specific type, the maximum area shall be determined by the cumulative total of all the signs of a specific type.

2. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided it does not contain any lettering, wording, or symbols.

3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

4. Signs that consist of, or have attached to them, one or more three-dimensional (3-D) or irregularly-shaped objects, shall have a sign area of the sum of two (2) adjacent vertical sign faces of the smallest cube encompassing the sign or object.

5. Only one (1) face of a double-sided sign will be used to determine the area of the sign.

6. For V-shaped signs, either horizontally or vertically oriented, with interior angles greater than ninety (90°) degrees the sign area is the sum of both sign faces, otherwise the area is the same as for double-sided signs.

B. Height:

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade at the base of the sign.

2. Clearance for projecting, awning, and canopy/marquee signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

3. The permitted maximum height for all signs is determined by the sign type and the zoning district or use in which the sign is located.

5.4.4 Illumination

Internal and external illumination of signs shall be permitted for all signs, except where limited or prohibited in this section, subject to the following:

A. All illumination shall be concentrated on the area of the sign or landscape feature and directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property.

B. Internally illuminated signs shall have a dark background and light lettering.

C. No sign shall include reflective materials.

5.4.5 Prohibited Signs

The following signs shall be prohibited in the Township:

A. No sign or banner shall be placed across any public right-of-way except by permission of the Township.

B. Signs incorporating any manner of flashing, strobe, intermittent, or moving lights.

C. Animated Signs: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, feather flags, and/or other devices or displays that respond to naturally occurring external motivation.

2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

D. Signs on park-type benches, trees, or utility poles.

E. Abandoned signs.

F. Inflatable signs.

G. Roof signs.

H. Pole- or pylon-mounted signs, except associated with the installation of an approved billboard sign.

I. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.

J. Any sign unlawfully installed, erected, or maintained.

K. Signs that completely block the view of other signs.

L. Any additional signage for a business that has an existing nonconforming sign.

5.4.6 Nonconforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, including replacement faces, but it shall not be:

A. Expanded, altered or changed so as to increase the degree of nonconformity of the sign.

B. Re-established after its discontinuance for two hundred and ninety (290) days.

C. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50%) percent of the appraised replacement cost, as determined by the Zoning Administrator.

5.4.7 Removal Of Unsafe, Unlawful or Abandoned Signs

A. Unsafe or Unlawful Signs: Upon written notice by Zoning Administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by Zoning Administrator to be a nuisance, or it is deemed unsafe by Zoning Administrator, or it is unlawfully erected in violation of any of the provisions of this Ordinance. The Township may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the Township may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs:

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within one hundred eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in one hundred (180) days the Township may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Township may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

5.4.8 Permit Application & Approval Process

A. Application and Approval: Application forms for a zoning permit to erect, alter or move a sign shall contain or have attached to it the following information at a minimum:

1. Name, address, and telephone number of the applicant.

2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

3. If proposed to be attached to a building, its proposed location on the building.

4. A plot plan with dimensions of the sign, location on the lot, illumination source and method of construction and attachment to the building or placement in the ground.

5. Name of person, firm, or corporation erecting the sign.

6. Written consent of the owner of the building, structure, or lot to which or upon which the sign is to be erected.

7. Other information as the Zoning Administrator shall require establishing compliance with this Section.

8. For temporary signs, the specific dates that the sign is to be displayed.

B. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign. If the proposed sign meets all ordinance requirements, the Zoning Administrator shall issue the sign permit within fifteen (15) days of receipt of a fully completed application.

C. Administrative decisions made by the Zoning Administrator, which relate to signs, may be appealed to the Zoning Board of Appeals in accordance with the procedures of Article 12 of this Ordinance.

D. Revocation and Extensions of Sign Permits:

1. Any sign or other advertising structure regulated by this Ordinance, which is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is otherwise not in compliance with this Ordinance shall be a violation of this Ordinance.

2. If the work associated with a sign authorized under a zoning permit is not completed within one (1) year after the date of issuance, the permit shall become null and void. However, the Zoning Administrator may grant a three (3) month extension without payment of an additional fee if the extension is requested prior to the original sign permit becoming null and void.

5.4.9 Freestanding Signs

Definition	
A sign supported by structures or supports that are placed on, or anchored in, the ground, and that is independent and detached from any building or other structure.	
Regulations	
A. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme. B. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed. C. Prohibited in any side yard setback.	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
CR FR AG R-1 R-2 MHD	10	6	1/ parcel	-Illumination prohibited -Min. 10 ft setback from property lines	Yes
CM IND INS	100	15	1 / parcel	-Min. 10 ft setback from property lines	Yes

5.4.10 Wall Signs

Definition	
A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as a fascia sign, parallel wall sign, or band sign. A wall sign may also be located on an awning	
Regulations	
No portion of a wall sign shall extend out more than twelve (12) inches from the building wall on which it is affixed.	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
CR FR AG R-1 R-2 MHD	10	8	---	Illumination prohibited	Yes
CM IND INS	1.5 square feet per 1 foot of linear feet of façade, not to exceed 100 sq ft	12	---	-External illumination permitted -Internal illumination permitted if not facing a residential zoning district or use	Yes

5.4.11 Small Temporary Signs

Definition	
A type of non-permanent, sign that is located on private property that can be displayed for a limited duration of time and is not intended to be a permanent display.	
Regulations	
A small temporary sign shall not reduce the unobstructed width of any sidewalk or pedestrian path by less than 4 feet.	

District	Max. Area (total sq. ft. for type)	Max. Height (ft)	Max. Quantity (for type)	Limitations	Permit Required
CR FR AG R-1 R-2 MHD	32	4	---	Illumination prohibited	No
CM IND INS	32	4	---	Illumination prohibited	No

ARTICLE 6: SUPPLEMENTAL USE STANDARDS

6.1 INTENT & PURPOSE

Those uses permitted by right and uses allowed by special land use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed where listed in Article 3.

6.2 MANUFACTURED HOUSING

No person shall use, occupy, or permit the use or occupancy of a mobile home as a dwelling within any district within the Township, unless:

A. A permit for the placement has been obtained from the Township Clerk. All applications for said permit shall be accompanied by a non-refundable fee determined by building fee resolution which shall be used to defray the cost of inspection as provided in this Ordinance.
B. Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected.
C. A mobile home shall be installed pursuant to the manufacturer's set-up instructions and shall have a wall of the same perimeter dimensions as the mobile home and shall be constructed of such materials and type as required in the applicable building code for single-family dwelling. The mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission. Homes shall, except as be treated herein provided, mobile on the same basis as (having an equal-footing status with) dwellings built on-site for residential purposes -- all in accord with the doctrines stated in Robinson Township vs. Knoll, 410 Michigan 293, 302 N.W. 2d 146 (1981). All construction required herein shall commence only after a building permit has been obtained in accordance with the building code applicable within the Township of Hatton.
D. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development Mobile Home Construction and Safety standards (24CFR3280), as amended.
E. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings built on-site within said zone.
F. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards, as amended.
G. The placement and use of a mobile home in any residential district within the Township of Hatton shall be aesthetically compatible with single-family dwelling in the same district, and as a minimum said mobile home shall be so placed and situated so that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation.

6.3 SEXUALLY ORIENTED BUSINESSES

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects.

A. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimatize activities which are prohibited by Township Ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.
B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, religious institution, public park, state licensed child care facility, or residential zoning district.
C. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in item (B) above.
E. The proposed use must meet all applicable written and promulgated standards of Hatton Township, as well as other governments and governmental agencies that have jurisdiction, and the including the required attainment of approval from these governments and/or government agencies.
F. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within

the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight). Any booth, room, or cubicle available in any sexually oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act.
2. Shall be unobstructed by any door, lock, or other entrance and exit control device.
3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

6.4 EXTRACTIVE INDUSTRIES

A. The Clare County Drain Commissioner's soil erosion standards or directives shall be followed.
B. All areas shall be rehabilitated as work progresses to a safe condition and to blend in with the surrounding area. A bond for compliance shall be required in an amount to be determined by the Township Board.
C. All installation shall be maintained in a neat, orderly condition so as to prevent injury to any property, individual, or the community in general.
D. The Township shall establish routes for truck movement in and out of the development in order in minimize the wear on public streets, to prevent hazards and damage to properties and to avoid densely populated residential areas.
E. Sand and gravel mining, soil removal, and similar earth grading and/or extraction land uses are covered in more detail in a separate ordinance, the Hatton township Extraction and Mining Ordinance, Ordinance No. The special use permit applicant shall comply with all standards and criteria developed by the Planning Commission in that ordinance, in addition to the specific requirements stated above for such earth movement operations.
F. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
G. The Township Board may require the applicant to file a performance bond of sufficient amount to assure completion of the work following excavation, as required by this Section.
H. No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line.
I. The use shall be enclosed by a fence or suitable plantings six (6) feet or more in height for the entire periphery of the property.
J. No slope shall exceed an angle with the horizontal of forty-five degrees (45°).

6.5 PUBLIC USE - ESSENTIAL

For public utilities and substations, adequate planting materials to screen exposed facilities from view shall be required. Evergreens are recommended, however, selected deciduous trees may be used when appropriate.

6.6 COMMERCIAL STABLES OR KENNELS

A. No structure shall be located closer than 150 feet from any property boundary.
B. The placement of the structure shall minimize noise and odor from impacting adjacent properties.

6.7 LANDFILL, CONTRACTOR'S YARD, OR JUNKYARD

A. Such uses shall be fenced around the entire periphery of the property in use with a solid screen of sound construction with a neat and inconspicuous finish.
B. All activities shall be confined within the fenced areas. No equipment, materials, signs, or lighting shall be stored or visible outside the fenced areas.
C. Junkyards or landfills shall not be located where they are impossible to screen from adjacent properties or public streets.
D. The Township shall establish routes for truck movement in and out of the development to minimize the wear on public streets, to prevent hazards and damage to properties, and to avoid densely populated residential areas.

6.8 MANMADE PONDS

A. A permit shall be obtained before construction from the Hatton Township Board.
B. The standards of the Clare County Soil Conservation District shall be followed.

6.9 3+ FAMILY DWELLING (MULTI-FAMILY) HOUSING

A. The developer shall submit the plans to the following agencies for comment: Clare County Road Commission, Clare County Drain Commission, Clare County Health Department, and the Board of Education of the district where the project is located.
B. No building shall be closer than 40 feet to another, except when abutting walls contain no windows, in which case the distance may be reduced to 20 feet.
C. No building shall be longer than 150 feet in any direction.
D. Motor vehicle entrances and exits shall be only from a major street (minor or arterial collector) if the development has 10 or more units.
E. A pedestrian and nonmotorized pathway system shall be provided to minimize conflict points with motorized vehicles.
F. Recreational facilities and community buildings for the residents shall be (if provided) in easily accessible areas.
G. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features, and additional new landscaping shall be added for privacy, shade, beauty, and screening.

6.10 HOME OCCUPATION

Home occupations shall not require a zoning permit and may be carried on in a dwelling or accessory building to that dwelling under the following conditions:

A. The home occupation must be operated in its entirety within the principal dwelling and not occupy more that 25% of the gross floor area and not within any garage or accessory building located upon the parcel, except for incidental storage in use of a residential type garage.
B. Home occupations shall only be permitted when carried on by the occupant(s) of the dwelling.
C. A home occupation shall not be allowed if the essential character of a lot or building within a zoning district (in terms of use, traffic generation, noise, odor, vibration, electrical interference, or appearance, including signage) is changed by the home occupation.
D. The principal use of the parcel shall be a dwelling and the operator of a home occupation shall make the dwelling unit within which the home occupation is conducted his or her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
E. All building, housing, fire, and other local or state codes and ordinances shall be adhered to for home occupations.
F. There shall be no external evidence of such occupations except a small announcement sign not larger than ten (10) square feet in area.

6.11 FUNERAL HOME

A. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
B. No waiting lines of vehicles shall extend off-site or onto any public street.
C. Access driveways shall be located at least 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

6.12 GOLF COURSE

A. Minimum lot size of 120 acres is required for a regulation 9-hole or 18-hole golf course, or 40 acres for each nine holes of a par-3 style course.
B. The site shall be so planned to provide all access directly onto or from a major paved road.
C. All structures shall be at least 100 feet from any property line abutting residentially zoned land.
D. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
E. The off-street parking area shall be at least 50 feet from any property line abutting residentially zoned land.
F. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted.

6.13 AGRICULTURAL ASSEMBLY SPACES

The minimum lot size shall be twenty (20) acres.

A. All structures shall maintain a minimum setback of one hundred (100) feet from all property lines.

B. Parking shall be a minimum of one hundred (100) feet from all property lines and be designed to minimize headlight trespass on to neighboring properties.
C. The Planning Commission may allow designated parking spaces to be of a gravel or vegetated surface if it is determined to have no discernible negative effect on surrounding property owners.
D. Agricultural assembly spaces shall be located on a major thoroughfare.
E. All food prep areas and storage shall be screened from view off-site.
F. No more than twelve (12) public or private events shall be held in one (1) calendar year and the Township Zoning Administrator shall receive notice of the events at least two (2) weeks in advance of the event.
G. Must comply with all relevant Township, State, and County Ordinances and Laws.

6.14 AGRICULTURAL OPERATIONS

A. Agricultural buildings and structures shall also be regarded as principal permitted uses, provided they directly relate to and are actively used in the bona fide agricultural enterprise being conducted on the property.
B. All such agricultural activity shall be limited to the raising of crops and/or animals grown and/or raised on the premises and shall conform to generally accepted agricultural and management practices (GAAMPs) as adopted by the state department of agriculture and rural development (or equivalent successor standards).
C. When agricultural property contains any animals, including, but not limited to, livestock, a horse or horses, a residential dwelling shall be located on the premises or adjacent property and shall be permanently occupied by the owner, farmer, farm manager, or tenant.
D. No agricultural operation shall be operated as a feed lot or for the disposal of garbage, rubbish, offal, or rendering plants or for the slaughtering of animals except such animals raised on the premises for the use and consumption by those persons residing on the premises.
E. Operations shall occur on land containing at least twenty contiguous acres under single ownership.

6.15 AGRICULTURAL PROCESSING FACILITIES

A. The site shall be served by either a public water and sanitary sewer system, or by an on-site system approved by the county health department.
B. Lighting the site shall not create a nuisance to adjacent property owners, nor to traffic on adjacent roads.
C. All buildings shall be set back at least 100 feet from any property line.
D. Access driveways shall be located no less than 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.
E. The property shall be kept free of litter and in a sanitary condition.
F. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.
G. On a site plan provided by the applicant the following information shall be outlined:
    1. The extent of traffic congestion or hazard which would accompany such a use, i.e., the approximate number of trucks entering and exiting the site daily.
    2. The frequency of use and hours of operation.
    3. The size, nature, and character of the proposed use.

6.16 OUTDOOR WOOD STOVES AND FURNACES

The Zoning Officer may issue a permit for an outdoor stove or furnace under the following conditions:

A. The wood stove or furnace unit shall be located a minimum of 10 feet from all property lines in all districts.
B. The unit may only be located in rear or side yard.
C. The unit shall not be located where smoke will create a nuisance to neighboring properties. If smoke becomes a nuisance, the chimney will have to extend as high above ground surface as the height of neighboring roofs.
D. Buring of the following in an outdoor wood fired boiler or furnace is prohibited:
    1. Construction and demolition waste
    2. Hazardous substances including, but not limited to, batteries, household chemicals, pesticides, gasoline, paints, varnishes, and solvents
    3. Furniture and appliances
    4. Tires

ARTICLE 7: SOLAR AND WIND ENERGY

7.1 INTENT & PURPOSE

The Township has found that solar and wind energy are abundant, nonpolluting and renewable resources which are desired sources of energy for on-site and off-site consumption by residents of the Township and utility companies. Generation of electricity by these facilities will reduce dependence on nonrenewable energy resources and decrease air and water pollution that results from the use of conventional energy sources. Solar energy systems will also improve the performance of the Township's power grid and reduce peak power demands.

7.2 PERSONAL SOLAR ENERGY SYSTEMS

Hatton Township seeks to promote access to and use of safe, effective, and efficient use of solar installations to generate electricity for on-site consumption. Personal solar installations shall be permitted as an accessory use and structure where the primary purpose is to provide energy for on-site consumption. Further, the Township seeks to standardize and streamline the review and permitting process for personal solar installations. Personal solar installations shall be subject to the following standards.

7.2.1 Regulations Applicable to all Personal Solar Installations

A. Applicability: Personal solar installations shall be permitted as a use by right in all zoning districts, except where the installation has a power rating in excess of 20kW. Where the installation has a power rating in excess of 20 kW, it shall be regulated as a Solar Energy Farm, subject to special land use approval in accordance with the procedure laid forth in Article 7 of this Zoning Ordinance and subject to the standards and regulations of §7.3 (Solar Energy Farms).

B. Exemptions:

1. Personal solar installations with an aggregate collection and/or focusing area of (100 square feet or less are exempt from this ordinance.
2. Personal solar installations constructed prior to September 15, 2017, the date of adoption of the first ordinance regulating solar energy installations in Hatton Township, shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to a personal solar installation whether or not existing prior to September 15, 2017 that materially alters the personal solar installation shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

C. Industry Standards. The layout, design, installation, and ongoing maintenance of personal solar installations shall conform to applicable industry standard, such as those of the American National Standards Institute (ANSI), Underwriter Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the Michigan Uniform Construction Code as enforced by Clare County and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

D. Maintenance of Personal Solar Installations. Upon completion of installation, Personal Solar Installations shall be maintained in good working order in accordance with the standards of the Hatton Township codes under which the Personal Solar Installation was constructed. Failure of the property owner to maintain the Personal Solar Installation in good working order is grounds for appropriate enforcement actions by Hatton Township in accordance with applicable ordinances.

E. Underground Supporting Infrastructure. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

F. Notification to Public Utility Company. The owner of an Personal Solar Installation shall provide Hatton Township written confirmation that the public utility company to which the Personal Solar Installation will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

G. Advertising Prohibited. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

H. Glare:

1. All Personal Solar Installations shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

I. Obtaining Easements. If required, an Personal Solar Installation owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

J. Acknowledgement of No Right to Avoid Obstruction. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her, or their successors and assigns in title or, create the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by the development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

K. Decommissioning:

1. Each Personal Solar Installation and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
2. The Personal Solar Installation shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
3. The Personal Solar Installation owner shall, at the request of the township, provide information concerning the amount of energy generated by the Personal Solar Installation in the last twelve (12) months.

L. Permit Requirements:

1. Zoning/building permits applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the Personal Solar Installation is constructed.
2. The zoning/building permit shall be revoked if the Personal Solar Installation, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the Personal Solar Installation not to be in conformity with this Ordinance.
3. The Personal Solar Installation must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the Personal Solar Installation to conform or to remove the Personal Solar Installation.

7.2.2 Roof-Mounted Solar Installations

A. Height: The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district

B. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.

C. Placement: Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.

D. Roof Coverage and Orientation: Roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.

E. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.

F. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to a utility company and returned to the grid.

G. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.

7.2.3 Ground-Mounted Solar Installations

A. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.

B. Setbacks: Ground-mounted solar installations in the side or rear yard shall comply with all district required setbacks for accessory structures in the zoning district. Where permitted in the front yard in accordance with §2.4, ground-mounted solar installations shall maintain the required front yard setback of the principal structure.

C. Placement: Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use. Hatton Township may authorize the installation of a ground mounted Personal Solar Installation in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.

D. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.

E. Energy Sales: Excess energy generated by ground-mounted solar installations may be sold to a utility company and returned to the grid.

F. Screening: Ground mounted Personal Solar Installations shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.

G. Easements and rights-of-way: Ground mounted Personal Solar Installations shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system

7.3 UTILITY SOLAR ENERGY SYSTEMS (SOLAR ENERGY FARMS)

Hatton Township seeks to promote access to and use of solar energy systems as a principal use. Solar Energy Farms shall be permitted by special land use approval in certain zoning districts. Further, the Township seeks to standardize and streamline the review and permitting process for utility solar installations. Utility solar installations or solar energy farms shall be subject to the following standards:

7.3.1 Regulations Applicable to all Solar Energy Farms.

A. Solar Energy Farms shall be permitted by special use permit use in the Forestry or Agricultural Zoning districts.

B. Exemptions:

1. Solar Energy Farms constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing Solar Energy Farm, whether or not existing prior to the effective date of this Section that materially alters the Solar Energy Farm shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

C. Industry Standards. The Solar Energy Farm layout, design, and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the MI Uniform Construction Code as enforced by Clare County and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

D. Certified Installer Demonstration. Solar Energy Farm installers must demonstrate they are listed as a certified installer on the MI Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

1. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
2. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

E. Underground Supporting Infrastructure. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

F. Notification to Public Utility Company. The owner of a Solar Energy Farm shall provide Hatton Township written confirmation that the public utility company to which the Solar Energy Farm will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

G. Advertising Prohibited. No portion of the Solar Energy Farm shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the Solar Energy Farm provided they comply with the prevailing sign regulations.

H. Glare:

1. All Solar Energy Farms shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

I. Noise. A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a Solar Energy Farm shall not exceed 50 dBA, as measured at the property line.

J. Contact information. The Solar Energy Farm owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Hatton Township. The Solar Energy Farm owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

K. Decommissioning:

1. The Solar Energy Farm owner is required to notify Hatton Township immediately upon cessation or abandonment of the operation. The Solar Energy Farm shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of two (2) continuous months.
2. The Solar Energy Farm owner shall then have four (4) months in which to dismantle and remove the Solar Energy Farm including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the Solar Energy Farm within the established timeframes, the municipality may complete the decommissioning at the owner’s expense.
3. At the time of the issuance of the permit for the construction of the Solar Energy Farm, the owner shall provide financial security in the form and amount acceptable to Hatton Township to secure the expense of dismantling and removing said Solar Energy Farm and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

L. Acknowledgement of no Right to Avoid Obstruction. Prior to the issuance of a zoning permit, the Solar Energy Farm applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

M. Permit Requirements:

1. Solar Energy Farm shall comply with the Hatton Township subdivision and land development requirements. The installation of Solar Energy Farms shall be in compliance with all applicable permit requirements, codes, and regulations.
2. The Solar Energy Farm owner and/or operator shall repair, maintain, and replace the Solar Energy Farm and related solar equipment during the term of the permit in a manner

consistent with industry standards and as needed to keep the Solar Energy Farm in good repair and operating condition.

7.3.2 Solar farms: Ground Mounted Systems.

A. Minimum lot size - The Solar Energy Farm shall meet the lot size requirements of 20 acres.

B. Setbacks:

1. Solar Energy Farms shall comply with the setbacks of the underlying zoning districts for principal structures
2. Fifty feet (50') from adjacent residential districts or structures.

C. Height - Ground mounted Solar Energy Farms shall not exceed10 feet in height.

D. Storm Management:

1. The applicant shall submit a Storm Water Management Plan that demonstrates compliance with the municipal storm water management regulations.
2. Solar Energy Farm owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

E. Ground mounted Solar Energy Farms shall be screened from adjoining residential uses or zones according to the standards found in the Hatton Township Zoning Ordinance.

F. Ground mounted Solar Energy Farms shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

G. Security:

1. All ground mounted Solar Energy Farms shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the Solar Energy Farm informing individuals of potential voltage hazards.

H. The ground mounted Solar Energy Farms shall not be artificially lighted except to the extent required for safety or for applicable federal, state, or local authority.

I. If a ground mounted Solar Energy Farm is removed, any earth disturbance resulting from the removal must be graded and reseeded.

7.3.3 Solar Farms: Roof and Wall Mounted Systems.

A. Roof and Wall Mounted Principal Solar Energy Systems: For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of Hatton Township that the roof or wall is capable of holding the load imposed on the structure.

7.4 SMALL WIND ENERGY SYSTEMS

A. Purpose. The purpose of this ordinance is to:

1. Oversee the permitting of SWES.
2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

B. Standards. A SWES shall be a permitted use in all zoning districts subject to the following requirements:

1. Towers exceeding sixty-five (65) feet in height. Any Tower or SWES over sixty-five (65) feet in total height shall be subject to the Hatton Township Zoning Ordinance Special Use Permit procedures and policy. Applicant and applications must comply with all requirements for a Special Use Permit and will be subject to all conditions and requirements as established in Article 8 of this Ordinance
2. Setback. A wind tower for a SWES shall be set back a distance equal to its total height plus twenty (20) feet from:
    a) Any public road or right-of-way.
    b) Any overhead utility lines.
    c) All property lines
3. Access.
    a) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
    b) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
4. Electrical wires. All electrical wires associated with a SWES, other than wires necessary to connect the wind generator to the tower wiring, the tower writing to the disconnect junction box, and the grounding wires shall be located underground.
5. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
6. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished using a grey finish that was originally applied by the manufacturer.
7. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, owner identification on a wind generator tower, building, or other structure associated with a small wind energy system visible from an public road shall be prohibited.
8. Code compliance. A small wind energy system including tower shall comply with all applicable State construction and electrical code and the National Electrical Code.

9. Utility notification and interconnection. SWES that connect to the electrical utility shall comply with the Public Service Commission of Michigan per Rules for Interconnecting Distribution Generating Facilities.
10. MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a SWES.
11. Noise. Maximum sound levels may not exceed 55 decibels at property boundaries or manufacturer specifications of the wind energy device installed.

C. Permit Requirements.

1. Building and Electrical Permits. Building and Electrical permits for the installation of a SWES as well as County Soil Erosion Permit and a Township Zoning Permit shall be required and copies provided to the Hatton Township Zoning Officers
2. Document. The zoning and building application shall be accompanied by a site plan which includes the following:
    a) Property lines and physical dimensions of the property and/or survey;
    b) Location, dimensions and types of existing structures on the property;
    c) Location of proposed wind energy tower and system;
    d) The right-of-way of any public road that is contiguous with the property;
    e) Any overhead utility lines;
    f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
    g) Tower foundation blueprints or drawings;
3. Fees. The application for a permit for a SWES must be accompanied by the fee required for a zoning permit.
4. Expiration. A permit issued pursuant to this ordinance shall expire if:
    a) The SWES is not installed and functioning within twelve (12) months from the date the permit is issued; or,
    b) The SWES is out of service or otherwise unused for a continuous 12 (twelve) month period

D. Abandonment.

1. A SWES that is out of service for a continuous twelve (12) month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a SWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from the Notice receipt date. The Administration shall withdraw the Notice of Abandonment and notify the Owner that the notice has been withdrawn if the Owner provides information that demonstrates the SWES has not been abandoned.
2. If the SWES is determined to be abandoned, the owner of a SWES shall remove the wind generator and tower at the owner's sole expense within three (3) months of receipt of the Notice of Abandonment. If the owner fails to remove the wind generator and tower, the Administrator may pursue a legal action to have the generator removed at the Owner's expense.

E. Zoning and Building Permit Procedure.

1. An Owner shall submit an application to the Zoning Administrator for a zoning permit for a SWES. The application must be on a form approved by the Administrator and must be accompanied by a copy of the site plan identified in 7.4.C., above.
2. The Administrator shall issue a permit or deny the application within sixty (60) days of the date on which the Application is received by the Administrator.
3. The Administrator shall issue a zoning permit for a SWES if the application materials show that the proposed SWES meets the requirements of this Ordinance.
4. If the application is approved, the Administrator will return one signed copy of the application with the permit and retain materials provided with the application for Township records.
5. If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to the Hatton Township Zoning Ordinance appeal processes.

F. Violations. It is unlawful for any person to construct, install, or operate a SWES that is not in compliance with this ordinance. All violations or violators may be subject to fees and/or prosecution.

G. Administration and Enforcement.

1. This ordinance shall be administered by the Hatton Township Zoning Officer (Administrator) or other official as designated by the Hatton Township Board.
2. The Administrator may enter any property for which a zoning permit has been applied for or issued under this ordinance and its procedures to conduct an inspection to determine whether the conditions stated in the permit have been met or are being maintained.
3. The Administrator may issue an order to abate due to any violation of this ordinance.
4. The Administrator may issue a citation for any violation of this ordinance.
5. The Administrator may refer any violation of this ordinance to legal counsel or enforcement.

H. Penalties.

1. Any person who fails to comply with any provision of this ordinance pursuant to any zoning permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Article 13 of this Ordinance.
2. Nothing in this section shall be construed to prevent the Township Board from using any other lawful means to enforce this Ordinance.

ARTICLE 8: SITE PLAN REVIEW

8.1 INTENT & PURPOSE

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. The Planning Commission shall make the final decision on site plans.

8.2 SITE PLAN REQUIRED

Site plans are required for the following uses:

A. All new uses and/or structures except the following:

1. Residential structures with four (4) or fewer dwelling units,
2. Residential accessory uses and structures,
3. The change in the use of an existing structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the Ordinance and that the site maintains full and continuing compliance with this Ordinance.

B. Development that establishes more than one (1) principal use on a parcel, such as but not limited to, a single-family site condominium, mixed use building, or similar project where a single parcel is developed to include two (2) or more uses or sites for development, excluding accessory dwelling units.

C. Additions or expansions of existing, conforming uses that increase the amount of additional impervious surface by one thousand five hundred (1,500) square feet or five (5%) percent, whichever is less.

D. Any use, construction, or approval for which a site plan is required by any provision of this Ordinance.

8.3 STANDARDS FOR SITE PLAN APPROVAL

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

A. Adequacy of Information: The site plan shall include all required information is sufficiently complete and in an understandable format to provide an accurate description of the proposed uses and structures.

B. Site Design Characteristics: All elements of the site shall be harmoniously designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.

C. Site Appearance: Landscaping, earth berms, fencing, signs, walls, structures, and other site features shall be designed and located on the site so that the proposed development is harmonious with nearby existing or future developments.

D. Compliance with District Requirements: The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density, and all other requirements set forth in the Article 3 for each district, unless otherwise provided in these regulations.

E. Privacy: The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

F. Emergency Vehicle Access: All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

G. Circulation: Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.

H. Parking: Any off-street parking facility shall meet all applicable design standards of this Ordinance.

I. Drainage: Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review and approval by the Township Engineer.

J. Soil Erosion and Sedimentation: The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Township and County standards.

K. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, the dark sky is preserved, and does not impede vision of drivers along adjacent streets.

L. Public Services: Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.

M. Screening: Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public rights-of-way shall be screened by

walls, fencing, or landscaping of adequate height. All walls and fencing must be solid and constructed of durable material and shall be subject to the approval of the Planning Commission.

N. Danger From Fire and Hazards: The level of vulnerability to injury or loss from incidents involving fire and hazardous materials, or processes, shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.

O. Health and Safety Concerns: Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke, and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.

P. Phases: All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

8.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both, as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
A.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	√	
B.	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	√	
C.	The location and width of all abutting rights-of-way.	√	
D.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a zoning change request, the classification of the proposed new district must be shown.	√	
E.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	√	
F.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	√	

G.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	√	√
H.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, and wildlife habitat.	√	
I.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		√
J.	A landscaping plan with all existing and proposed landscaping, walls and/ or fences.	√	
K.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	√	
L.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	√	√
M.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	√	
N.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		√

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
O.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site, if applicable. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke, or lights.		√
P.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	√	
Q.	Elevations for all building façades.	√	
R.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		√
S.	Phasing of the project, including ultimate development proposals.	√	
T.	General description of deed restrictions and/or cross access management easements, if any or required.		√
U.	The name, address, and contact information of the property owner.	√	√
V.	Name(s), contact information, and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	√	√
W.	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	√	

A. Upon the recommendation of the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.

B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of submitted site plan.

C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Clare County Road Commission, Health Department, and Drain Commission, the Board of Education of the district where the project is located, Soil Erosion, Michigan Department of Transportation (MDOT), and Michigan Department of Energy, Great Lakes, and Environment (EGLE). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.

D. All site plan drawings shall be submitted on seven (7) set of sheets twenty-four (24) inches by thirty-six (36) inches and in digital PDF format.

8.5 SITE PLAN APPLICATION REVIEW PROCEDURES

A. Pre-Application Conceptual Review: An applicant may request a pre-application conceptual review with the Planning Commission to discuss the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Township. Feedback provided by the Planning Commission under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.

B. Completeness Review: All required application materials shall be presented to the Zoning Administrator's office by the property owner of their designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall review the application for completeness to determine if the application has been properly submitted and the applicant has corrected all deficiencies.

   Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

C. Technical Review: An application determined to be complete will undergo a technical review by the Zoning Administrator or Township designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting.

D. Planning Commission Review: All other uses requiring a site plan shall be reviewed by the Planning Commission for a determination.

8.6 SITE PLAN APPLICATION DETERMINATIONS

The Planning Commission shall review the application and make a determination to approve the application, require any conditions it may find necessary, or deny the application.

A. Approval: The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

B. Conditional Approval: The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:
   1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

   2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

   3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

C. Denial: If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written endorsement which clearly sets forth the reason for such denial.

8.7 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

A. Minutes: All minutes from any meeting where the site plan was considered.

B. Findings of Fact: The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.

C. Final Site Plans: An electronic pdf version and two full size print set (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.

   1. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the Applicant and Planning Commission Secretary if approved by the Planning Commission, or the Zoning Administrator if administratively approved. One signed set of site plans will be retained by the Township as part of the permanent record, while the other signed set will be returned to the applicant.

   2. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Secretary if denied by the Planning Commission, or the Zoning Administrator if administratively denied.

D. Development Agreement: An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Secretary.

8.8 EXPIRATION & REVOCATION

A. Expiration: A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.

B. Revocation: If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

8.9 AMENDMENTS & MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

A. Insignificant Deviations: The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.

B. Minor Amendments: The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application.

   Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.

C. Major Amendments: All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions

on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

8.10 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Article 12.

ARTICLE 9: SPECIAL LAND USES

9.1 INTENT & PURPOSE

This Article provides the review procedures and standards for a use, lot, or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses or which contain unique features. The procedures and standards apply to those special land uses which are specifically designated as such in this Ordinance. Special use permits shall be reviewed by the Planning Commission and approved by the Township Board.

9.2 GENERAL STANDARDS

Each application for a special land use permit shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, including those for site plan review in Article 8 and the specific standards below:

A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance and the Township's most recently adopted Master Plan.

B. Will be designed, constructed, operated, maintained, and managed so as to improve the general vicinity and the community.

C. Will be served adequately by essential public facilities and services such as highways, streets, police, and fire protection, of drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

D. Will not be hazardous or disturbing to existing or future neighboring uses.

E. Will not create excessive additional requirements at public expense for public facilities and services.

F. Will be in accordance with all required conditions of the district in which it will be located.

G. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

9.3 SPECIAL LAND USE APPLICATION REQUIREMENTS

An application for special land use permit approval shall include a complete site plan review satisfying all the standards in Article 8.

9.4 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for a special land use permit application review shall follow those for a site plan review in Article 8 with the following modifications:

The Planning Commission shall:

A. Review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special land use permit applications.

B. Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in Article 13.5.

C. The Planning Commission shall review the application to determine if it satisfies the standard for special land uses, and all other applicable standards of this Ordinance, and Planning Commission's recommendation and make a determination to approve, approve with conditions, or deny the application. Any decision made shall include the adoption of a finding of facts to support the Planning Commission's decision.

9.5 SPECIAL LAND USE DETERMINATIONS

A. Approval: The special land use permit shall be approved upon determination that it complies with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.

B. Conditional Approval: The Planning Commission may approve a special land use permit, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall the objectives of outlined in Article 8.

C. Denial: If the Planning Commission determines that a proposed special land use does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall deny the application.

9.6 RECORD OF ACTIONS

All decisions on a special land use shall be recorded consistent with the requirements of Article 8 with the addition that the development agreement and final site plans be recorded at the Clare County Register of Deeds Office and evidence of the record by submitted to the Township Clerk within forty-five (45) days.

9.7 EXPIRATION & REVOCATION

The standards and procedures for expiration and revocation of an approved special land use permit shall be the same as those for site plan review in Article 8.

9.8 AMENDMENTS & MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special land use permit shall be the same as those for site plan review in Article 8, with the exception that a major amendment to an approved special land use permit will require a new public hearing following the standards and process in Article 8.

9.9 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special land use application shall be consistent with the requirements in Article 13.

ARTICLE 10: LAND DEVELOPMENT OPTIONS

10.1 INTENT & PURPOSE

Development may be pursued in a variety of different ways. This Article sets forth the development options established by Hatton Township. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. The purpose of this Article is to set forth the regulations regarding the different land development options in order to protect the health, safety, and welfare of the citizens of Hatton Township. Where necessary the provisions relating to the different development options contain standards and/or procedures that supplement or replace particular standards and/or procedures elsewhere in this Ordinance.

10.2 SITE CONDOMINIUM DEVELOPMENT

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall be reviewed and approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Township Attorney, Zoning Administrator, and Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

10.2.1 General Requirements

A. Condominium Lots: For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use.

B. Revision of Condominium Subdivision Plan: If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review by the Planning Commission to approve or deny the application before any zoning permit may be issued, where such permit is required.

C. Amendment of Master Deed or Bylaws: Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan shall be reviewed by the Planning Commission to approve or deny the application before any zoning permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

D. Development Agreement: The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and the Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the Clare County Register of Deeds.

E. Relocation of Boundaries: Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

F. Subdivision of Lots: Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

G. Private Streets: All site condominium subdivisions in which private streets are proposed shall be developed to the public street requirements of the Township. Site condominium subdivisions and condominium lots may abut public or private streets.

H. Road Rights-of-Way: Road rights-of-way shall be parcels separate from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.

I. Easement for Utilities: The site condominium subdivision plan shall include all necessary easements granted to the Township, for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structure.

J. Monuments: Monuments shall be set at all boundary corners and deflection points and at all roads right-of- way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

K. As-Built Drawings: A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensionally stable copy shall be recorded with the Charlevoix County Register of Deeds.

10.2.2 Site Plan Requirements

A site condominium application submitted for consideration shall include a site plan with all the requirements outlined in Article 8.

10.3 APPLICATION SUBMISSION PROCEDURES

A. Preliminary Site Plan:

1. A preliminary site plan shall be filed for approval at the time of notice of proposed action is filed with the Township. Preliminary site plans shall be reviewed by the Planning Commission to approve or deny the application.

2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.

3. The preliminary site plan shall include all information required herein, except in the case of single-family detached dwelling units.

4. Dwelling units and required yards, shall be shown on the preliminary site plan. In those instances where dwelling unit plans are not known the plan may show the building envelope provided such building envelope meets all side, front and rear setback requirements of the zoning district.

B. Final Site Plan:

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed by the Planning Commission to approve or deny the application.

2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

3. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single family detached dwelling units, location, and dimensions of condominium units rather than individual buildings and required yards, shall be shown on the site plan.

4. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until all County and State agencies, required to review the condominium subdivision plan, have approved the condominium subdivision plan.

10.3.1 Design & Approval

A. All site condominium subdivision plans shall conform to the design, layout and improvements standards of the Township. A deposit in the form of cash, certified check, or irrevocable bank letter of credit acceptable to the Township Board shall be made with the Hatton Township to guarantee the installation and completion of any required public sanitary sewer, water supply, drainage facilities, and public or private street and walkway improvements within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Planning Commission.

B. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums as defined in the Condominium Act (PA 59 of 1978 as amended).

C. The approval of any site condominium plan under this provision shall expire one (1) year after the date of such approval unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year in continuous construction and development does not occur, in which event, said approval shall expire. Prior to such expiration date the development owner shall be notified in writing thirty (30) days in advance of the expiration date. The Zoning Administrator shall not issue a zoning permit for any type of construction based on the approved site condominium plan after such approval has expired. Fees for review of expired site plan may be waived in those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site condominium plans for new site condominium plans shall be the same as for the initial submittal.

D. All site improvements including sanitary sewers, water mains, storm sewers, retention basin, site grading and private street improvements shall meet or exceed the minimum design standards of Hatton Township.

E. A final survey plan of the site condominium subdivision or phase thereof shall be submitted together with a closure sheet of the external boundary and internal common areas, condominium land units, blocks of condominium units, street rights-of-way and all other land units for review and approval by the Township Engineer. The exact length and bearing of all external and internal boundaries shall be clearly shown on the plan. The bearing source of orientation of the survey plan shall conform with that of an existing adjacent recorded subdivision or other established survey.

10.3.2 Notice of Proposed Action

The notification requirements stated in Section 71, of the Condominium Act (PA 59 of 1978, as amended), shall be filed with Hatton Township and other listed agencies.

10.4 MANUFACTURED HOUSING DEVELOPMENT

10.4.1 Intent and Purpose

The purpose of this Section is to regulate manufactured housing communities in order to maintain the character of the residential zoning districts where permitted and to protect the health, safety, and general welfare of the residents within the manufactured housing communities and the Township.

10.4.2 General Standards

All manufactured housing communities shall meet the following standards:

A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, PA 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.

B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

10.4.3 Review and Approval

The procedures for review and approval of a manufactured housing community shall be the same as those for a special use permit approval under Article 9, including the applicable special use permit standards.

10.5 OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)

10.5.1 Intent and Purpose

The purpose of an Open Space Preservation Development (OSPD) is to allow property zoned for residential uses to be developed with the same number of dwelling units but on smaller parcels than would otherwise be required by this Ordinance, in return for the preservation of part of the property in an undeveloped state.

10.5.2 Standards

A. The number of permitted dwelling units in an OSPD shall be no greater than if the subject property were subdivided based upon the minimum parcel size per dwelling unit as specified in Article 3 for the respective residential use in its respective zoning district.

B. Minimum parcel size per dwelling unit in an OSPD shall be reduced to half that as specified in Article 3 for the respective use in its respective zoning district. If a subject lot of this reduced minimum parcel size is unbuildable, then the otherwise required setbacks for that lot shall be reduced by half.

C. At least half of the subject property in an OSPD, as designated by the landowner, shall remain perpetually in an undeveloped state, as that phrase is defined in this Ordinance, by means of a conservation easement. Otherwise unbuildable areas such as wetlands shall not qualify as land in an undeveloped state for purposes of meeting this standard.

D. The conservation easement shall be granted by the landowner to the Township or to a nonprofit conservation organization approved by the Township Board. The conservation easement must be approved by the Township Board in order to fulfill the requirements of this Ordinance. The Township Board may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded by the landowner at the Register of Deeds.

10.5.3 Procedure

The determination that the above standards have been satisfied by an OSPD shall be made by the Township as part of its review for the proposed land division, platted subdivision, or condominium subdivision.

ARTICLE 11: NONCONFORMITIES

11.1 INTENT & PURPOSE

It is the intent of this Ordinance to permit legal nonconforming uses, sites, structures, and lots to continue until they are removed but not to encourage their survival. It is recognized that there exists within districts established by this Ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

11.2 GENERAL STANDARDS

A. Continuation: On or after the effective date of this ordinance or any subsequent amendments, a nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this section.

B. Change in Tenancy or Ownership: There may be a change of tenancy, ownership, or management of any existing nonconforming use or structure which does not alter the nonconforming status.

C. Special Uses and Variances: If a special land use or variance has been approved, the structure or use shall not be considered "nonconforming."

D. Issued Zoning Permit: Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.

E. Exception for Repairs Pursuant to Public Order: Nothing in this article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure 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 it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

F. Loss of Nonconformity: A legal nonconformity is lost by changing to conform to the ordinance or through vacancy, lack of operation or otherwise for twelve (12) or more successive calendar month. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity.

11.3 NONCONFORMING USES

Nonconforming uses may be continued, enlarged, or expanded in accordance with the following provisions:

A. Continuance: A legal nonconforming use of any structure may be continued, although such use does not conform to the provisions of this ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure are made.

B. Enlargement or Expansion: A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless approved by the Zoning Board of Appeals, except as required by law or to comply with an order of the Building Official.

C. Change of Use Regulations:

1. Changes to Conforming Uses: Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.

2. Changes to Other Nonconforming Uses: A nonconforming use may be changed to another nonconforming use if approved of the Zoning Board of Appeals, provided that the new use is determined to be more consistent with the spirit of this Ordinance, the neighborhood, and the master plan than the nonconforming use which is being replaced.

3. Approval Standards: The Zoning Board of Appeals shall only approve the enlargement or expansion of an existing conforming structure for a nonconforming use or the change of use to another nonconforming use if it makes findings in support of each of the following:

a. The new use or expansion will not be contrary to the public interest.

b. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.

c. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies.

d. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district.

e. Approval of the new use or expansion will not substantially weaken the general purposes of this section or the regulations established in this Ordinance for the applicable zoning district.

f. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use.

g. The new use or expansion shall conform to all regulations and standards established this Ordinance.

h. The new use or expansion will not adversely affect the public health, safety, and welfare.

11.4 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged or expanding in accordance with the following provisions:

A. Continuance of Nonconforming Structures: Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the allowable standards of this Article.

B. Repair and Maintenance of Nonconforming Structures: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures, provided such repair and maintenance does not exceed fifty percent (50%) of the appraised replacement cost of the structure which was damaged. For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute more than fifty percent (50%) of the appraised replacement cost shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.

C. Replacement of Damaged Nonconforming Structures: Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure, and does not exceed fifty percent (50%) of the appraised replacement cost for the structure as determined by the Zoning Administrator. Such replacement shall commence within twelve (12) months of the damage or destruction.

D. Enlargement or Expansion: A nonconforming structure in which only permitted uses are operated may be enlarged or expanded provided that the area of nonconformance is not increased and provided further that compliance with all of the provisions of this Ordinance established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable Township ordinances.

E. Single Family Dwellings and Mobile Homes: A nonconforming dwelling, including a mobile home that does not meet the zoning dimensional requirements may be replaced and reconstructed on the same foundation that exists even if the dwelling does not meet the setback requirements of the district. Due to the unique nature of mobile home sizing, if a mobile home which dimensions no longer exist, a current reasonably sized model may be installed in its place.

11.5 NONCONFORMING LOTS

Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located, except those uses that specify a minimum lot size. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions

and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

ARTICLE 12: ZONING BOARD OF APPEALS

12.1 AUTHORITY

The Zoning Board of Appeals (herein referred to as the "ZBA"), shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety, and welfare protected, and substantial justice done.

12.2 MEMBERSHIP

The Zoning Board of Appeals shall be comprised of three members: the Planning Commission Chair, a member of the Township Board appointed by the Township Board, and a third member appointed by the Township Board from the electors residing in the Township. The term of office of the member from the Township Board shall not exceed his/her term of office on the Township Board. In the event a member of the Township Board is replaced through election or other means, their replacement shall automatically fill the vacancy on the ZBA.

12.3 ORGANIZATION

The ZBA shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

A. The ZBA shall elect a Chair, a Vice-Chair, and Secretary annually from its membership.

B. All meetings of the ZBA shall be held at the call of the Chair at such times as the ZBA may determine.

C. All meetings and records shall be open to the public.

D. The ZBA shall render decisions upon all matters within a reasonable time.

E. The ZBA may distribute the application materials to the Zoning Administrator or other designated Township consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Township Master Plan and any sub-area plans.

F. The ZBA may request that any or all of the following information be provided to the ZBA by the Township Clerk or the Zoning Administrator, where available and applicable to the issue in question:

    1. The history of development on the site in question.

    2. A summary of past Township approvals, orders, and decisions related to the site or issue in question.

    3. Whether all outstanding infractions related to this Ordinance or other Township ordinances have been resolved, other than the issue to be addressed by the ZBA.

G. A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision. The ZBA shall not conduct business unless a majority of its members are present.

H. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action. Such minutes shall also be filed with the Township Clerk.

I. The ZBA shall have the power to require attendance of witnesses, and compel testimony and the production of documents, files, and other information pertinent to the matters before it.

12.4 APPLICATIONS

Applications to the ZBA shall be filed with the Township on a form provided by the Township, and a fee established by the Township Board shall be paid at the time the application is filed. Appeals shall be taken within a reasonable time, not to exceed thirty (30) days following action by the Zoning Administrator or Township Board. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken. Applications shall be accompanied by the following information, where applicable:

A. Applicant's name, address, telephone number, and email address.

B. The address, location, and tax identification number for each parcel involved in the request.

C. Zoning classification of the subject parcel(s) and all abutting parcels.

D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, building and structures, setback dimensions, parking areas, driveways, sidewalks, and other site improvements.

E. A letter from the applicant summarizing the request and stating the reasons for the request.

F. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

12.5 APPEALS OF ADMINISTRATIVE DECISIONS

The ZBA shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an officer, department, board, or bureau of the Township affected by the order, requirement, decision, or determination, provided that a notice of appeal application is filed with the Township within a reasonable time of the order, requirement, decision, or determination, not to exceed twenty-one (21) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the Zoning Administrator would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

12.6 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

A. Interpretations: The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the intent of the zoning district in question and carry out the intent and purpose of this Ordinance, the Master Plan or any sub-area plans. This shall not include use determinations as provided for in this Ordinance, except upon appeal of a determination that has been made.

B. Determinations Of Similar Uses: In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority, upon referral by the Zoning Administrator or appeal of the Zoning Administrator's determination, to determine whether a proposed use not listed in this Ordinance is similar to a principal or special approval use permitted by this Ordinance, subject to the following:

   1. Prior to making such a determination, the ZBA must find that the principal or special approval use closely resembles the proposed use in terms of characteristics, intensity, nature, and other applicable common elements of such uses, including but not limited to potential impacts on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety, and welfare. The ZBA may make a determination that the use is or is not similar to a use listed in this Ordinance.

   2. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited.

   3. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.

   4. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or special approval use standards that apply to the listed use.

12.7 VARIANCES

Use variances shall be prohibited. The ZBA shall have authority in specific cases to authorize one or more dimensional or nonuse variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or nonuse variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. The ZBA may grant a requested dimensional or nonuse variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following in writing:

A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

B. The variance will do substantial justice to the applicant, as well as to other property owners.

C. The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district and cannot be solely economic in nature.

E. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant.

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Article 13.

12.8 VOIDING A VARIANCE

Each variance granted under the provisions of the Ordinance shall become null and void unless:

A. The construction authorized by such variance or permit has proceeded to at least twenty percent (20%) of completion within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or

B. The occupancy of the land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.

C. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

12.9 FEES

The Township Board may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the ZBA. Such fees shall be paid to the Township at the time of filing the application.

12.10 LIMITATIONS OF AUTHORITY

A. The ZBA shall not consider appeals of any decisions by the Planning Commission or Township Board regarding requests for approval of amendments, special approval uses, or planned developments, as defined in this Ordinance.

B. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission

meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.

C. The ZBA shall not have the authority to alter this Zoning Ordinance or Zoning Map.

12.11 HEARINGS & DECISIONS

The ZBA shall make no determination on a specific case until after a public hearing conducted in accordance with the requirements in Article 13. Each decision of the ZBA shall include a written record of the ZBA's findings and determinations in the case. The decision of the Board of Appeals shall be in the form of a resolution. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law.

ARTICLE 13: ADMINISTRATION, ENFORCEMENT & VIOLATIONS

13.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board. The duties of the Zoning Administrator may be delegated by the Township Board to another Township employee, or a consultant approved by the Township Board. It shall be the duty of the Zoning Administrator to:

A. Receive applications for zoning permits and issue or deny same.

B. Inspect buildings or structures in order to determine compliance with the zoning permits issued in compliance with this Ordinance.

C. Oversee the enforcement of this Ordinance. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The Township Board may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance or to vary its terms when carrying out the Zoning Administrator's duties.

D. Perform pre-application conferences, completeness reviews and technical reviews for all applications that include a site plan review, and to perform administrative reviews of applicable site plan review applications.

13.2 PLANNING COMMISSION

It shall be the duty of the Township Planning Commission to advise the Township Board on matters of planning and zoning and to assume the duties of the Zoning Board prescribed by Act 33, of the Public Act of 2008 of Michigan.

13.3 FEES

The fees for applications, permits and other requests shall be established by the Township Board. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to Escrow Policy, as defined in that policy. The schedule of fees shall be posted on public display in Township Hall.

13.4 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission and/or Township Board may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the zoning permit.

The Township shall not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. If requested by the applicant of the site plan review, the Township shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

13.5 PUBLIC HEARINGS

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act, PA 110 of 2008, as amended, and the following:

A. Notice of the public hearing shall be:

1. Posted by the Township Clerk at the place the hearing will be held.

2. Published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the public hearing.

3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the public hearing to:

   a. The applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.

   b. All occupants of structures within three hundred (300) feet of the boundary of the property in question. 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 (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.

B. The notice shall include all of the following:

1. Describe the nature of the request.

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.

3. State when and where the request will be considered.

4. Indicate when and where written comments will be received concerning the request.

13.6 ZONING PERMITS

A. General:

1. No person shall erect, alter, move, or demolish a structure, whether temporary or permanent, or to establish a new use or change in use for any parcel, without a zoning permit. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance.

2. The Zoning Administrator shall issue a zoning permit if the proposed structure or use is in compliance with the provisions of this Ordinance.

3. A copy of each zoning permit will be retained by the Zoning Administrator as a part of the permanent records of the Township.

4. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this Ordinance.

5. Issuance of a zoning permit or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state, and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code.

B. Application: Each application for a zoning permit shall include the following minimum requirements:

1. Plot Plan: Drawn to scale illustrating the following:

   a. The actual shape, location, and dimensions of the lot.

   b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and if any building or other structure is already on the lot.

   c. The existing and intended use of the lot and of all such structures upon it, including residential areas and the number of dwelling units that the building is intended to accommodate.

   d. Such other information concerning the lot or adjoining lots as may be essential to determining that the provisions of this Ordinance are being observed.

2. Property Boundaries: In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor.

3. Evidence of Ownership: All applications for zoning permits under the provisions of this Ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means: current title policy, or commitment, abstract or attorney's opinion of title, or such other evidence of ownership as the Zoning Administrator determines acceptable.

4. Supporting Documentation: In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a zoning permit, the Zoning Administrator may request that the applicant submit the following (not limited to) surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

C. Voiding Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first construction code inspection. The applicant shall have the option of extending the permit by a maximum of one (1) year upon written notice to the Zoning Administrator. Said notice shall be filed no later than five (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will have to reapply as a new application.

D. Inspection: The developer of the property is solely responsible for meeting the conditions and terms of the zoning permit and this Ordinance.

13.7 VIOLATIONS & PENALTIES

A. Nuisance Per Se: Any uses, land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed, or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

B. Municipal Civil Infraction: Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance, or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

C. Penalties: Any person who shall violate any provision of this Ordinance in any particular, who creates or maintains a nuisance per se, or who fails to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed five hundred dollars ($500.00), and each day such violation continues shall be deemed a separate offense.

D. Enforcement Official: The Zoning Administrator, or other Township Board designee, is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

E. Nuisance Abatement: In addition to enforcing this Ordinance as a municipal civil infraction the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

ARTICLE 14: AMENDMENTS & SEVERABILITY

14.1 AMENDMENTS

The Township Board may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended, and the following:

14.1.1 Initiation Of Amendment

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, Zoning Administrator or by petition from one (1) or more residents or property owners of the Township. An amendment to the Official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, Zoning Administrator, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board, Planning Commission, or Zoning Administrator.

14.1.2 Application

An amendment to this Ordinance, except those initiated by the Township Board, Planning Commission, or Zoning Administrator, shall be initiated by submission of a complete and accurate application to the Township, along with the required fee established by Township Board. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.

B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.

C. The existing and proposed zoning district designation of the subject property and surrounding properties.

D. A written description of how the requested amendment meets the criteria stated in this Section.

E. A signature of the petitioner and the date of the filing of the application.

14.1.3 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

A. Completeness Review: Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.

B. Technical Review: Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Zoning Administrator may also submit the application materials to designated Township consultants for review.

C. Public Hearing: The Planning Commission shall hold a public hearing for all proposed amendments in accordance with the procedures in Article 13.

D. Planning Commission Consideration and Recommendation: After the public hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the Township Board. In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission shall consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:

1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

4. Capacity of Township's available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Clare County with unplanned capital improvement costs or other unplanned public expenses.

5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).

6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

9. Other factors deemed appropriate by the Planning Commission and/or Township Board.

E. County Planning Commission Review and Recommendation: Following the public hearing, the Planning Commission shall submit the proposed amendment including any Zoning Map changes to the County Planning Commission, if applicable, for review and recommendation. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the proposed amendment, it shall be conclusively presumed that the County has waived its right to review.

F. Township Board Action: The Township Clerk shall forward a copy of the proposed amendment, findings, and recommendation from the Planning Commission and County Planning Commission to the Township Board for consideration and final action.

1. The Township Board may adopt or reject the proposed amendment or may refer the amendment back to the Planning Commission for revision or further consideration. The Township Board may modify the proposed amendment before adopting.

2. The Township Board may, at its discretion, hold additional public hearings on the proposed amendment. Furthermore, the Township Council shall hold a public hearing if requested by an interested property owner. Any public hearing held by the Township Board shall follow the procedures in Article 13.

14.1.4 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The amendment shall become effective eight (8) days after being published or a later date as established by the Township Board.

14.1.5 Re-Application

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.

B. New or additional information is available that was not available at the time of the review.

C. The new application is materially different from the prior application.

14.2 CONDITIONAL REZONING

Conditional rezonings shall not be allowed in Hatton Township.

14.3 SEVERABILITY

If any article, Section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the Township intends said portion to be

disregarded, reduced and/or revised to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

14.4 REPEAL

The prior Hatton Township, Michigan Zoning Ordinance, adopted by the Township Board of Hatton Township, in Clare County, as Ordinance number 5 effective on July 1, 1993, as amended, is hereby repealed in its entirety.

ARTICLE 15: DEFINITIONS

15.1 RULES OF CONSTRUCTION

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

A. The particular shall control the general.

B. All words used in the present tense shall include the future.

C. All words in the singular number include the plural number and all words in the plural number include the singular number, unless the context clearly indicates the contrary.

D. The word "shall" is always mandatory and not discretionary and the word "may" is permissive.

E. The masculine gender includes the feminine and gender neutral.

F. All measurements shall be to the nearest integer, unless otherwise specified herein.

G. The words "used" or "occupied" includes the words "intended," "designed", "arranged to be used or occupied" and "maintained."

H. The word "building" includes the word "structure." The word "structure" includes the word "building." A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence." The word "build" includes the words "erect" and "construct."

I. The word "person" includes "corporation," "copartner ship," ''partnership," "association," "incorporated association," "individual," or any similar entity.

J. Words defined in this Article shall have their meaning construed as defined in this Article. Words or terms not defined in this article shall have the same meaning customarily assigned to them.

K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either/or'' the conjunction shall be interpreted as follows:

   1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

   2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

   3. "Either/or'' indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

L. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

M. The intent, when spelled out in a Section, dictates the meaning of any regulation.

15.2 TERMS

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this Article.

15.2.1 "A" Terms

ABANDONMENT: To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

ACCESS: An established public or private road, subject to the requirements for either within this ordinance, or within an overall commercial or industrial development plan serving more than two parcels, lots, or units with a paved surface.

ACCESSORY BUILDING OR STRUCTURE: A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related.

ACCESSORY DWELLING UNIT: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling and is occupied either by an individual or family as their permanent residence.

ACCESSORY SOLAR ENERGY SYSTEM: An area of land or other area used for a solar collection system used to capture solar energy, covert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. See also "Personal Solar Energy System".

ACCESSORY USE: A use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

ADMINISTRATOR: he Hatton Township Zoning Officer, Land Use Administrator or Planning and Zoning Administrator, or any other duly appointed person to administer the terms of this ordinance.

ADULT DAY CARE FACILITY: A facility, other than a private residence, receiving at least three (3) but not more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

ADULT DAY CARE HOME: A private residence receiving fewer than six (6) adults or more adults to be provided with care for periods of less than 24 hours a day.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE FACILITY: means a home or facility that provides foster care to adults. Subject to the limitations of the Adult Foster Care Facility Licensing Act, Michigan PA 218 of 1979, as amended.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

AGRICULTURAL ASSEMBLY SPACE: An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

AGRICULTURAL OPERATION: A contiguous tract of land which is directly farmed or used for commercial agriculture, including the sale of goods produced on the premises. An agricultural operation includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, farm products, or farm animals or used for the operation of the farm. It also includes establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms and apiaries and other similar activities.

AGRICULTURAL PROCESSING FACILITY: One or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use and surrounding property.

AIRPORT: An area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

ALLEY: Any dedicated public vehicular or pedestrian way affording a secondary means of access between or behind buildings, that affords a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS: Any change, addition, or modification in construction to a structure or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the completed act of which may be referred to herein as "altered" or "reconstructed."

ANCILLARY: As a part of, but secondary or subservient to; cannot exist by itself.

ASSEMBLY FACILITY: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

ASSISTED LIVING FACILITY: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

AUTOMOBILE: Every vehicle that is self-propelled.

AUTOMOBILE REPAIRS – MAJOR: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Automotive major repair also includes an establishment that provides for the removal and temporary storage (less than seven days) of vehicles, but does not include the disposal, permanent disassembly, or salvage, or the accessory storage of motor and/or recreational vehicles.

AUTOMOBILE REPAIRS – MINOR: The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

AUTOMOBILE SALES AND RENTALS: Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where office, service, repair, body work, is incidental to the operation of the new or used vehicle sales and is performed within completely enclosed facilities. vehicles sales includes vehicle retail or wholesale sales.

AUTOMOBILE WASHING STATION: A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

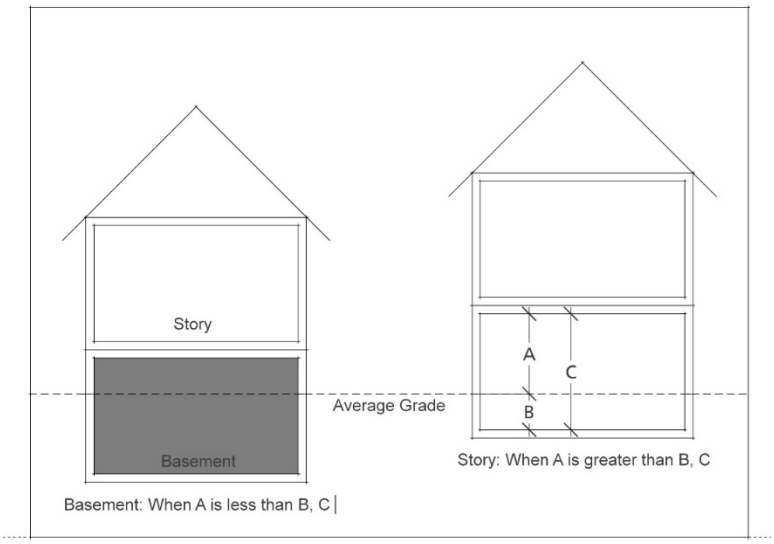
AUTOMOBILE SERVICE STATION: Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity or where car washing services are sold. Where the sale and dispensing of vehicle fuel is the principal activity, accessory activities may include the retail sale of lubricants, tires, batteries, motor vehicle accessories and supplies, including minor installation services or repairs customarily incidental thereto, and sale of convenience goods, food and beverages.

15.2.2 "B" Terms

BARN: An accessory structure upon a lot customarily used for the housing of livestock or for the storage of crops or machinery used in bona fide agricultural activities

BARS: A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor. Bars may also include the incidental sale of prepared food and live performances.

BASEMENT: That portion of a building below the first or ground-floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height A basement shall not be counted as a story. This definition shall include a cellar that may be below grade with an entrance separate from the principal building.



Basement and Story

BED AND BREAKFAST ESTABLISHMENT: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BEDROOM: A room designed or used in whole or part for sleeping purposes and has a closet and window.

BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BILLBOARD: A type of advertising sign which is either erected on the ground or attached to, painted on, or supported by a building which directs attention to a business commodity, service, entertainment or other activity conducted, sold or offered at a place other than on the premises on which the sign is located

BOARD: The Township of Hatton Board of Trustees. See also BOARD OF TRUSTEES.

BOARD OF TRUSTEES: Hatton Township's elected officials

BOARD OF ZONING APPEALS: See ZONING BOARD OF APPEALS

BOARDING ROOMS: A private home that is occupied by a resident family which for compensation and by prearrangement for definite periods of time offers lodging or lodging and meals are provided to persons not related to the family.

BUFFER-STRIP: A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING: A structure enclosed within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

BUILDING, ACCESSORY: See ACCESSORY BUILDING.

BUILDING AREA: The space remaining on a property for building purposes after compliance with minimum building setback requirements and any applicable lot area coverage limitations.

BUILDING ENVELOPE: The area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

BUILDING HEIGHT: The vertical distance measured from the finished grade to:

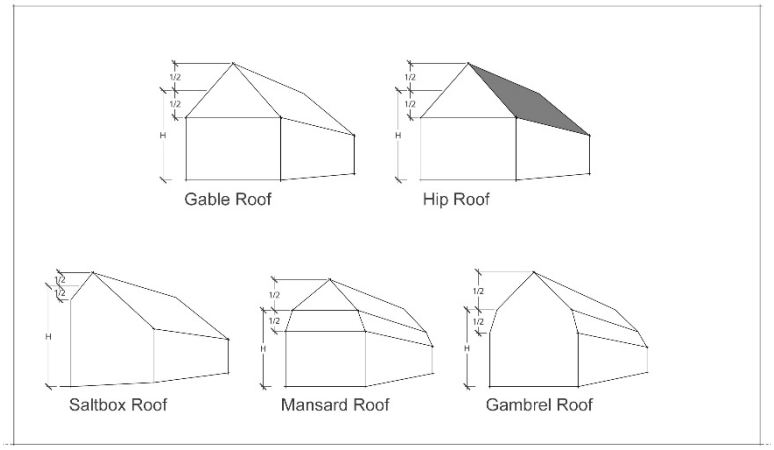
A. The highest point of the roof surface for flat roofs, excluding parapet walls.

B. The deck line of mansard roofs.

C. The average height between eaves and ridge for the highest gable, hip studio, and gambrel roofs.

D. Seventy-five (75%) percent of the height of an A-frame.

E. The average ground level grade at the building wall when a building is located on sloping terrain.

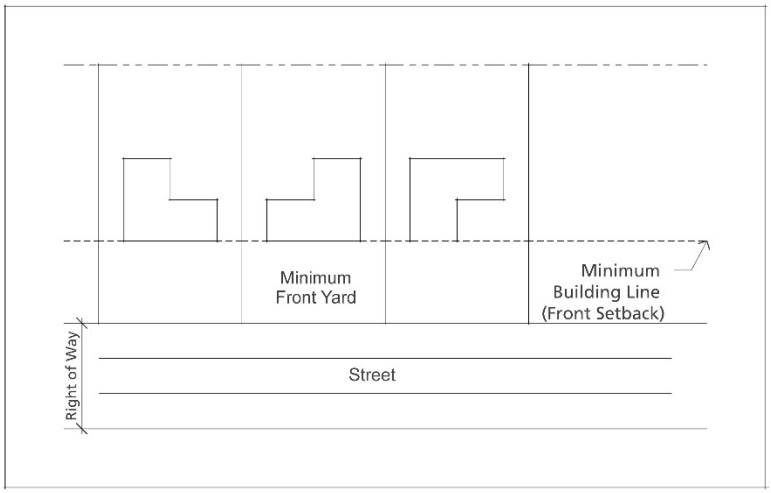


Building Height

BUILDING HEIGHT, STORIES: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

BUILDING, MAIN OR PRINCIPAL: means a building, or group of buildings where applicable, built, used, designed or intended for the principal use of the land on which it is situated.

BUILDING LINE: A line parallel to the front lot line at the minimum required front setback line.



Building Line

BUILDING OFFICIAL: The Clare County Building Department official(s) designated by the County Board of Commissioners to administer and enforce the Building Codes of the County. Duties include but are not limited to inspecting and reviewing new construction, installations, and alterations of private and public buildings to ensure that all applicable codes, laws, and regulations have been met; reviewing proposed construction plans and documents; issuing notices of code violations requiring corrective action; and testifying at hearings or court cases related to violations of codes, laws, or regulations.

BUSINESS SERVICES: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, Township planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

BUILDING SITE: This term shall be used in connection with site condominiums and shall mean either:

A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or

B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

15.2.3 "C" Terms

CABIN: A detached building, which is used for seasonal occupancy, but not including motels, as a dwelling or sleeping quarters.

CAMP OR CAMPGROUND: A voluntary association of persons engaging in outdoor activities while living in nonpermanent housing, such as tents, trailers, and cabins, designated for short-term experiences in nature or specific recreational or educational pursuits. The term "camp" shall exclude persons or organizations

operating programs involving persons sentenced or assigned to such programs by government agencies or courts of law having statutory authority to detain persons against their will.

CELLAR: See BASEMENT

CEMETERY: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

CERTIFICATE OF OCCUPANCY: A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the zoning ordinance.

CHANGE OF OCCUPANCY: The term ‘‘change of occupancy’’ shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or, the expansion of a use.

CHILD CARE: The provision of care and supervision of children for periods of less than 24 hours a day. The term "child care" shall include the following:

A. Commercial Day Care Center: A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The term "child care center" includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. The term "child care center" does not include any of the following:
    1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
    2. A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious services.
    3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
    4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
B. Family Day Care Home: A private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated child for more than four weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subsection, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed

an amount that would obligate the child's parent or guardian to provide a form 1099-MISC under the IRS Code, as amended, to the individual for compensation paid during the calendar year for those services.

C. Group Day Care Home: A private home in which more than seven, but not more than 14, minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption, but including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

D. Private Home: A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home.

CHURCH: See RELIGIOUS INSTITUTION

CLINIC: An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or similar professions.

CO-LOCATE: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Co-locate does not include makeready work or the installation of a new utility pole or new wireless support structure.

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

COMMUNITY CENTER: A building either owned and maintained publicly, or in cooperation under an owners' association or manufactured home park owner, that is generally open to the public or members to rent, or as a safe haven in case of a natural or other disaster.

COMPREHENSIVE PLAN OR MASTER PLAN: Any plan adopted or amended under this Michigan Planning Enabling Act, PA 33 of 2008, as amended. This includes, but is not limited to, a plan prepared by a planning commission authorized by the act and used to satisfy the requirement of section 203(1) of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3203, regardless of whether it is entitled a master plan, basic plan, county plan, development plan, guide plan, land use plan, municipal plan, plan, or any other term.

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

A. Condominium Act: Shall mean Michigan PA 59 of 1978, as amended.

B. Condominium Lot: That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard

setback requirements and other requirements set forth in the Dimensional Standards for each district of this Ordinance.

C. Condominium Subdivision Plan: Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.

D. Condominium Unit: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance.

E. Common Elements: Portions of the condominium project other than the condominium units.

F. Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

G. Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

H. Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

I. Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

J. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.

K. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

L. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

M. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

CONTRACTOR ESTABLISHMENTS: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or

outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, and maintenance of the home and associated grounds.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONSERVATION EASEMENT: Term as defined in section 2140 of the Natural Resources and Environmental Protection Act PA 451, MCL 324.2140.

CONVALESCENT HOME: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Such home shall conform and maintain licensure under applicable state law.

CULTURAL INSTITUTION: A public or non-profit institution that engages in the cultural, intellectual, scientific, environmental, educational, or artistic enrichment of the community. Examples include, but are not limited to museums, libraries, historical societies, art galleries, botanical societies, land conservation organizations, performing art centers, scientific societies, and wildlife conservation societies. Cultural Institutions do not include any school or institution primarily engaged in religious or sectarian activities.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

15.2.4 "D" Terms

DAY CARE CENTER: See "CHILD CARE CENTER"

DECK: A platform that is typically attached to a house and used for outdoor leisure activities.

DENSITY: The number of dwelling units allowed per acre of land.

A. Gross Density: The number of units per acre of total land being developed.

B. Net Density: The number of units per acre of land devoted to residential use.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

DEVELOPMENT: The construction of a new building reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DEVELOPMENT PLAN: A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including, but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems and drainage facilities, and environmental features.

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 regulations. Synonymous with the word "zones" or "zoning districts."

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DRIVE-IN RESTAURANT: A public eating place where food is prepared and served or sold for consumption other than solely within a building on the premises.

DRIVE-THROUGH: A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shaped drive or a "T'' shaped drive located within a front yard is included within this definition.

DUMPSTER: A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having capacity of at least one cubic yard.

DWELLING: Any building, or part thereof: containing sleeping, kitchen and bathroom facilities designed for and occupied by an individual or one family. In no case shall a travel trailer, motor home, automobile, tent, or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

DWELLING, 1 FAMILY: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only.

DWELLING, 2 FAMILY OR DUPLEX: A building designed as a single structure, containing two separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING, 3+ FAMILY: A dwelling or group of dwellings on one (1) plot and in one (1) structure, containing separate living units for three (3) or more families, but not including automobile courts, motels, or hotels.

15.2.5 "E" Terms

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

EDUCATIONAL INSTITUTIONS: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction and cultivation of the mind and or the inculcation of a clearer sense of moral and spiritual values. This does not include an institution or

organization directed primarily to the physical training or development of physical or manipulative skills, or for-profit schools.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

EXCAVATION: The removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except common household gardening, farming, and general ground care.

EXTRACTIVE INDUSTRY: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

15.2.6 "F" Terms

FAMILY: One or more persons related by blood, marriage, or legal adoption plus up to a total of three (3) additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one dwelling unit, under a relationship that is continuing, non-transient, and domestic character, who cook and live as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY CHILD CARE HOME: A state licensed facility in a dwelling unit in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family Child Care Home also includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

FENCE: An artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, mark a boundary, or constitute an obstruction to human passage regardless of the component material.

FILL: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

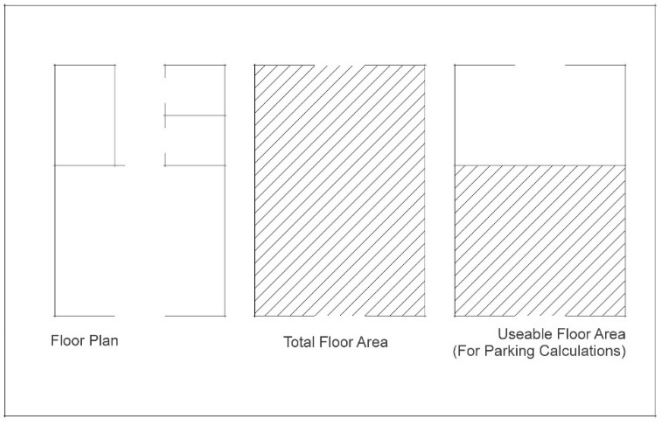
FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN: All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board of Trustees, or by the Michigan Department of Environmental Quality where it has jurisdiction.

FLOOR AREA, GROSS: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered) shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

FLOOR AREA, USEABLE, NONRESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls; plus, similarly measured, that area of all other stories, including mezzanines, which may be made fit for occupancy, including the floor area of all accessory buildings measured similarly and the floor area of basements used for activities related to the principal use, such as storage, but excluding furnace and utility rooms. Parking space located within a building shall not be considered useable floor space.

FLOOR AREA, USEABLE, RESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls; plus, similarly measured, that area of all other stories having more than 84 inches of headroom which may be made useable for human habitation; but excluding the floor area of basements, attics, attached or unattached garages, breezeways, unenclosed porches and accessory buildings (see also Story, Story Half, and Basement).



Useable Floor Area

FLOOR, GROUND: That portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

FOSTER CARE: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan PA 218 of 1979, as amended.

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL

710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan adoption code, chapter X, of the probate code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRONTAGE: The portion of any property that abuts a private or public street. A corner lot and a through lot have frontage on both abutting private or public streets.

FUNERAL HOME: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

15.2.7 "G" Term

GARAGE, PRIVATE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures, but shall be located on the same lot as the principal structure.

GARAGE, PUBLIC: A building, other than a private garage, used for the sale, repair, or equipment of automobiles, motorcycles, snowmobiles, boats, and other similar vehicles or where such vehicles are parked or stored for remuneration, hire or sale.

GARAGE, REPAIR: See AUTOMOBILE REPAIRS

GASOLINE SERVICE STATION: See AUTOMOBILE SERVICE STATION

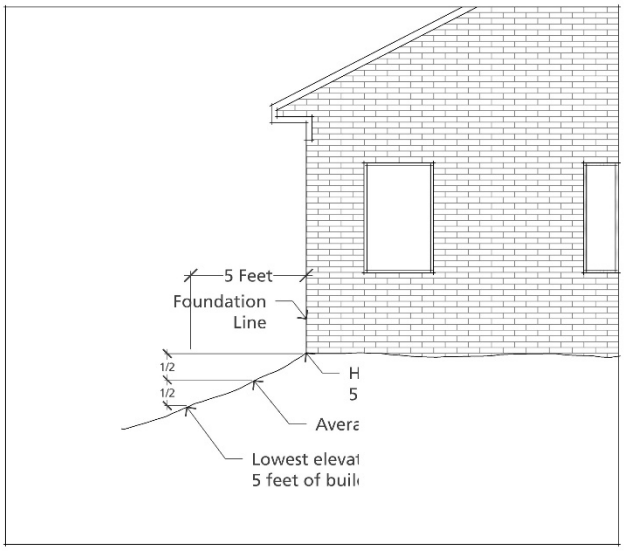
GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, airways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of such total averages.

GRADE, AVERAGE: The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If

the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.



GREENHOUSES: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees, either seasonally or year-round.

GROUP CHILD CARE HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

15.2.8 "H" Terms

HEIGHT OF BUILDING: See BUILDING HEIGHT

HEALTH CARE SERVICES: A clinic, business, or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services does not include a hospital.

HOME OCCUPATION: An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and which is clearly incidental and secondary to the use of the parcel of land for residential purposes and does not change the character thereof. These uses shall be conducted entirely within the dwelling except where it is determined by the Township Planning Commission that use of an accessory building will not adversely affect surrounding property owners.

HOSPITAL: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as

laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias, and gift shops.

HOTEL: A building in which transient lodging or boarding and lodging are offered to individuals for compensation with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen.

HUNTING CAMP: A building that is not a dwelling by the nature that is does not contain the appropriate rooms to be a dwelling, is seasonally used, and small in area.

15.2.9 "I" Terms

IMPERVIOUS COVERAGE: The part or percentage of the lot that is occupied by all buildings and/or structures, and impervious surfaces. The percentage is determined by dividing the sum of the ground floor area of all buildings and structures on a lot and impervious surfaces by the net lot area.

IMPERVIOUS SURFACE: Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces.

INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

INOPERABLE MOTOR VEHICLE: Any vehicle made to be propelled or operated by a motor or engine which is no longer in an operating condition, and which is useful only for parts.

15.2.10 "J" Terms

JUNK: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

JUNKYARD: An open area where waste or used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, except for the normal household refuse which is stored only between regular pickup and disposal of household refuse; provided the same is not left for a period of over 30 days, in which case it shall be considered as junk. This definition does not pertain to uses conducted entirely within an enclosed building.

15.2.11 "K" Terms

KENNEL: Any lot or premises on which four (4) or more dogs, or other household pets are either permanently or temporarily boarded. The term "kennel" shall also include any lot or premises where household pets are bred or sold.

15.2.12 "L" Terms

LAKE, PRIVATE: Any body of water, other than a public lake, which is owned by one person, group of persons, partnership, or corporation for use by the owners only.

LANDFILL: A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, dis-carded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

LIGHTING, SOURCE: The source of light shall refer to the lightbulb or filament which is exposed or visible through a clear material.

LIVERY: An establishment where boats or canoes are kept for hire or rent.

LOADING SPACE: A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

LOT OR ZONING LOT: For the purposes of enforcing this Ordinance, a lot is defined as a piece of land under single ownership or control that is sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of any of the following:

A. Single lot of record.

B. Portion of a lot of record

C. Combination of lots of record, or portion(s) thereof.

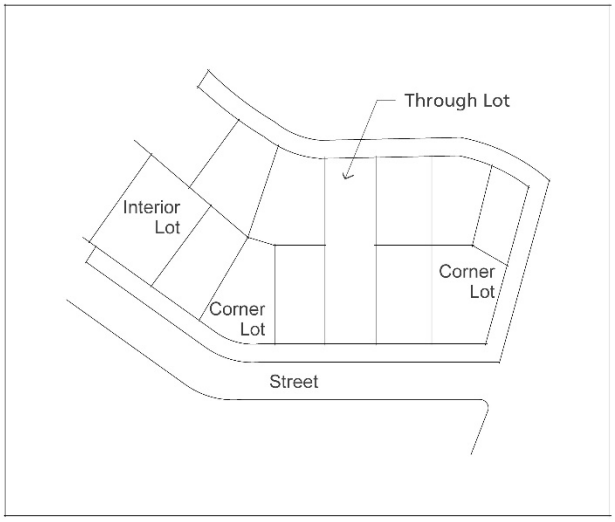
D. Condominium lot.

E. Parcel or tract of land described by metes and bounds.

LOT AREA: The total horizontal area within the lot lines of the lot, excluding any portion of abutting private streets.

LOT, CONTIGUOUS: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

LOT, CORNER: A lot abutting on and at the intersection of two (2) or more streets. For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.



Corner, Interior, Through Lots

LOT COVERAGE: The amount of a lot, stated in terms of percentage that is covered by all roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio-roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting a street.

LOT, THROUGH OR LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or more of the streets, the required minimum front yard setback shall be observed on the street where buildings presently front.

LOT LINE: For the purpose of this Ordinance, a lot line is the boundary line between two (2) lots or the line between the properties of two (2) different owners.

A. Front: In the case of an interior lot, the boundary line of the lot immediately adjacent to the right-of-way upon which the lot fronts.

   In the case of a corner lot, the front lot line shall be the two (2) boundary lines of the lot immediately adjacent to the street right-of-ways.

   In the case of a waterfront lot, the front lot line shall be considered to be the lakeward or riverfront property line, and setback measurements shall be made from the ordinary high water mark.

B. Rear: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

C. Side: Any boundary line not a front lot line or a rear lot line.

In the case of a corner lot, the side lot line shall be the remaining lot lines that are not the front.

LOT LINE, WATERFRONT: The lot line separating the lot from a body of water.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds in Clare County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds in Clare County, Michigan prior to the adoption of this Ordinance.

LOT WIDTH, REQUIRED: The minimum required horizontal straight line distance between the side lot lines, measured between the two points where the minimum required front setback line intersects the side lot lines.

LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

15.2.13 "M" Terms

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MANUFACTURED HOME: A factory-built home constructed off-site after to June 15, 1976 and transportable in one or more sections. A manufactured home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate. Manufactured homes include a permanent chassis constructed of metal beams that are structurally part of the dwelling, cannot be removed, and are supported by blocks and/or piers on footers.

MANUFACTURED HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

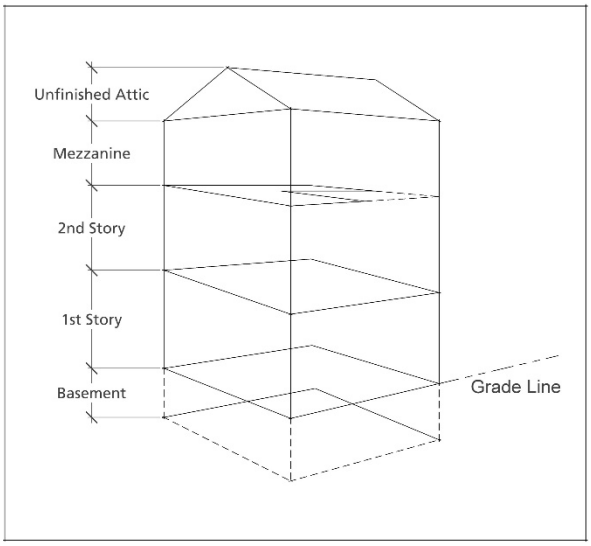
MANUFACTURED HOME/MOBILE HOME SALES:

MANUFACTURING, FOOD: Establishments that transform agricultural products into products for intermediate or final consumption, distinguished by the raw materials (generally of animal or vegetable origin) processed into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers.

MANUFACTURING, HEAVY: The manufacturing, assembly, fabrication, packaging, or compounding of extracted or raw materials or other large scale specialized industrial operations having external effects

which will be felt to some degree by surrounding uses. These activities or processes would necessitate the use or storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process, and have the potential to produce noise, dust, glare, odors, or vibrations beyond the property line.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating, and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.



Basic Structural Terms

MET TOWER: See METEOROLOGICAL TOWER.

METEOROLOGICAL TOWER (also see MET TOWER): The tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

MOBILE HOME: Any vehicle or structure so designed and constructed that it will permit the occupancy thereof as sleeping quarters for one (1) or more persons, or the conduct of any business or profession, occupation or trade, or storage and when manufactured has no foundation other than wheels, jacks, skids or skirting and is so designed that it may be mounted on wheels and moved from place to place on streets, but not including travel trailer or recreational-type vehicles used for temporary seasonal travel. House trailers shall be construed to be synonymous with mobile homes.

MOBILE HOME PARK: Any site, field, or tract upon which three (3) or more occupied mobile homes are harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Public Health.

MODULAR HOME: A factory-built home constructed off-site after 1971 and transportable in one or more sections. A modular home is designed constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards. Also known as a factory-built home.

MOSQUE: See RELIGIOUS INSTITUTION

MOTEL: Groups of furnished rooms or separate structures providing overnight lodging and parking accommodations to the public for compensation.

MOTOR VEHICLE: See AUTOMOBILE

MUNICIPALITY: Hatton Township, Clare County, Michigan

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

15.2.14 "N" Terms

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING USE: Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendments.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NUISANCE: Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

NURSERY: An area for the growing of plant materials not offered for sale on the premises.

NURSING HOME: See CONVALESCENT HOME.

15.2.15 "O" Terms

OCCUPIED: Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

OPEN SPACE: That part of a parcel, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot. Does not include land dedicated for street rights-of-way, off-street parking and loading spaces, an established use, or stormwater management.

ORDINARY HIGH WATER MARK: A line between upland and bottomland, which persists through successive changes in water levels, below which the present action of the water is so common and recurrent that the character of the land is marked distinctly form the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

OUTDOOR WOOD FURNACE: Also known as an outdoor wood fired boiler, outdoor wood-burning appliance, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

OUTDOOR SALES & DISPLAY: The outdoor standing or placement of immediately usable goods that are available for sale, lease or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

OUTDOOR SERVICE: A designated area for dining and/or consumption seats and/or tables located outdoors entirely outside the walls of an established principal use such as a restaurant, coffee shop, bar, tavern, lounge, bakery, or other drinking or eating establishment.

OUTDOOR STORAGE: The keeping of any goods, junk, material. merchandise or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

OWNER: A person holding any legal, equitable, option or contract interest in land.

OWNER (SMALL WIND ENERGY SYSTEM ORDINANCE DEFINITION): The individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

15.2.16 "P" Terms

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

PARKING: The parking of a motor vehicle for short duration and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service. The terms "temporarily" or "shortly" shall mean and be measured by hours or, at most, up to a maximum of 18 hours.

PARKING LOT, OFF-STREET: An area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

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.

PATIO: An improved recreation area which is commonly made of pavement or pavers, no part of which is roofed.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, construction, or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

PERMITTED USE: A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL SERVICES: Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, coin-operated laundromats, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry-cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

PERSONAL SOLAR ENERGY SYSTEM: See “Accessory Solar Energy System”.

PERVIOUS SURFACE: A surface that permits full or partial absorption of storm water.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PLANNED UNIT DEVELOPMENT (PUD): Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services has been approved by the Board of Trustees which has been, is being, or will be developed under the approved plan.

PLANNING COMMISSION: The Township Planning Commission of the Township of Hatton, Clare County, Michigan.

PLOT PLAN: A plan that is prepared according to requirements stated in this Ordinance, containing information required for such a plan. A plot plan is less detailed than a formal site plan. A plot plan is

generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan.

PORCH: A structure, which may be a covered, partially enclosed and is projecting out from a building. A porch may be cantilevered or attached to the ground.

POULTRY: A domestic fowl, such as chickens, turkeys, ducks, and geese.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

PRINCIPAL SOLAR ENERGY SYSTEM: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures. See also "Utility Solar Energy System".

PROFESSIONAL SERVICES: A business that offers any type of professional service to clients which requires as a condition precedent to the rendering of such service the obtaining of a license, higher education degree, or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include those rendered by certified public accountants, public accountants, engineers, architects, planners, landscape architects, interior designers, attorneys at law, life insurance agents, advertising, environmental analysts, insurance agents, management consultants, title agents, and realtors. Professional services shall not include healthcare or financial services, or veterinarian clinics.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PUBLIC USE: Basic services usually furnished by local government, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

A. Critical: such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.

B. Essential: the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

C. Supporting: public uses such as, but not limited to, Township hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, post office, special events authorized by the Township, etc., and associated facilities.

PUBLIC UTILITY: A person, firm or corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under governmental regulations, to the public, gas, steam, electricity, sewage disposal, communication, telegraph, telecommunication, transportation, or water.

15.2.17 "R" Terms

RECREATIONAL FACILITY: An entity which receives a fee, whether by membership or daily passes, in return for the provision of some active recreational activity including but not limited to: gymnastic facilities, indoor soccer, bike & skate parks, racquet clubs, tennis and pickle ball courts, physical fitness facilities, swimming pools, athletic fields, yoga, spinning, martial arts, and other similar activities related to personal or team athletics, exercise, fitness and including their ancillary support services.

RECREATIONAL FACILITY, NON-INTENSIVE: Non-intensive recreation facilities such as ski hills and lifts, snowmobile trails, archery and rifle, skeet or gun range, and hunting and fishing preserves or clubs, provided that commercial activities such as bars, hotel and/or lodge accommodations, retail stores, service establishments are not permitted.

RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

RECREATION VEHICLE OR EQUIPMENT: shall include the following:

A. Travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, commonly identified as "travel trailer" by the manufacturer.
B. Pickup camper, which is a structure designed primarily to be mounted in the bed of a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
C. Motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
D. Folding tent trailer, which is a folding structure, mounted on wheels and designed for travel and vacation use, commonly referred to as a "pop-up" trailer.
E. Boats and boat trailers, which shall include boats, floats, and rafts, along with the necessary equipment to transport.
F. Snowmobile and all-terrain vehicles, along with the necessary equipment to transport.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

RESIDENTIAL USE: A use intended to provide one or more dwellings and may include allowed accessory uses and structures.

RESTAURANT: An establishment in which the principal use is the preparation and sale of food and beverage. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

RETAIL SALES ESTABLISHMENT: A commercial enterprise that provides new or used goods and/or services directly to the consumer, where such goods are available for immediate purchase and

RIGHT-OF-WAY: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

ROADSIDE STAND: A temporary or permanent building operated for the purpose of selling produce raised or produced by the proprietor of the stand or his family on the premises. Such use in an agricultural or residential district shall not be deemed an approved commercial activity.

ROOF LINE: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room, and bedrooms, each equal to at least 80 square feet in area. A room shall not include the area in kitchen and bathrooms, utility provisions, corridors, hallways, and storage. Plans presented having one-, two-, or three-bedroom units and including a den, library, or other extra room shall count as a bedroom for the purpose.

ROTOR DIAMETER: The cross sectional dimension of the circle swept by the rotating blades.

15.2.18 "S" Terms

SATELLITE DISH ANTENNA: An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SCREENING: A wall, earth berm, fence or land used for growing heavy concentrations of trees and shrubs, or combinations of these, for the purpose of shielding the view of one use of land from another, and for the protection of adjoining premises.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate-controlled facilities.

SEMI-TRAILER: A trailer, that may be enclosed or not enclosed. having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle, or dolly.

SENIOR LIVING FACILITY: Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to twenty one (21) or more individuals who are age sixty (60) or older. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve twenty (20) or fewer adults.

SETBACK: The minimum horizontal distance between the furthest most projection of a structure and the nearest lot line or street right-of-way line.

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following, or other similar uses:

A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
B. Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
    1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
    2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
    3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty five (25%) percent or more of the floor area or visible inventory within the establishment.
C. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
    1. Persons who appear in a state of nudity;
    2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
    3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
    4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
D. Adult Motel: A hotel, motel or similar commercial establishment that:
    1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
    2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
    3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
E. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
G. Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other

persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

H. Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
    1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
    2. Material as defined in section 2 of Act No. 343 of the PAs of 1984, being section 752.362 of the Michigan Compiled Laws.
    3. Sexually explicit visual material as defined in section 3 of PA 33 of 1978, being section 722.673 of the Michigan Compiled Laws.
        a) Specified Anatomical Areas: Means and includes any of the following:
            1) Less than completely and opaquely covered:
                i. Human genitals
                ii. Pubic region
                iii. Buttocks
                iv. Female breast below a point immediately above the top of the areola.
            2) Human male genitals in a discernible turgid state even if completely or opaquely covered.
        b) Specified Sexual Activities: Means and includes any of the following:
            1) Human genitals in a state of sexual arousal.
            2) Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus.
            3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
            4) Excretory functions as part of or in connection with any of the activities set forth in 1) - 3) above.

SHOPPING CENTER: A business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

SIGN: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure. See Article 5 for definitions of individual sign types.

SILO: an accessory structure on agricultural land; a tower or pit used to store grain.

SITE PLAN: A plan showing all salient features of a proposed development so that it may be evaluated in order to determine compliance with the applicable requirements of this Ordinance.

SMALL WIND ENERGY SYSTEM: A wind energy system that:

A. Is used to generate electricity;
B. Has a nameplate capacity of 100 kilowatts or less; and

C. Has a total height of 65 (sixty-five) feet or less.
Note: Any tower or wind energy system over 65 (sixty-five) feet in total height shall be subject to the Hatton Township Zoning Ordinance Special Use Permit procedures and policy and will be subject to all conditions and requirements as established in the Hatton Township Zoning Ordinance, Article 8.

SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY: Radiant energy (direct, diffuse, and/or reflective) received from the sun.

SOLAR INSTALLATIONS, ACCESSORY: See SOLAR INSTALLATIONS, PERSONAL.

SOLAR INSTALLATIONS, GROUND-MOUNTED: A personal system installed on the ground of a lot as a principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLAR INSTALLATIONS, PERSONAL (SEE ALSO SOLAR INSTALLATIONS, ACCESSORY): An area of land or other area used for a solar collection system used to capture solar energy, covert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

SOLAR INSTALLATIONS, PRINCIPAL (see also SOLAR ENERGY FARMS): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies, primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures.

SOLAR INSTALLATIONS, ROOF-MOUNTED: A private system installed on the roof of a building as an accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

SOLAR ENERGY FARMS: A utility-scale commercial facility that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose it the wholesale or retail sale of generated energy off site.

SOLAR PANEL: That part of portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating, and/or for electricity.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.
2. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.
3. SOLAR MODULE: A grouping for solar cells with the purpose of harvesting solar energy.

SPECIAL USE PERMIT: A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possessing a unique characteristic found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

STABLE, LIVERY: A structure or shelter where horses owned and not owned by the proprietor of the property are boarded or are kept for remuneration and where horses may be ridden by the public and trained.

STABLE, PRIVATE: A structure or shelter with capacity for not more than three horses which are not boarded and are not for hire or sale and are owned by the immediate family.

STABLE, PUBLIC: A building where horses for hire, sale, or boarding are kept, for remuneration.

STORY: That part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, unhabitable attic or mezzanine as defined herein.

STORY, HALF: That portion of a building between the eaves and ridge lines of a pitched roof which may or may not be used for tenant purposes.

STREET, PRIVATE: A street which provides the principal means of access to abutting land use, portions of which may be owned and controlled by the abutting property owners, and which may or may not be open to public use.

STREET, PUBLIC: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, signs, and billboards.

SUBDIVISION: The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

SYNAGOGUE: See RELIGIOUS INSTITUTION

SWIMMING POOL: Any permanent, non-portable structure or container, located either partially or totally below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

15.2.19 "T" Terms

TASTING ROOM: Means any of the following:

A. A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.

B. A location on or off the manufacturing premises of a wine maker or small winemaker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactured, or, for a small wine maker only, wine it bottled.

C. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.

D. A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.

E. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

TELECOMMUNICATION TOWERS: Any structure designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas, including but not limited to monopoles, guyed towers, and lattice towers.

TEMPORARY USE OR BUILDING: A use or zoning permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

THEATER: An outdoor area or building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

TOTAL HEIGHT (SMALL WIND ENERGY SYSTEMS): The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

TOWER (SMALL WIND ENERGY SYSTEMS): The monopole, freestanding, or guyed structure that supports a wind generator.

TRAVEL TRAILER: A travel trailer shall mean a mobile home which is less than ten (10) feet in width and is generally moved from location to location by a passenger car and is generally used for recreation purposes.

TRAVEL TRAILER PARK AND OVERNIGHT CAMPING FACILITY: A place utilized for the temporary storage of travel trailers, for camping purposes, where there is no permanent storage of mobile homes for year-round occupancy, and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

15.2.20 "U" Terms

USE: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

UTILITY POLE: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

UTILITY SOLAR ENERGY SYSTEM: See "Principal Solar Energy System".

15.2.21 "V" Terms

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE: See AUTOMOBILE

VETERINARY CLINIC: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

15.2.22 "W" Terms

WALL: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

WAREHOUSING: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include on-site manufacturing.

WHOLESALE ESTABLISHMENTS: Establishments primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WETLAND: A wetland as defined by Part 303: Wetland Protection Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

WHOLESALE ACTIVITIES: Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND ENERGY SYSTEM: Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

WIND GENERATOR: Blades and associated mechanical and electrical conversion components mounted on top of the tower.

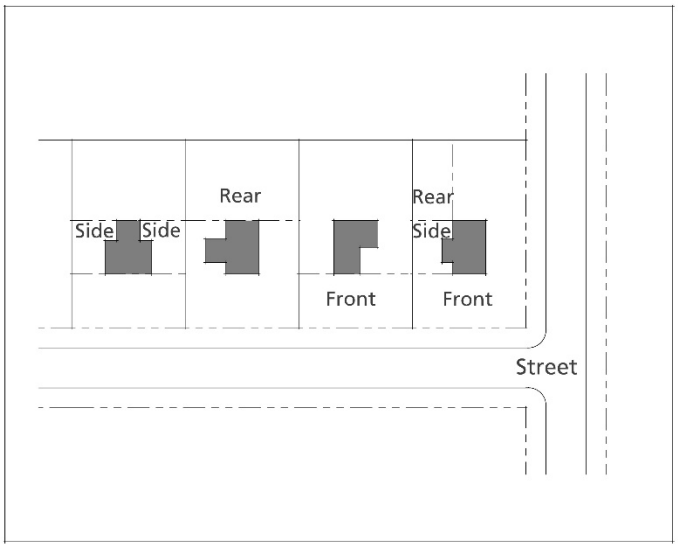
15.2.23 "Y" Terms

YARD: The open space on the same lot with a main building, unoccupied and unobstructed from the ground (grade) upward except as otherwise provided in this Ordinance, and as defined herein. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance.

A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Unless otherwise specified, each yard with street frontage shall be considered a yard.

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

C. Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a comer lot, the rear yard may be opposite either street frontage, but each lot shall only have one (1) rear yard.



Yards

15.2.24 "Z" Terms

ZONING OFFICER: The Township official(s), appointed by the Hatton Township Board of Trustees, authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

ZONING BOARD OF APPEALS: The body appointed pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Hatton Township.

ZONING DISTRICT: See DISTRICT

ZONING PERMIT: A standard form issued by the Zoning Officer, upon application and declaration by the owner or his duly authorized agent, granting approval for the construction or use for which an application was made.

Hatton Township of Clare County
Motion to adopt updated Zoning Ordinances

On August 19, 2025, the Hatton Township Board made a motion to approve the updated zoning ordinances from the 1993 adopted version:

1. Date of Public Hearing: June 2, 2025

2. Date of Adoption: August 19, 2025

3. Record of Approval by: Ayes: Hileman, Farrell, Guiette
Humphrey and McClain
Nays: None

4. Dates of Publication: August 25, 2025
September 5, 2025

5. Effective Date: January 1, 2026

6. Validated: William Hileman
Township Supervisor
Linda McClain
Township Clerk