

Locke Township Zoning Ordinance



**Locke Township
Ingham County, Michigan**

Adopted October 13, 2026

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Article 1 – Title, Purpose, and Scope

Section 1.00 – Title

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

Section 1.01 – Purpose

This Ordinance shall affect the use and occupancy of all land and every building within Locke Township. This zoning ordinance is intended to:

1. Provide for the regulation and the development and use of all land in the Township as authorized by the Michigan Zoning Enabling Act (PA 110 of 2006, (MCL 125.3101 *et seq.*), as amended).
2. Create zoning districts that regulate land uses, structures, and development.
3. Explain the dimensions, permitted uses, and development rules for each zoning district.
4. Define the terminology used within this zoning ordinance.
5. Establish procedures for the administration and the enforcement of this Ordinance.
6. Establish a Zoning Board of Appeals per Michigan's Zoning Enabling Act, PA 110 of 2006, (MCL 125.3101 *et seq.*), as amended, defining its structure, procedures, and conflict of interest rules.
7. Create submittal standards, procedures, and standards of review for the approval of all site plan reviews.
8. Establish specific land uses that are called special land uses. This ordinance describes the process of applying for and approving special land use permits and holding public hearings.
9. This ordinance sets rules for managing and approving changes to non-conforming properties.

Section 1.02 – Scope

Zoning applies to every building, structure, or use. No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance. The regulations herein established shall be the minimum regulations for proposing and protecting the public health, safety, and welfare, except when otherwise provided by state law.

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of the other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction imposed or required by such existing provisions of law or

ordinances or by such rules, regulations, or permits, the provisions of this Ordinance shall control.

Apart from valid, lawful nonconforming uses, structures, lots, or parcel rights recognized by Michigan law and pursuant to this Article, nothing in this Ordinance shall be interpreted or construed to create or give rise to any permanent vested or other right in the continuation of any particular ordinance language, zoning district, zoning classification, or allowed activities or uses under this Ordinance.

Section 1.03 – Legal Basis

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 *et seq.*), as amended.

Section 1.04 – Existing Uses of Lands, Buildings, and Structures

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

Article 2 – Definitions

Section 2.00 – Construction of Language

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and words used in the plural shall include the singular, unless the context indicates the contrary.
5. A “building” or “structure” includes any part thereof.
6. The phrase “used for” or “occupied” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
7. The word “person” includes an individual, a corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
8. 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:
 - A. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - B. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - C. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them. A dictionary may be consulted.
10. The word “lot” includes the words “plot,” “tract,” or “parcel.”
11. The words “this Ordinance” mean the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached, and as enacted or subsequently amended.
12. The “Township” is Locke Township in Ingham County in the State of Michigan.
13. The term “Township Board” is the Locke Township Board. The term “Planning Commission” is the Locke Township Planning Commission.
14. Where any provision of this Ordinance imposes a greater restriction on the subject matter than another provision, the provision imposing the greater restriction or regulation shall control.

15. The use of the terms “he,” “his,” “she,” or “her” shall be interpreted as gender neutral and shall be used nonspecifically in reference to gender when found in this ordinance.

Section 2.01 – Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Section 2.02 – “A”

ACCESS: A way or means of approach to provide a vehicle or pedestrian physical entrance to a property or place.

ACCESSORY or ACCESSORY USE, BUILDING, OR STRUCTURE: A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure.

ADULT FOSTER CARE FACILITY: A home for a facility that provides foster care to adults of those 18 years of age or older or those 18 years or older placed into a licensed facility for foster care that includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include the following: a nursing home, a home for the aged, a hospital, a hospital for the mentally ill, a county infirmary, a child caring institution, an alcohol or substance use disorder rehabilitation center, or any other facility or residence per Sec. 3 subpart (4) of the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.703.

ADULT FOSTER CARE HOME, FAMILY: A private residence with the approved capacity of at least three but not more than six 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 per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 *et seq.*

ADULT FOSTER CARE HOME, SMALL GROUP: An adult foster care facility with an approved capacity to receive at least three but not more than 12 adults to be provided with foster care per the Adult Foster Care Licensing Act (PA 218 of 1979, as amended), MCL 400.701 *et seq.*

ADULT FOSTER CARE HOME, LARGE GROUP: An adult foster care facility with an approved capacity of at least 13 but no more than 20 adults to be provided with foster care per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 *et seq.*

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 *et seq.*

ADULT DAY CARE FACILITY: A facility in which one or more adults (18 years of age or older) are given care and supervision for periods of less than 24 hours per day.

ADULT ORIENTED BUSINESS: An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

1. SPECIFIED ANATOMICAL AREAS: Specified anatomical areas shall include:
 - A. Less than completely and opaquely covered human genitals, anus, or female breasts at or below the top of the areola; and
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. SPECIFIED SEXUAL ACTIVITIES: Specified sexual activities shall include:
 - i. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - ii. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; or
 - iii. Masturbation, actual or simulated; or
 - iv. Excretory functions as part of or in connection with any of the activities set forth in Subsections I, ii, or iii above.

AGED: An adult whose chronological age is 60 years of age or older or whose biological age, as determined by a physician, is 60 years of age or older per the Adult Foster Care Licensing Act (PA 218 of 1979), as amended, MCL 400.701 *et seq.* (see Adult Foster Care Homes). As of February 11, 2018, the minimum age for an “aged” adult to be cared for at a “Home for the Aged” was reduced from age 60 to age 55 (see Home for the Aged).

AGRICULTURE (FARMING): The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products including, but not limited to, tillage of soil; dairying; greenhouse operations; pasturage; the production, cultivation, growing, and harvesting of any agricultural, floricultural, sod, or horticultural commodities; forestry; and livestock or poultry husbandry, but not including concentrated animal feeding operations as defined in this Ordinance; and accessory activities thereto including, but not limited to, the receipt of supplies, materials, and labor, and the marketing or selling at wholesale or retail or in any other manner any products from the farm and of the other supplies that do not exceed in average yearly dollar volume the value of products produced on such farm. Nothing in this definition shall be construed as meaning or authorizing the growing of marihuana.

AGRICULTURAL SERVICE ESTABLISHMENTS: Establishments which engage in performing agricultural, animal husbandry or horticultural services for a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling, sorting, grading, and packing of fruits and vegetables for the

grower; and agricultural produce milling and processing); the storage and sale of seed fertilizer and other products essential to agricultural production; the storage, sale, and repair of farm equipment; livestock and produce receiving and transfer stations; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

AGRICULTURAL USE: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive Cervidae (deer, elk, moose, etc.), and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program, a federal conservation reserve program, or a wetland reserve program. Agricultural use does not include the management and harvesting of a woodlot per Part 201 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), as amended, MCL 324.36201.

ALLEY: A public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change, addition, reduction, or modification in construction or type of occupancy, or the structural members of a building, such as roofs, walls or partitions, columns, beams, or girders.

AMBULANCE SERVICE: A facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

ART STUDIO: An establishment for artists or artisans skilled in photography or other fine art that may involve the retail, lease, practice, service, and/or display of that skill, along with any associated equipment or supplies.

APPLICANT: A person submitting an application pursuant to the provisions of this Ordinance.

ASSISTED LIVING FACILITY: An unlicensed facility that offers community-based residential care for at least three unrelated adults who are 65 years of age or older who need assistance with activities of daily living that are available 24 hours a day, including but not limited to personal, supportive, or intermittent health-related services as defined in the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.2253. Assisted Living Facilities are not foster care facilities or homes for the aged that are licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA).

AUTOMOTIVE PROVING GROUNDS, TESTING, AND RESEARCH FACILITY: Land used by an automobile or automotive parts manufacturer for the testing of vehicle or automotive parts performance where the principal use of the land, both in overall character and dedicated acreage, is an outdoor testing track on which automobiles are driven to evaluate certain operating systems such as, but not limited to braking and other safety systems, and engine and exhaust systems. The phrase "automotive proving grounds, testing, and research facility" shall be interpreted to include accessory

buildings, structures, and support facilities, provided such indoor facilities are clearly subordinate to the principal use of the site.

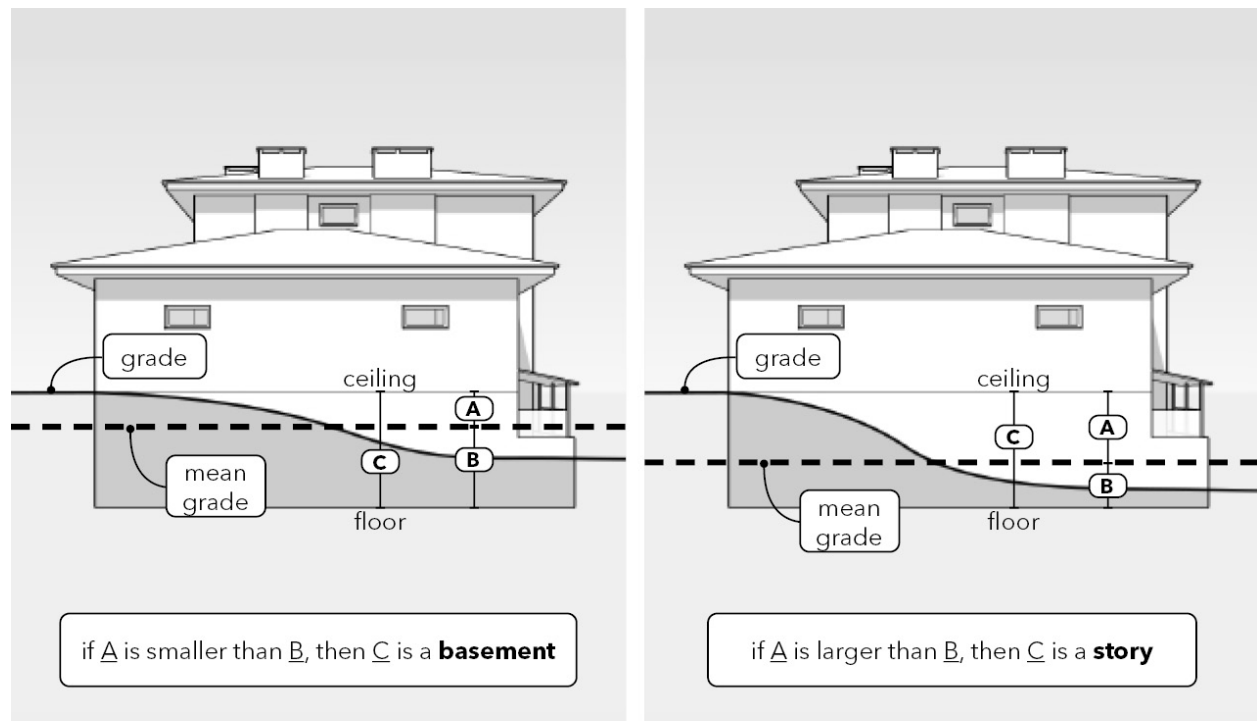
AUTOMOBILE OR VEHICLE SALES: An open-air business selling new or pre-owned motor vehicles.

AUTOMOBILE SERVICE OR REPAIR FACILITIES: An establishment engaged in the comprehensive service of automobiles, such as the sale and installation or replacement of tires, oils, lubricants, or brake fluids, including general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

AUTOMOBILE OR VEHICLE WASH: Any building or premises, or portions thereof, used for the commercial washing of automobiles or other vehicles.

Section 2.03 – “B”

BASEMENT: That portion of a building, which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling (see Figure 2.01). A basement shall not be counted as a story. A cellar shall be considered a basement.



BASEMENT - FIGURE 2.01

BATTERY ENERGY STORAGE SYSTEM (BESS) FACILITY: One or more devices, assembled, capable of storing and discharging electricity, primarily intended to supply electricity to a building or the electrical grid. This includes, but is not limited to,

the following: battery cells, enclosures and dedicated use buildings, thermal, battery, and energy management system components; inverters, access roads, distribution, collection, and feeder lines; wire and cables, conduit; footings; foundations; towers; poles; guy lines and anchoring systems; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communication, and radio delay systems, and telecommunication equipment; utility lines and installations; and accessory equipment. Accessory Use BESS is an accessory energy storage facility incidentally subordinate to the principal use of the property. For Principal Use Off-Site BESS refer to the Renewable Energy Overlay District Section 7a.03 – Battery Energy Storage Systems (BESS).

BED AND BREAKFAST ESTABLISHMENT: A building at which overnight accommodations and a morning meal are provided to transients for compensation. For the purposes of this ordinance, a Bed and Breakfast shall not be considered a short-term rental such as an Airbnb®, VRBO®, Booking.com®, or other similar service that specializes in the reservation and leasing of alternative lodging of furnished personal residential dwelling units for periods typically less than 30 days.

BEDROOM: A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.

BENEFIT, RECOGNIZABLE AND SUBSTANTIAL: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of a proposed development and use(s) including but not limited to the long-term protection or preservation of natural resources, natural features, historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; the reduction to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

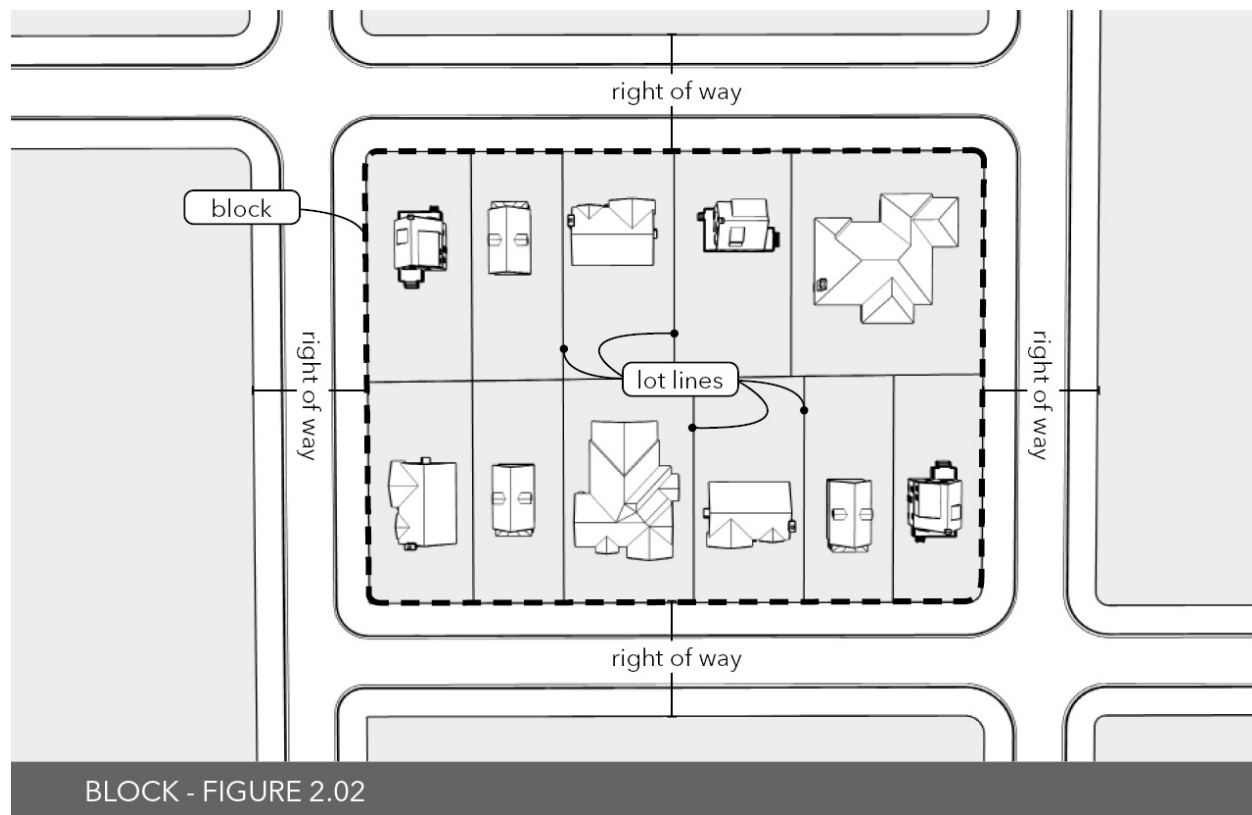
BERM: A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

BILLBOARD: See definition in Section 13a.01 – “Billboards.”

BIOFUEL PRODUCTION FACILITY: A facility that produces any renewable fuel product, whether solid or liquid, or gas, which is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol or biodiesel. Biofuel does not include methane or “natural gas” or any other fuel by-product from an anaerobic digester.

BLOCK: The property abutting one side of a road and lying between the two nearest intersecting roads (crossing or terminating); or between the nearest such road and railroad right-of-way, unsubdivided acreage, lake, river, or live (natural flowing)

stream; or between any of the foregoing and any other barrier to the continuity of development, or boundary lines of the municipality (see Figure 2.02).



BUFFER STRIP: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light, and related impacts from abutting properties, even if not in a separately established buffer strip, and may be so required by this Ordinance.

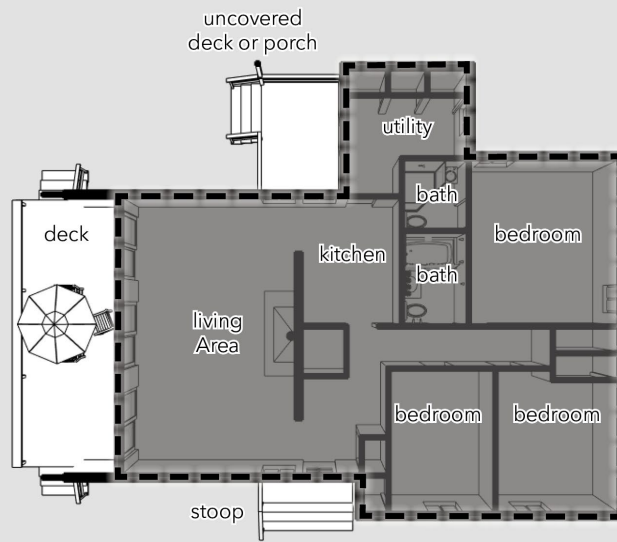
BUILDING: Any structure, either temporary or permanent, having a roof supported by columns, walls, or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. The definition includes but is not limited to mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

BUILDING ENVELOPE: The three-dimensional space within which a structure may be built on a lot and that is defined by the maximum height regulations and minimum yard setbacks.

BUILDING FOOTPRINT: The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building, exclusive of unroofed porches, terraces, patios, decks, steps, and awnings and nonpermanent canopies (see Figure 2.03).

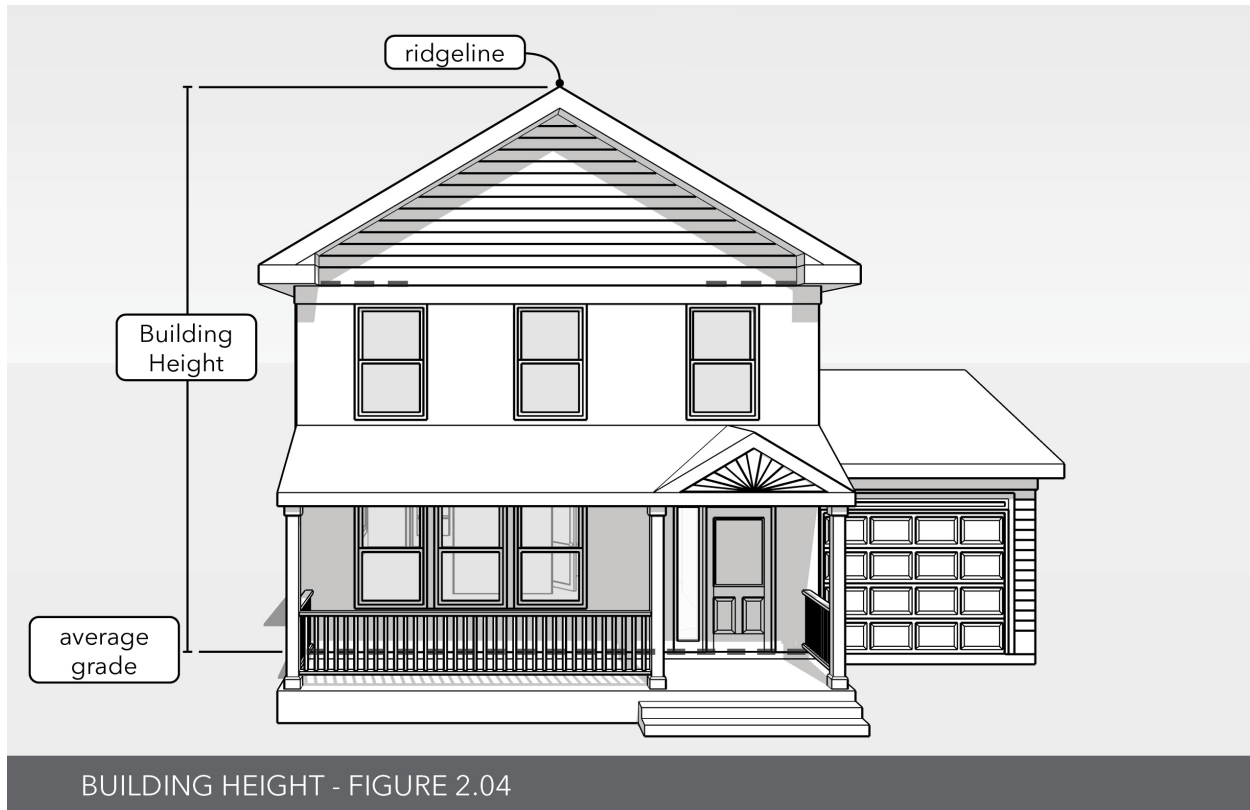
graphic notes:

the largest
floor level of
the building is
outlined by the
black dashed line;
this is the footprint



BUILDING FOOTPRINT - FIGURE 2.03

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, the building height is the vertical distance measured from the finished grade to the highest point of the roof surface. A cupola, widow's watch, or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. When the terrain is sloping, the ground level is measured at the wall line (see Figure 2.04).



BUILDING HEIGHT - FIGURE 2.04

BUILDING OFFICIAL: The Locke Township Building Official or their designee.

BUS STOP: A premises for the parking of motor-driven buses and the loading and unloading of passengers.

BUSINESS INCUBATOR FACILITY: An establishment or facility designed to accelerate the growth of entrepreneurial endeavors by providing access to physical space, equipment, working capital, or other common services to multiple users or tenants. Examples include but are not limited to co-working spaces, commissary or test kitchens, pop-up retail establishments, artist markets, and similar facilities.

Section 2.04 – “C”

CAMPGROUND: A lot under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units (see the definition of a “Recreational Unit” in Section 2.19 – “R”). Campgrounds with 5 or more campsites are regulated and licensed by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) per Part 125 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.12501-333.12546.

CAMPSITE: An area designated for the exclusive, temporary use of a single recreational unit (see the definition of a “Recreational Unit” in Section 2.19 – “R”).

CARPORT: A partially open structure, intended to shelter one or more vehicles. These may be attached or detached to the principal structure. Such structures shall comply with all yard requirements applicable to garages.

CEMETERY: Property, including crematories, mausoleums, and/or columbaria, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets (also known as pet cemeteries).

CERTIFICATE OF OCCUPANCY: A document signed by the Building Official as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the Michigan Building Code.

CHANGE OF USE: A use of a building, structure, or lot, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance.

CHILDCARE FACILITY: A facility other than a private residence, licensed by the Child Care Licensing Bureau (CCLB) a part of the Michigan Department of Lifelong Education, Advancement, and Potential (MiLEAP) in which one or more preschool or school-age children under the age of 13 years is given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. A childcare facility 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 described as a childcare center, daycare center, day nursery, nursery school, parent cooperative preschool, playgroup, or drop-in center. A childcare facility or daycare center does not include any of the following:

1. A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater 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 cared for not greater than four hours while persons responsible for the children are attending religious classes or 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.
5. A program that primarily provides therapeutic services to a child.

CHILDCARE HOME, FAMILY: 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 household. A Family Childcare Home includes a home in which care is given to an unrelated minor child for more than four weeks during the

calendar year. A Family Childcare Home includes a private home with increased capacity.

CHILDCARE HOME, GROUP: A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group Childcare Homes includes a home in which care is given to an unrelated minor child for more than four weeks during the calendar year. A Group Childcare Home includes a private home with increased capacity.

CITATION: A written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person cited.

COMPREHENSIVE PLAN or MASTER PLAN: The Locke Township Master Plan adopted pursuant to PA 33 of 2008, as amended.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A farm which has animals stabled or confined other than in grazing areas and fed for a total of 45 days or more in any given 12-month period and which contains more than the following numbers and types of confined animals:

1. 1,000 slaughter or feeder cattle.
2. 1,000 mature dairy cattle.
3. 1,000 swine each weighing more than 55 pounds.
4. 150 horses.
5. 3,000 sheep, lambs, or goats.
6. 15,000 turkeys or ducks.
7. 30,000 laying hens or broilers.
8. Or 300 animal units.

An "animal unit" is a unit of measurement of any animal feeding operation that is calculated by adding the following method: the number of feeder cattle multiplied by 1.0, plus the number of swine multiplied by 0.4, plus the number of chickens multiplied by 0.01, plus the number of turkeys multiplied by 0.02, plus the number of horses multiplied by 2.0, plus the number of dairy cattle multiplied by 1.4, plus the number of sheep and lambs by 0.1, plus the number of ducks multiplied by 0.20, plus the number of other livestock multiplied by 1.0 per 1,000 pounds of mature body weight.

CONTRACTOR'S OFFICE AND SHOWROOM: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used to advertise a business, product, or service.

CONTRACTOR'S SUPPLY FACILITY: A facility, offering a diverse range of hardware and related materials for retail sale, generally used in the maintenance, repair, or construction of buildings or other structures, primarily offered to contractors and similar persons employed in the building trades.

CONTRACTORS WAREHOUSE, FACILITY, OR STORAGE FACILITY OR YARD: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.

CONVALESCENT OR NURSING HOME: A nursing care facility, including a county medical care facility, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from an illness, injury, or infirmity, and which is licensed in accordance with Part 217 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21701-333.21799e.

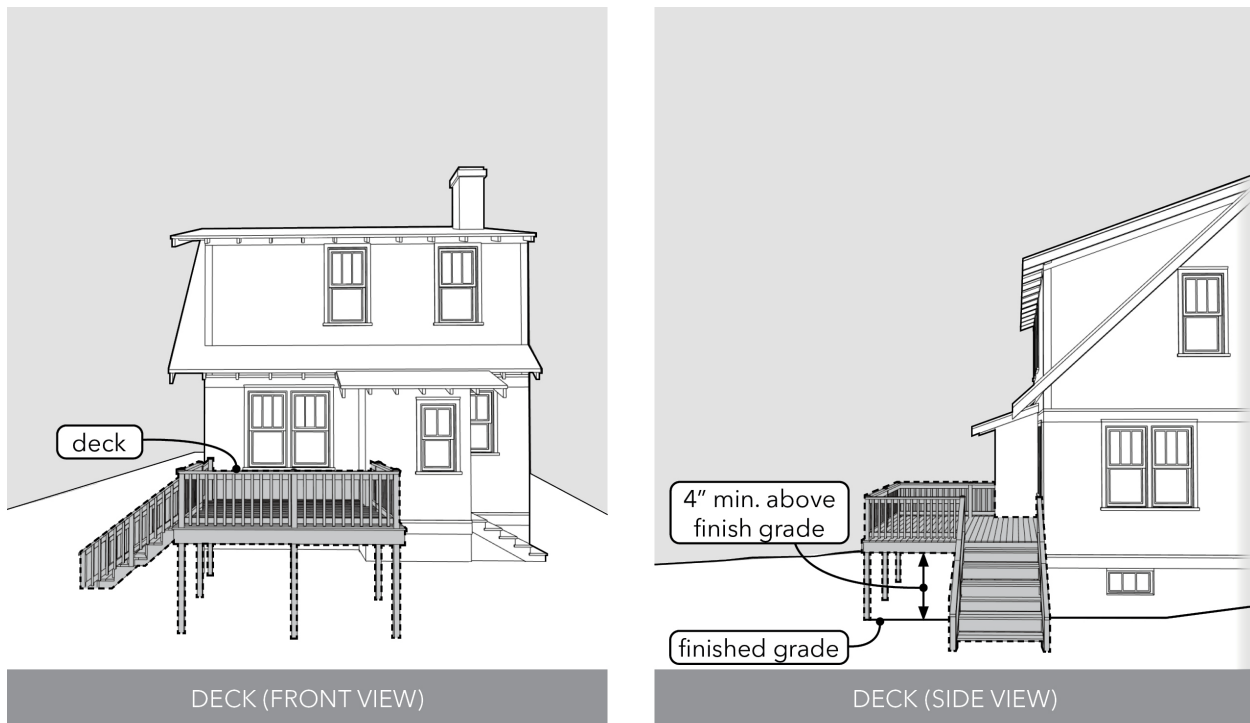
COMPENSATION: Money or other consideration given in return for services, or for the right to occupy or possess a property.

COUNSELING CENTERS: See “Professional Services Establishments.”

Section 2.05 – “D”

DAYCARE CENTER: See CHILDCARE FACILITY

DECK: An unroofed structure, generally with a pole or pier foundation, used for outdoor living purposes, which may or may not be attached to a building and that extends more than four inches above the finished grade (see Figure 2.05).



DECK - FIGURE 2.05

DEED RESTRICTION: A restriction on the use of a lot that is set forth in the deed and recorded with the County Register of Deeds that is binding on subsequent owners and is sometimes also known as a restrictive covenant.

DENSITY: The number of dwelling units situated on or to be developed on a tract of land.

DETACHED DWELLING: A dwelling that is not attached to any other dwelling by any means, such as shared walls or floors.

DEVELOPMENT: A lot with one or more structures and/or land uses.

DRIVE-THROUGH: A type of accessory service provided by a business that allows customers to purchase products or services without leaving their vehicles.

DRIVEWAY: A means of access for vehicles from a street or approved alley across a lot to a parking or loading area, garage, dwelling, or other structure or area.

DRY-CLEANING FACILITY: A facility used or intended to be used for cleaning of fabrics, textiles, clothing, and laundry. These facilities operate by immersing and/or agitation in solvents or other specialized industrial processes.

DWELLING: A building containing one or more dwelling units.

DWELLING, ACCESSORY UNIT (ADU): A secondary dwelling unit and accessory use established to be occupied by a parent, grandparent, or other family member of the owner/occupant in conjunction with and subordinate to the principal dwelling unit. Accessory Dwelling Units (ADUs) may exist as either part of the same structure as the principal dwelling unit, as a separate detached structure located on the same lot (i.e., standalone), or as a component of an existing detached accessory structure (e.g., garage).

DWELLING, MULTIFAMILY: A building containing three or more dwelling units, designed for occupancy of three or more families living independently of each other, often sharing a common corridor space from which the entrances for each unit are accessed.

DWELLING, SINGLE-FAMILY: A dwelling unit designed for occupancy by one family.

DWELLING, THREE-FAMILY: A multifamily building containing only three dwelling units designed for occupancy by three families living independently of each other; also known as a triplex.

DWELLING, TWO-FAMILY: A building containing only two dwelling units designed for occupancy by two families living independently of each other; also known as a duplex.

DWELLING UNIT: A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking, and sanitation.

Section 2.06 – “E”

EASEMENT: A duly recorded interest in land that entitles its holder to the limited use of another's property for a specified purpose.

EDUCATIONAL FACILITY: A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels, or colleges or

universities, in the branches of learning and study required to be taught in the public schools of Michigan.

EFFICIENCY UNIT: A dwelling unit consisting of one room and having such facilities as a kitchen, closets, bathrooms, and hallways in or immediately adjoining such room, also known as a “studio unit.”

ENCLOSED BUILDING AREA: An area of space that is enclosed with a roof, walls, and a flooring surface either at, above, or below grade. (see WALL)

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems; collection, telephone, communication, supply or disposal system; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, convenience or welfare of the public, but not including towers, or office buildings, substations, or structures which are enclosures or structures for service equipment, or maintenance depots.

EVENT CENTER (WEDDING BARN): One or more existing agricultural buildings originally constructed for bona fide agricultural purposes and may be presently part of a functioning farm or may be remaining buildings following the cessation of farming activities, that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions including, but not limited to, meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, and reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural building(s) for event center or wedding barn activities, kitchen facilities for preparation of catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

Section 2.07 – “F”

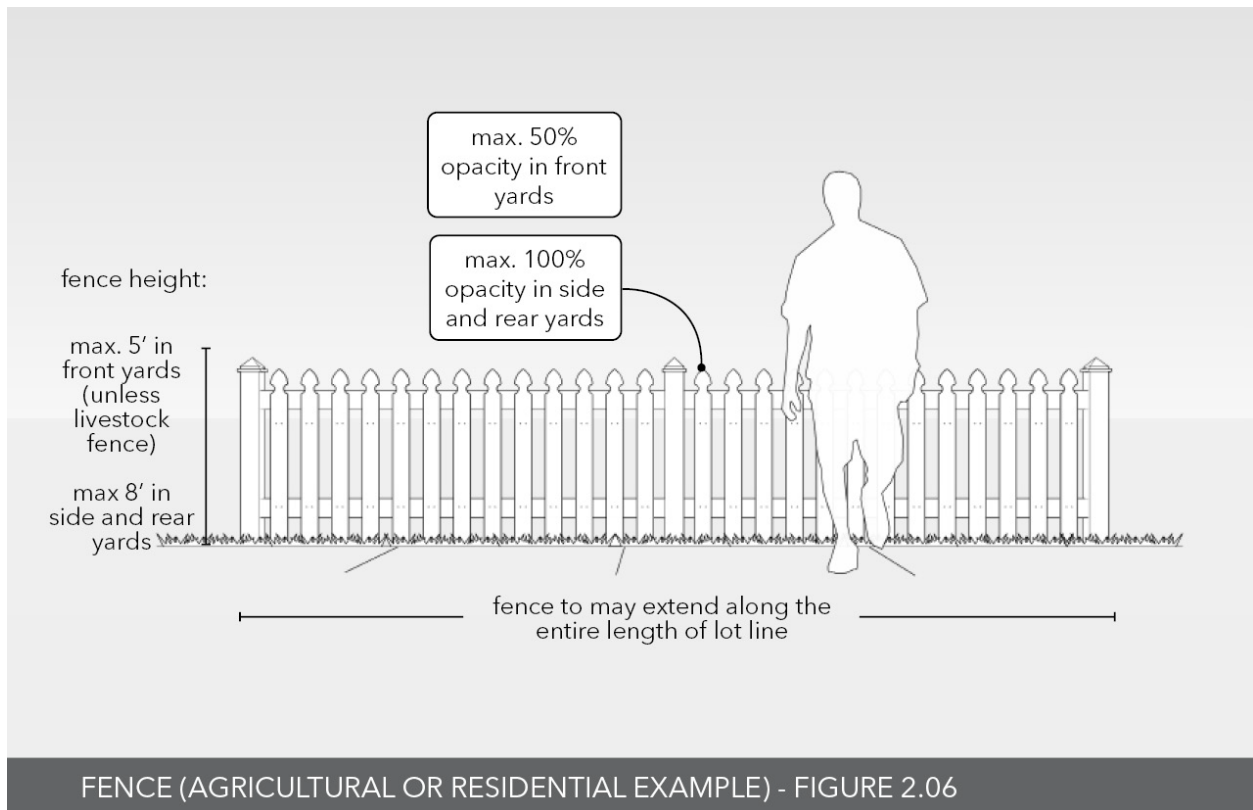
FAMILY: One or more persons, occupying a single dwelling unit, all related by blood, legal adoption, or marriage, and not more than three other persons; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. The term “family” 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 or other similar determinable period of time.

FARM OR FARMLAND: Farm or Farmland per Part 362 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), as amended, MCL 324.36201, means 1 or more of the following:

1. A farm of 40 or more acres in 1 ownership, with 51% or more of the land area devoted to an agricultural use.
2. A farm of 5 acres or more in 1 ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use, which has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set-aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
3. A farm designated by the department as a specialty farm in 1 ownership that has produced a gross annual income of \$2,000.00 or more from an agricultural use. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of Cervidae (deer, elk, moose, etc.), pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.
4. Parcels of land in 1 ownership that are not contiguous, but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as farmland may be included in an application under this part.

FARM MARKET: A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the farm market. Fresh products as well as processed products may be sold at the farm market. At least fifty percent (50%) of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty percent (50%) of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap used in maple syrup, strawberries used in strawberry jam, etc. Farm Markets are subject to the Michigan Department of Agriculture and Rural Development (MDARD) Generally Accepted Agricultural Management Practices (GAAMPs), as amended.

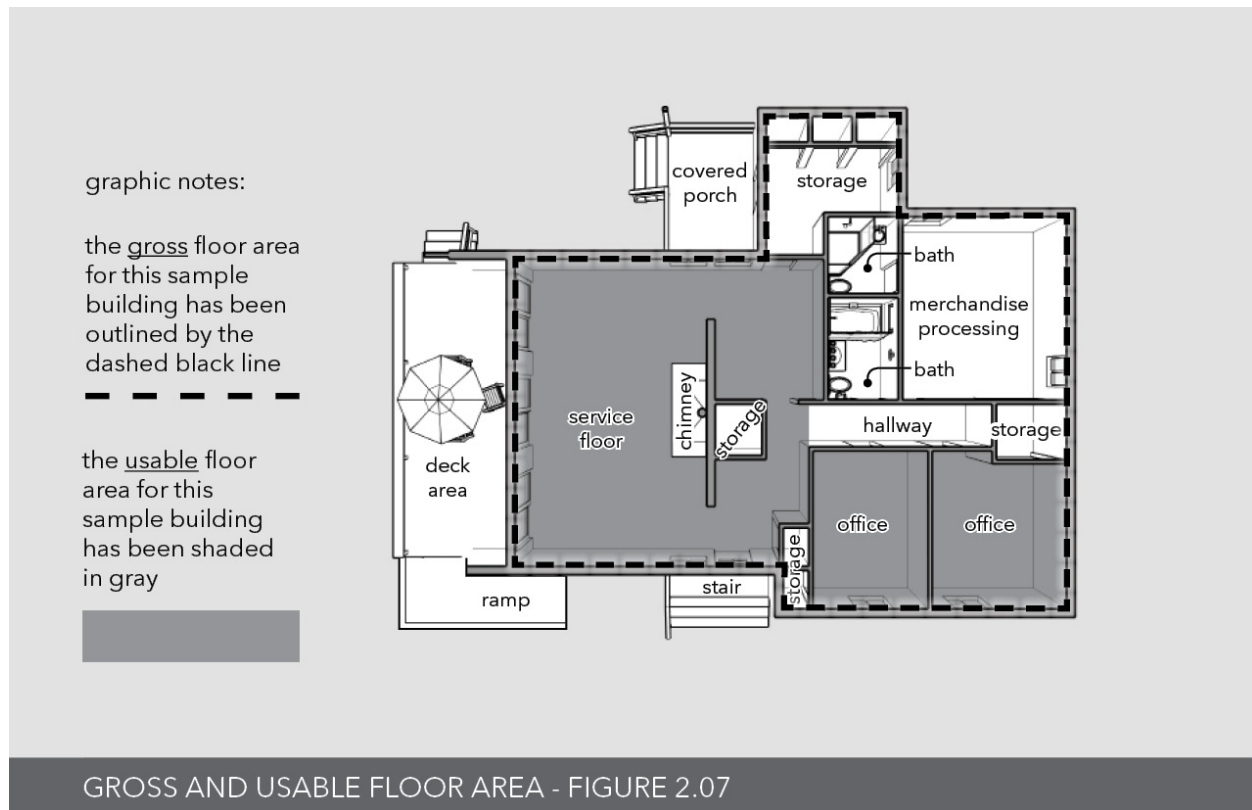
FENCE: An accessory structure artificially constructed as a barrier and made of wood, metal, stone, brick, or various manufactured materials, which is usually erected for the enclosure of yard areas (see Figure 2.06).



FINANCIAL INSTITUTION: An establishment where the principal business involves the provision of financial and banking services to consumers or clients, such as banks, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

FLOODPLAIN: The land area that will be inundated by the overflow of water resulting from a 100-year flood (a flood which has a 1% chance of occurring any given year).

FLOOR AREA, GROSS: The sum of the horizontal areas of all floors of a building or an addition to an existing building, measured from the exterior faces of the exterior walls (see Figure 2.07).



FLOOR AREA RATIO (FAR): The measurement gross floor area of the horizontal areas of all floors of a building in relation to the total size of the lot the building is located on. Floor Area Ratio is calculated as:

$$\text{Total (Gross) Floor Area on All Floors} / \text{Total Lot Area} = \text{Floor Area Ratio (FAR)}$$

The floor area ratio is used to control the total building density or intensity. The higher the floor area ratio, the higher the allowable floor area on the lot.

FLOOR AREA, USABLE: That area used for, or intended to be used for, the sale of merchandise or services, or for the service of patrons, clients, or customers, but not including floor area used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, janitorial services, utilities, or sanitary facilities. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls (see Figure 2.07).

FUEL STATION: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, which may include the sale and installation of minor accessories and services, but not including major automobile repair.

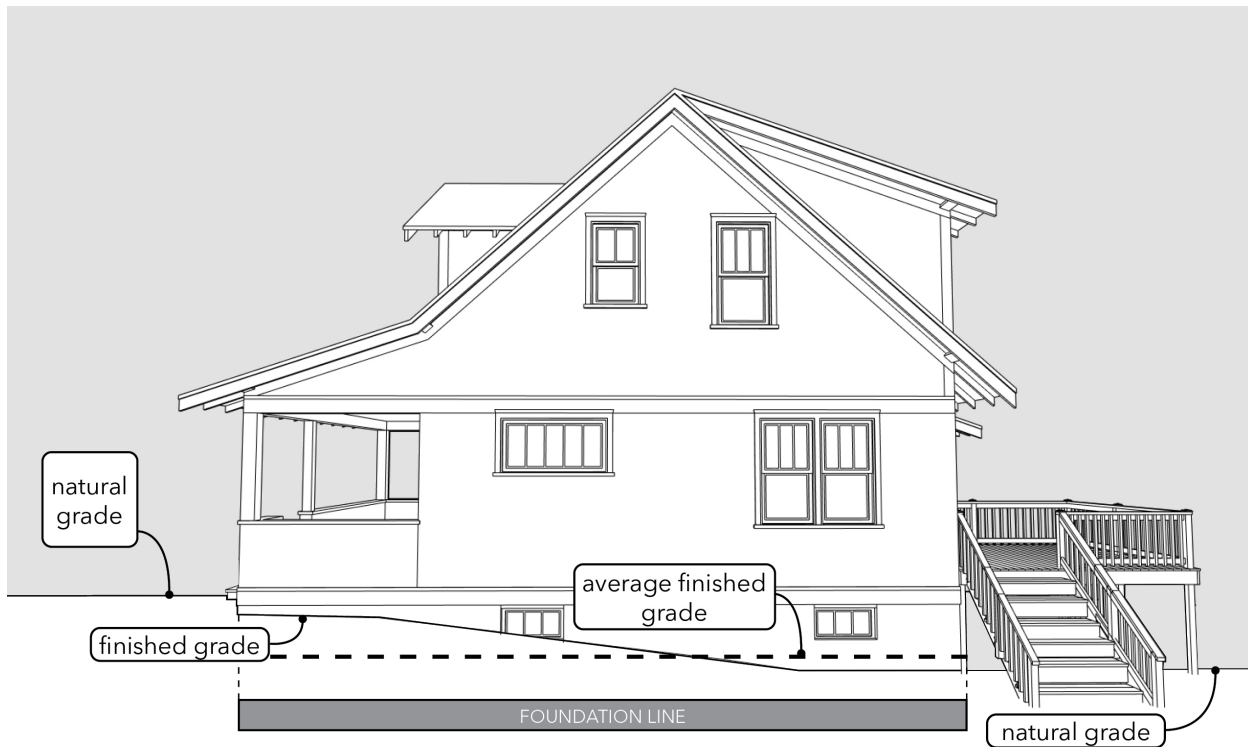
FUNERAL HOME OR MORTUARY: A facility used for the preparation of the deceased for burial and visitation and the conduct of memorial and funeral services.

Section 2.08 – “G”

GARAGE, PRIVATE: An accessory building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, motor

homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

GRADE, AVERAGE FINISHED: The arithmetic mean of the finished grade at the highest point within two feet of any exterior corner of a building and the lowest point within two feet of any exterior corner of a building. For the purposes of this Ordinance, the term “average grade” shall mean average finished grade (see Figure 2.08).



GRADE - FIGURE 2.08

GRADE, AVERAGE NATURAL: The arithmetic mean of the natural grade at the highest point within two feet of any exterior corner of a building or proposed building and the lowest point within two feet of any exterior corner of a building or proposed building.

GRADE, FINISHED: The elevation of the ground after all earthwork associated with the construction of a building has been completed (see Figure 2.08).

GRADE, NATURAL: The elevation of the ground undisturbed by development or, if the lot has already been developed, by redevelopment (see Figure 2.08).

GREENHOUSE, COMMERCIAL: Land, or portion thereof, including a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

GREEN SPACE: An area of a lot that is covered by a permeable surface.

Section 2.09 – “H”

HAZARDOUS SUBSTANCE: means one of the following:

1. A chemical or other material that is or may become injurious to the public health, safety, or welfare or the environment.
2. “Hazardous substance” as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
3. “Hazardous waste” as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
4. “Petroleum” as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

HEALTH CLUB: A facility where members or nonmembers use equipment or space for the purpose of physical health and wellness.

HEIGHT, BUILDING: see BUILDING HEIGHT

HOME FOR THE AGED: A supervised personal care facility at a single address, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 55 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home per Part 213 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21301-333.21335.

HOME OCCUPATION: An occupation or profession customarily carried on by an occupant of a dwelling unit as an accessory use, which is clearly incidental and secondary to the use of the property for residential purposes (see Sec. 10.25 for Class 1 Home Occupations and Sec. 11.03.24 for Class 2 Home Occupations)

HOSPICE FACILITY: An inpatient facility per Part 214 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21401-333.21420, providing palliative care and related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices, which are an integral part of the hospice facility.

HOSPITAL: A facility per Part 215 of the Michigan Public Health Code (PA 368 of 1978), as amended, MCL 333.21501-333.21571, offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring daily direction and supervision of a physician. A hospital does not include a mental health hospital licensed or operated by the Michigan Department of Health and Human Services or a hospital operated by the Michigan Department of Corrections.

HOTEL OR MOTEL: A building or group of buildings, whether detached or in connecting units, used as temporary individual sleeping units designed primarily for travelers. The term hotel or motel shall include buildings designated as auto courts, hotels, motels, tourist courts, motor courts, motor hotels, and similar appellations. A hotel shall not be considered or construed to be a multifamily dwelling or a bed and breakfast. Hotels may include restaurants, conference centers, meeting spaces, ballrooms, banquet halls, retail shops, and other similar accessory uses.

Section 2.10 – “I”

IMPROVEMENTS: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, buildings, structures, parking areas, and landscaping.

INSTITUTIONAL FACILITIES: A nonprofit or quasi-public facility such as a religious institution, library, museum, public or private school, or government-owned or government-operated structure used for a public purpose.

Section 2.11 – “J”

JUNK: Any machinery, appliances, products, or similar items that are broken, damaged, deteriorated, discarded, or inoperable. The definition of “junk” also includes scrap metal, rubbish, refuse, trash, and other waste or scrap materials. Further, obsolete or scrap equipment and parts (such as batteries, photovoltaic modules, wiring, inverters, transformers, turbine blades, nacelles, gearboxes, lighting, etc.) from large-scale solar, wind, or battery energy storage facilities.

Inoperable or abandoned motor vehicles which are not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days, unless it is actively in the process of rehabilitation as an antique car, and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 30 days and which is not in a completely enclosed building is also defined as “junk.” The definition of “junk” does not include domestic refuse if stored so as not to create a nuisance and is 30 feet or more from any residential structure for a period not to exceed 7 days.

JUNK OR SALVAGE YARD: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, sorted, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile salvage yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk. In no instance shall a junk or salvage yard be used for the storage or disposal of renewable energy waste, including obsolete, inoperable, damaged, or scrap components from solar, wind, or battery energy storage facilities. Per Section 11.03.14, the disposal or permanent storage of such materials is prohibited on any parcel within Locke Township. Short-term staging and storage of these components are permitted during active assembly or decommission as specifically authorized in Article 7.

Section 2.12 – “K”

KENNEL, COMMERCIAL: Any lot or premise on which five or more dogs, cats, or other household pets four months of age or older are either permanently or temporarily boarded for remuneration, breeding, training, transfer, or for sale purposes. This shall include animal daycare facilities.

Section 2.13 – “L”

LOADING SPACE: An off-street space for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LODGING RENTAL: A lodging unit secured for transient or temporary occupancy for compensation, which may include but is not limited to daily fees for a hotel room, motel room, or bed and breakfast room.

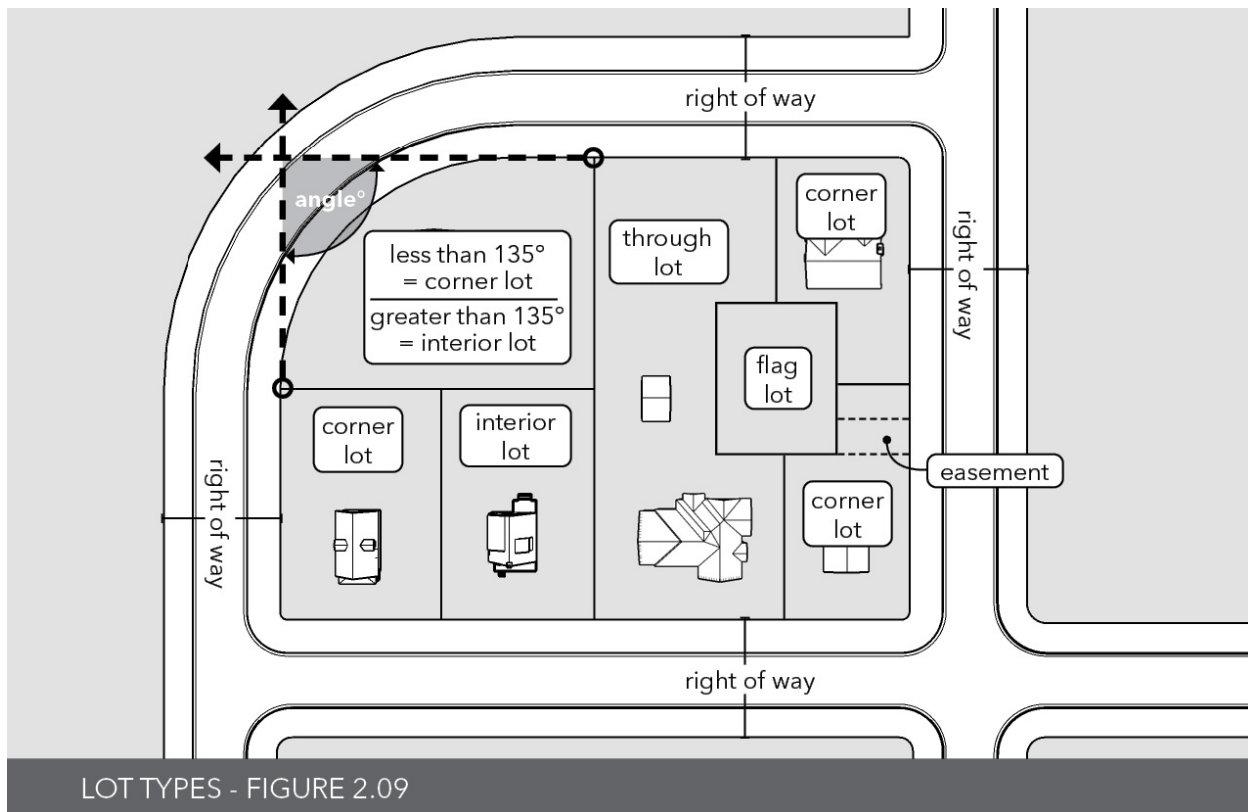
LANDSCAPING MATERIALS OR NURSERY: A space, building, structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. This does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

LANDSCAPING STRUCTURE: A structure intended as exterior decoration for personal enjoyment, often associated with plantings, gardening, relaxation, permanent outdoor firepits, or permanent outdoor fireplaces, or a permanent barbeque which are open to the sky or contain some sort of chimney covering, and do not support either a floor or a closed roof to a defined principal or accessory structure. Examples include but are not limited to an arbor, gateway arbor, shade arbor, trellis, retaining wall, raised garden bed, ornamental fence post, pillar, monument or statue, permanent outdoor fireplace, permanent outdoor firepit, or permanent outdoor barbeque.

LIVESTOCK: Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

LODGING UNIT: A hotel, motel, or bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Additionally, any residential dwelling unit rented for a period of less than 48 hours, or offered or advertised as a daily rental, shall be considered a lodging unit, and its use shall not be classified as a residential use.

LOT: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage, and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township. A lot may or may not be specifically designated as such on public records. A lot may consist of (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width or depth of any lot or parcel created including remainders be less than that necessary to comply with the requirements of this Ordinance (see Figure 2.09)

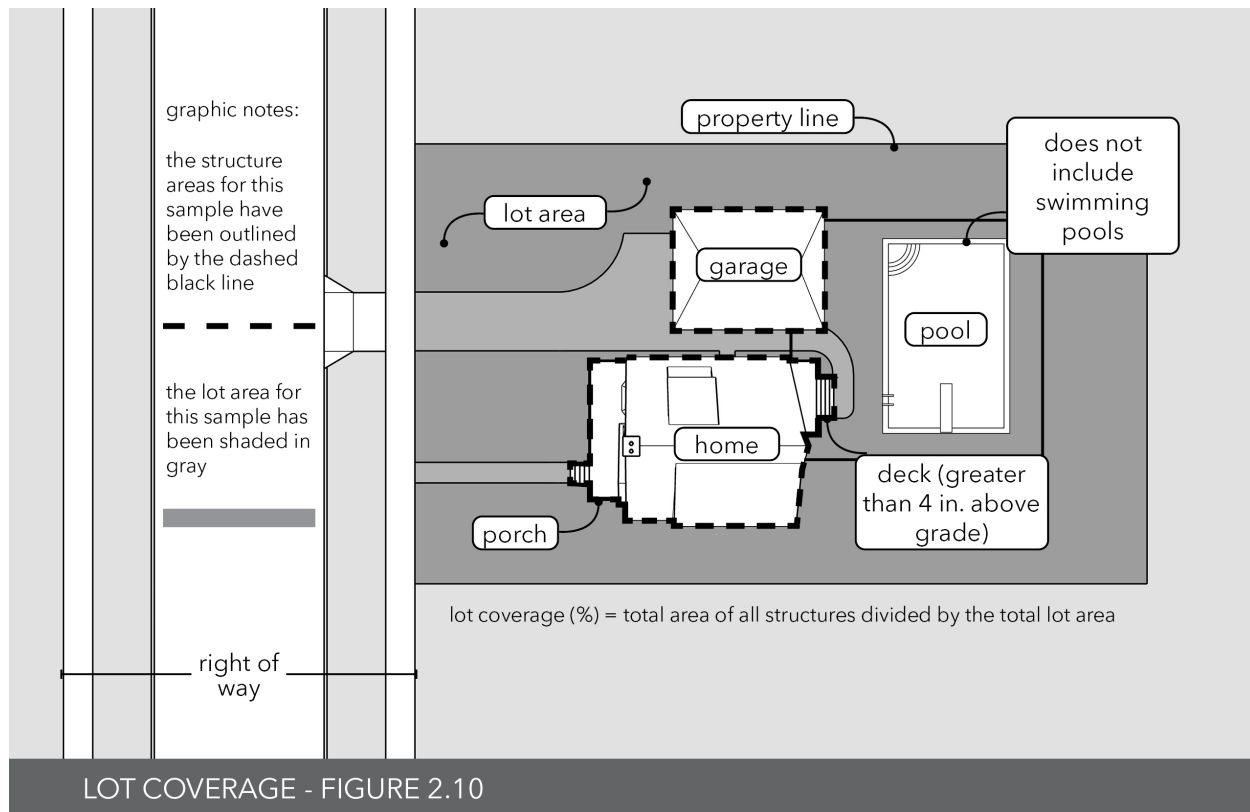


LOT TYPES - FIGURE 2.09

LOT AREA. The area within the boundary lines of the lot, but excluding that portion located within a public road right-of-way or private road easement, or the 100-year Flood Plain as established by the Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency (FEMA).

LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see Figure 2.09).

LOT COVERAGE: The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or fewer above the finished grade), patios or swimming pools. Lot coverage shall be measured from the foundation or the building wall, whichever is closer to the lot line (see Figure 2.10).



LOT DEPTH: The distance from the front lot line to the rear lot line measured at the midpoint between the side lot lines.

LOT FLAG: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property.

LOT FRONTAGE: The total continuous linear measurement that abuts or “fronts” an officially recorded road. When a lot fronts on two roads, also known as a corner lot, the frontage is determined by the continuous measurement that contains the least amount or “narrowest” linear frontage. For the purpose of determining yard requirements on through lots, all sides of a lot adjacent to the road shall be considered frontage and must maintain a front yard setback.

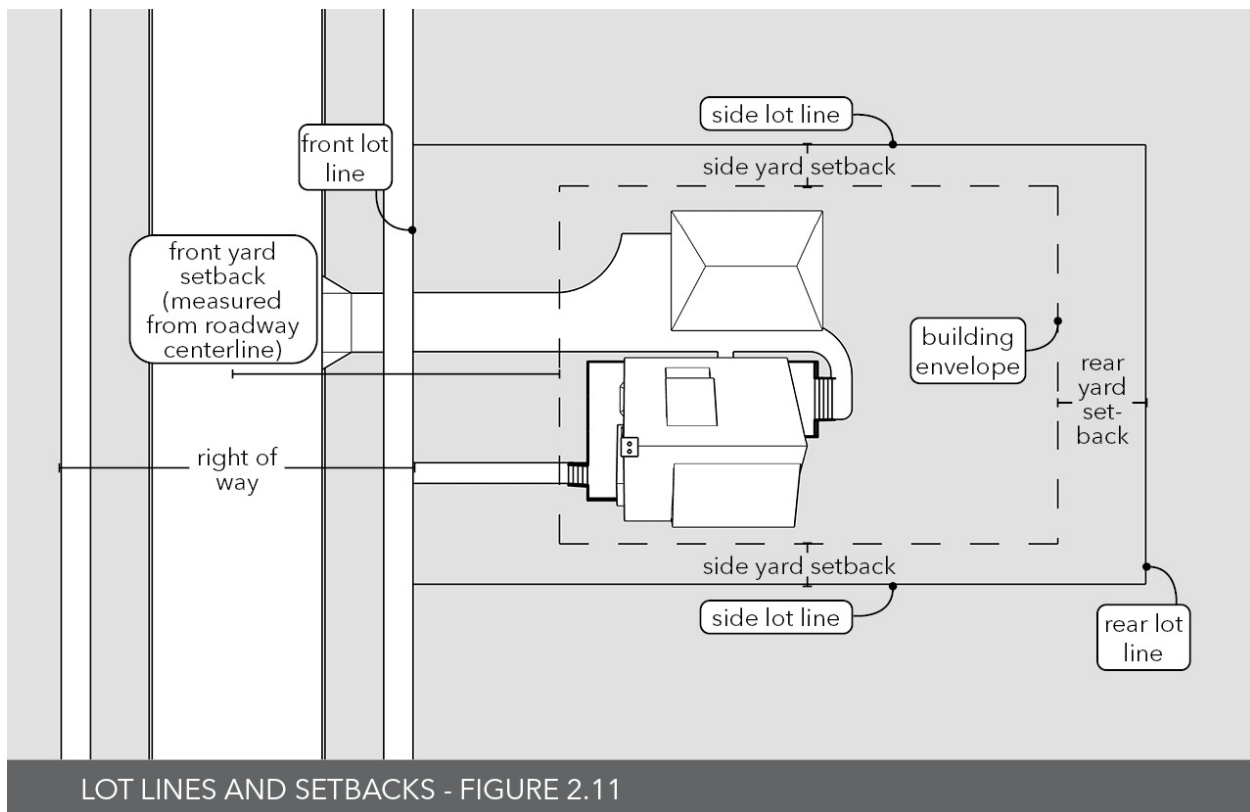
LOT, INTERIOR: Any lot other than a corner lot, which, except for a “through lot”, has only one lot line fronting on a street (see Figure 2.09).

LOT LINES: The lines bounding a lot as defined herein (see Figure 2.11):

1. **FRONT LOT LINE:** In the case of an interior lot, that line separating the lot from the public or private street. In the case of a corner lot, there shall be a primary front line and a secondary front lot line. The primary front lot line shall be determined by the frontage that contains the narrowest continuous linear distance and is often based on the property address, lot, and building orientation, and similar factors. The remaining front lot line(s) shall be considered secondary front lot lines. For a through lot, that line separating the lot from either street shall be the front lot line. In cases where none of these definitions are applicable or the front lot line is not apparent, the Zoning Administrator shall designate the front lot

line in consideration of the orientation of existing or proposed buildings, the property's address, the property's relationship to adjoining lots, and similar factors. All front lot lines are measured from the centerline of the street, less the road right of way width.

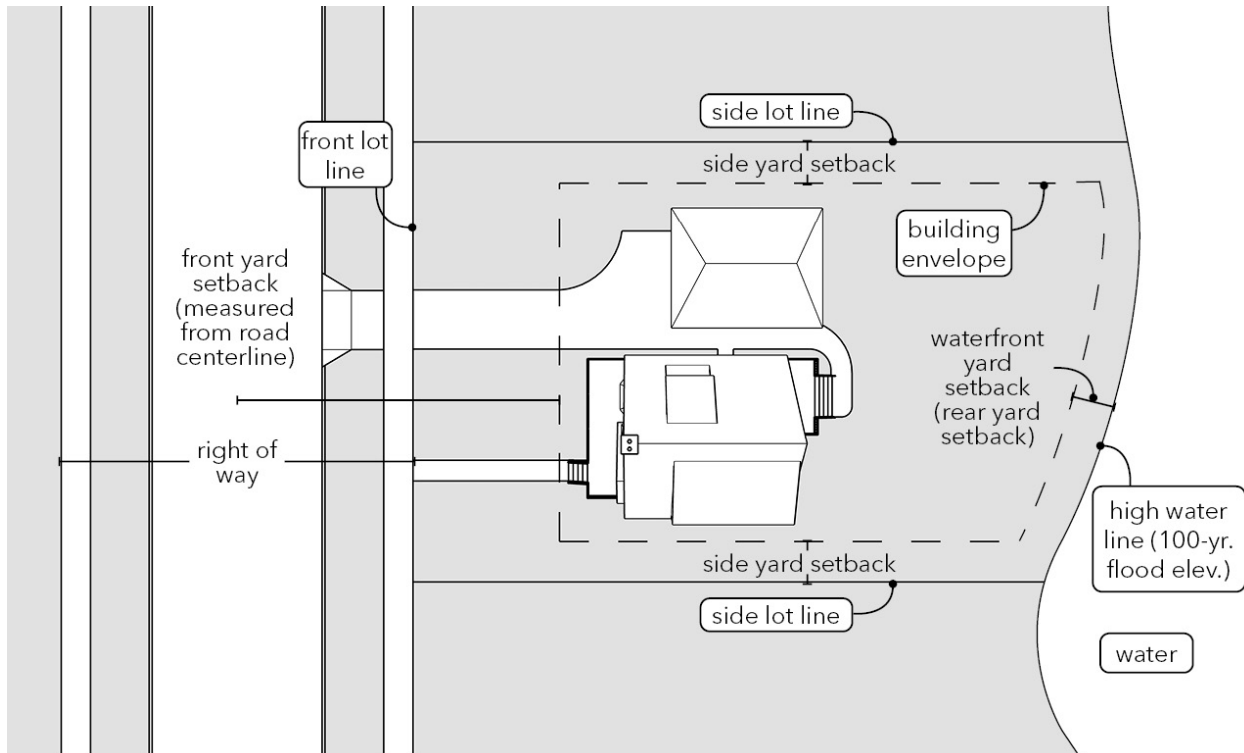
2. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of a corner lot, the rear lot line shall be opposite the primary front lot line. A through lot shall not have a rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot. In cases where none of these definitions is applicable or the rear lot line is unclear, the Zoning Administrator shall designate the rear lot line. In the case of a waterfront lot, the waterfront side shall be the rear lot line.
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line.



LOT OF RECORD: A lot which is part of a subdivision and is shown on a plat, or a parcel of land, the dimensions of which are shown on a document or map, or a parcel of land described by survey or metes and bounds which is the subject of a deed or land contract and, in all three cases, that was lawfully created and lawfully existing as of the original effective date of adoption of this Zoning Ordinance, as such lot was depicted and dimensionally configured on such date, and is on file with the County Register of Deeds, or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in a record of ownership separate from that of the remainder thereof.

LOT, THROUGH: Any interior lot having frontage on two more or less parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered front yards (see Figure 2.09).

LOT, WATERFRONT: A lot having a property line abutting the Waters of the State as defined in Part 91 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), as amended, MCL 324.9101. (see Figure 2.12).



WATERFRONT LOT - FIGURE 2.12

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

LOT, ZONING: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Section 2.14 – “M”

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

MAJOR THOROUGHFARE: A public road, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property.

MANUFACTURING, PROCESSING, OR ASSEMBLY FACILITY: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, combining of parts into finished products, or the sub-assembly of components for subsequent finishing on or principal use, usually in a continuous and regular action or succession of actions, including the assembling of component parts, the creation of products, blending of materials, and the packaging, shipping, and receiving of manufactured components.

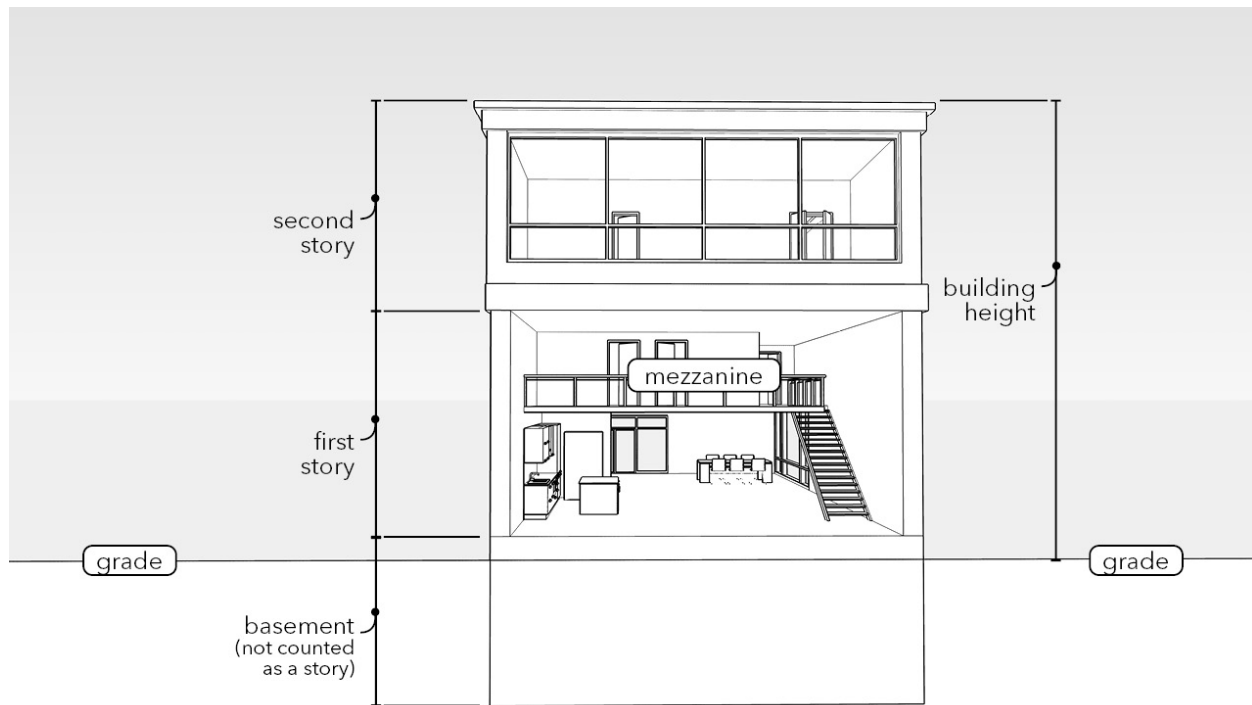
MANUFACTURING, PROCESSING, OR ASSEMBLY FACILITIES, HEAVY: A manufacturing, processing, or assembly facility where the activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter, or explosive materials needed for the manufacturing process, or where the facility is reasonably expected to produce noise, dust, glare, odors, or vibration.

MASTER DEED: The document recorded as part of a condominium subdivision to which the approved bylaws and condominium subdivision and the condominium subdivision plan are attached as exhibits and incorporated by reference.

MASTER PLAN: The Locke Township Master Plan, as amended.

MEDICAL OR DENTAL OFFICE: A facility in which medical, health, dental, and related providers maintain offices and provide services to patients on an outpatient basis.

MEZZANINE: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story (see Figure 2.13).



MEZZANINE - FIGURE 2.13

MINI-STORAGE: A building or group of buildings that contain individual compartmentalization and controlled access stalls or lockers for the storage of a customer's personal goods or wares which are generally not used on a daily basis, including recreational vehicles and watercraft.

MINERAL: Any ore or material to be mined, drilled, or excavated from the natural deposits on or in the Earth for its metallic or nonmetallic material content.

MINERAL MINING AND EXTRACTION: Is the process of removing and managing valuable natural resources from the earth's surface or subsurface to generate a reasonable profit for industrial, energy, or commercial use. This comprehensive operation includes exploration, excavating, drilling, and blasting, as well as the processing, sorting, and transportation of materials from the site.

MOBILE FOOD VENDING: Vending, serving, or offering food or beverages for sale from a mobile food vending unit, along with ancillary sales of branded items consistent with the food or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant, or organization engaged in mobile food vending.

MOBILE FOOD VENDING UNIT: A vehicle or other structure (e.g., a cart or trailer) equipped to create, prepare, store, or package food from which the operator vends, serves, or offers food for sale at a given location for more than ten minutes at a time. This term is intended to include the vendors commonly referred to as "food trucks," as well as other similar types of mobile vendors. The term "mobile food vending unit" shall not include coffee, frozen dessert, or ice cream trucks or other similar vehicles that

move from place to place and are stationary in the same location for no more than ten minutes at a time.

MOBILE FOOD VENDOR: Any individual, company, restaurant, or organization operating a mobile food vending unit.

MOBILE HOME OR MANUFACTURED HOME: A structure, transportable in one or more sections, is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include campers, travel trailers, motor homes, modular homes, recreational vehicles, recreational units, converted buses, tent trailers, or other transportable structures designed for temporary use.

MOBILE HOME PARK OR MANUFACTURED HOUSING COMMUNITY: A lot under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MODULAR (PRE-MANUFACTURED) HOUSING UNIT: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

MUNICIPAL CIVIL INFRACTION: An act or omission that is prohibited by this Ordinance that is not a misdemeanor or crime under this Zoning Ordinance or any other Ordinance of the Township and for the punishment of which civil infractions, including, but without limitation, fines, damages, expenses, and costs may be order pursuant to Chapter 87 of the Revised Judicature Act (PA 236 of 1961, as amended).

MUNICIPAL MAINTENANCE GARAGE: A municipally owned building or structure located thereon, used or intended to be used by any municipal department for the storage, service, or maintenance of public equipment or vehicles, including related improvements such as a parking lot for parking vehicles or automobiles to serve a public purpose.

Section 2.15 – “N”

NONCONFORMING STRUCTURE: A structure or portion thereof that does not conform to the provisions of this Ordinance in the district in which it is located.

NONCONFORMING LOT: A lot that does not conform to the area, width, or other dimensional provisions of this Ordinance in the district in which it is located.

NONCONFORMING LOT OF RECORD: A lot lawfully created and lawfully existing at the effective date of this Ordinance that does not conform to the area and/or dimensional provisions of this Ordinance in the district in which it is located.

NONCONFORMING USE: A use that does not conform to the use provisions of this Ordinance in the district in which it is located.

NUISANCE: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

NURSING HOME: See “Convalescence or Nursing Home”

Section 2.16 – “O”

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, to provide access for entrance and exit for the parking of more than three vehicles.

OPEN-AIR BUSINESS: A business where the goods offered for sale are displayed outside a building. Buildings on the property shall be incidental and used for office space only. This definition does not include seasonal or temporary open-air businesses as regulated in Section 11.03.22.

OPEN SPACE, COMMON: An area of land in a development, the use of which is limited to landscaping, conservation, or recreational purposes and that is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development, or by others if authorized by this Ordinance or other municipal action.

OPEN SPACE, DEDICATED: Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed in perpetuity.

OPEN SPACE PRESERVATION: The Township shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the zoning ordinance, but not more than 50%, that could otherwise be developed, as determined by the Township under existing ordinances, laws, and rules on the entire land area, if all the following apply:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. A percentage of the land area specified in the zoning ordinance, but not less than 50% for a county or township, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon the extension.

4. The option provided under this subsection has not previously been exercised with respect to that land.

OUTDOOR BARBEQUE (PERMANENT): An outdoor structure that has been permanently constructed or affixed to a foundation or pad, which may be solid fuel or gas burning, and constructed of steel, concrete, clay, or other noncombustible material. A permanent outdoor barbeque may be open in design or may be equipped with a removable or retractable covering of noncombustible material. An outdoor barbeque is used for the private use of the property owner or the property owner's guests for cooking food for consumption.

OUTDOOR FIREPLACE (PERMANENT): An outdoor structure that is solid fuel or gas burning that has been permanently constructed out of steel, concrete, clay, or other noncombustible material. An outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening at the top. A permanent outdoor fireplace is intended for the private use of the property owner or the property owner's guests for recreational enjoyment.

OUTDOOR STORAGE: The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junkyards.

OUTDOOR STORAGE FACILITY OR YARD: A facility or storage yard in which the outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junkyards.

OWNER: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Section 2.17 – “P”

PARCEL: A lot legally described by metes and bounds or legally described in a plat. A site condominium does not contain a “parcel,” but each condominium unit is considered an individual lot, as defined in the Michigan Condominium Act (PA 59 of 1978, as amended).

PARK: A tract of land, building, or structure used for recreational purposes, including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure-time activities.

PARKING LOT OR PARKING AREA: An off-street open area for the parking of automobiles, whether for compensation or not, or as an accommodation for clients, customers, visitors, or employees. A parking area shall include access drives within the actual parking area.

PARKING SPACES: An area of definite length and width used for the parking of a motor vehicle excluding drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERMANENT FOUNDATION: A foundation for a structure that includes all frost-free foundations as regulated by the building code, as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend down below the frost-free line.

PERSON: Means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.

PERSONAL SERVICE ESTABLISHMENT: A business or use that provides routine and common service to the public, including, but not necessarily limited to, barber shops, hair salons, dry cleaners, tailors, shoe repair, and craftsman, including the sale of products incidental to the principal service-oriented use.

PHARMACY OR MEDICAL SUPPLY SALES FACILITY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, medical equipment and supplies, and related items.

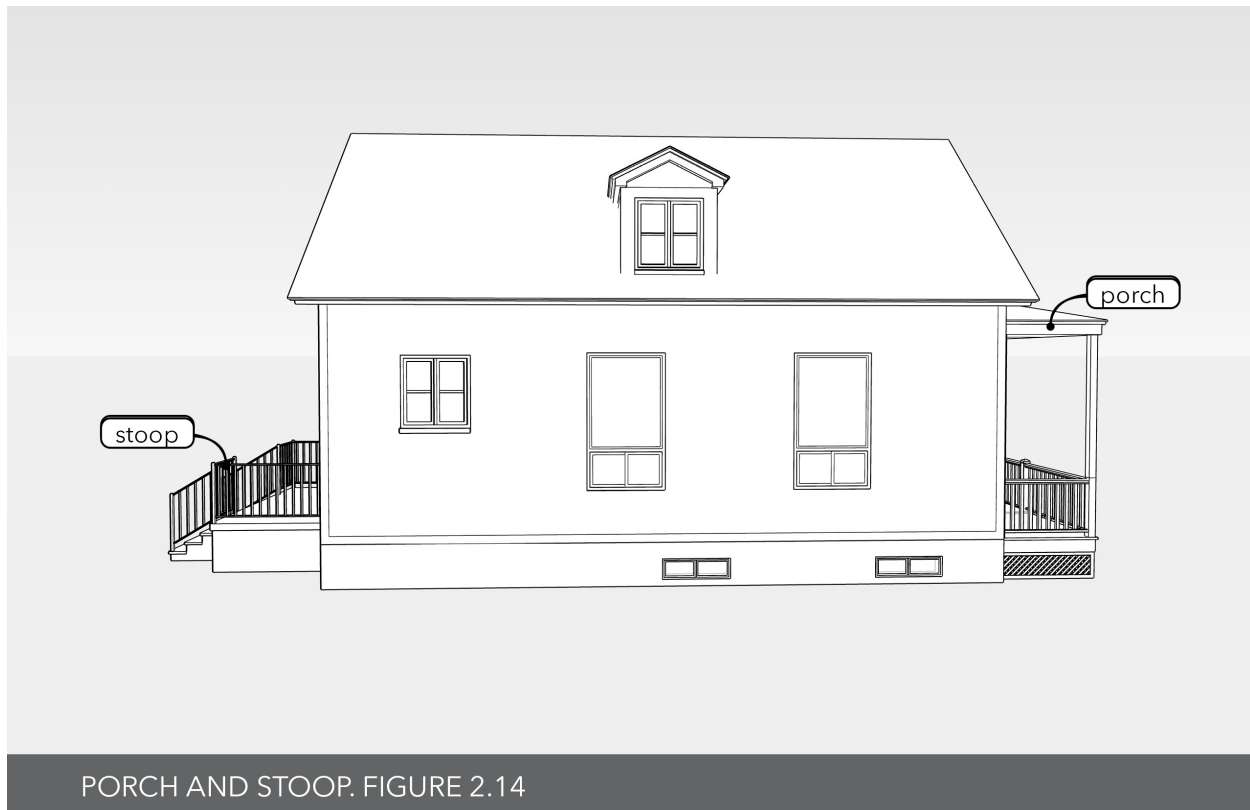
PLACE OF PUBLIC ASSEMBLY: Buildings, structures, and grounds, including theaters, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls, and other similar facilities intended for commercial or non-commercial entertainment, instruction, or similar activities involving assembled groups of people numbering 30 or more.

PLACE OF WORSHIP: Buildings, structures, and grounds intended specifically for a place of worship involving assembled groups of people.

PLANNED UNIT DEVELOPMENT: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space, and other land uses as provided in this Ordinance.

PLAT: A subdivision of land recorded with the County Register of Deeds pursuant to Michigan Land Division Act, PA 288 of 1967, as amended (MCL 560.101 *et seq*), or a prior statute.

PORCH: A roofed open structure, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50% (See Figure 2.14).



PORCH AND STOOP. FIGURE 2.14

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

PRINCIPAL USE: The primary or predominant use of any lot.

PRIVATE CLUBS OR LODGES: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics, or the like, and open only to members and not to the general public.

PRIVATE ROAD or PRIVATE STREET: A private way or means of approach, other than an alley, providing access to two or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated to general public use.

PRIVATE RECREATION FACILITIES, INDOOR: A permanent building containing facilities for indoor recreational activities, such as climbing, bowling, basketball, billiards, platform games, swimming, exercise rooms, handball, and similar activities.

PRIVATE RECREATION FACILITIES, OUTDOOR: A recreation facility primarily conducted outdoors and open to the public for a fee, such as golf courses, outdoor court sports, outdoor swimming or diving, field sports, hiking, and similar activities.

PROFESSIONAL SERVICE ESTABLISHMENT: Establishments of an executive, administrative, or professional nature, including but not necessarily limited to certified public accountants, engineers, chiropractors, dentists, osteopaths, physicians and

surgeons, podiatrists, chiropodists, architects, attorneys at law, physical therapists, and insurance agents.

PROHIBITED USE: A use of land which is not permitted within a particular zoning district and therefore is unlawful to establish.

PUBLIC FACILITIES: Public parks, administrative offices, fire, and police facilities, libraries, public or private museums, recreational centers, indoor and outdoor storage areas for materials, public equipment, and buildings for essential public services (including but not limited to electric substations, telephone substations, gas regulator stations).

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board, or commission, duly authorized to furnish and/or furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

Section 2.18 – “Q”

Reserved.

Section 2.19 – “R”

RECREATION CENTER: A publicly or privately owned business that is open to the public where meetings are held, sports are played, and activities are made available for diverse ages and capabilities.

RECREATIONAL UNIT: A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors, as defined by the Michigan Department of Natural Resources.

A recreational unit includes, but is not limited to, the following:

1. Travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
2. Camping trailer, which is a vehicular portable structure, mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
3. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
4. A truck camper, which is a portable structure built on a self-propelled motor vehicle chassis, is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. A truck camper, which is a portable structure designed to be loaded onto, or affixed to the bed or chassis of a truck, is constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two basic types:
 - A. Slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 - B. Chassis-mount camper, which is a portable structure designed to be mounted on a truck chassis and constructed to provide temporary living quarters for recreational, camping, or travel use.
6. Boats or other recreational units, which have the characteristics of the definition of recreational unit but are not listed above.

RECREATION USES: Miniature golf, go-carts, automobile or motorcycle tracks, amphitheatres, amusement, and water parks, air gun or survival games, batting cages, skateboard park, and similar uses, including accessory uses, such as, refreshment stands, retail shops selling related items maintenance buildings, office for management functions, spectator seating and service areas, locker rooms, and rest rooms.

REPAIR: The act of restoring something by replacing any part(s) of an existing building or structure for the purpose of maintenance and keeping the building or structure in safe working order. Repair is distinct from the full reconstruction or replacement of a building or structure that has been wholly removed or deconstructed. This exclusion holds true regardless of whether the removal was voluntary or necessitated by the building or structure becoming a hazard to public health, safety, and welfare.

RESEARCH, LABORATORY, OR PRODUCT TESTING FACILITY: An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

RESORT OR RETREAT CENTERS: A place typically of seasonal entertainment, recreation, and/or lodging. Resort lodging, if provided, may include hotels, motels, single- or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or combination thereof, as regulated by appropriate sections of the Ordinance and/or the State of Michigan.

RESTAURANT: An establishment where food is prepared and served for consumption on the premises, which may contain drive-through or carry-out services.

RESTORATION: The reconstruction or replication of an existing building's original architectural features. Restoration is often referred to as "historic restoration" and may be completed as a component of a historic preservation project.

RETAIL BUSINESSES: Businesses selling goods or commodities in small quantities directly to consumers. This definition does not include wholesale distributors.

RETREAT CENTER: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not with individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodation.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

ROAD: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Department or other public entity.

ROADSIDE STAND: A structure for the display or sale of agricultural products, with no space for customers within the structure itself. Roadside stands may constitute a lawful “farm market” as defined by the Michigan Department of Agriculture and Rural Development (MDARD) and follow the Generally Accepted Agricultural Management Practices (GAAMPs) for Farm Markets, as amended.

ROOF: An upper covering of a building that provides shelter, protection from weather elements, and structural support for the building. For the purposes of this Ordinance, trellises and pergolas shall not be considered roofs.

ROOF PITCH: The amount of slope of the roofline in terms of angle or other numerical measure; for example, one unit of vertical rise for three units of horizontal shelter is expressed as “1:3.”

Section 2.20 – “S”

SALES AND DISTRIBUTION FACILITY: An establishment devoted to the process of planning, implementing, and controlling the shipping, storage, and receiving of resources from distributors and suppliers.

SAWMILL: A facility of a permanent nature where trees and logs are cut, split, shaved, stripped, chipped, or otherwise processed to produce wood products, but not including the processing of timber for use on the same lot from which the owner of said lot cuts it.

SCREEN: To conceal from view; or a structure or landscape materials providing enclosure and a visual barrier between the area enclosed and adjacent properties and rights-of-way.

SEASONAL MOBILE HOME PARK: A lot under the control of a person upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed

pursuant to Sections 12501 to 12516 of the Public Health Code, PA 368 of 1978, being Sections 333.12501 to 333.12516 of the Michigan Compiled Laws.

SELF STORAGE / MINI WAREHOUSE FACILITY: A building that contains individual, compartmentalized, and controlled-access stalls of assorted sizes, leased or rented, on individual leases for seasonal recreational vehicles, boats for personal use, or other personal storage uses.

SENIOR HOUSING: A residential development consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as part of a wholly owned and managed development.

SETBACK, REQUIRED: The distance required to obtain the minimum front, side, or rear yard open space provisions of this Ordinance.

SHOOTING RANGE: Any indoor or outdoor recreation facility designed for and devoted to the shooting of firearms or archery equipment. Depending on the type of shooting range, such shooting range may also be commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, or archery range.

SHORT-TERM RENTAL: A dwelling unit, cabin, cottage, or house available for rent, lease, or use for habitation, accommodation, or lodging of guests, paying a fee or other compensation for less than 30 consecutive days and nights at a time. This definition includes Airbnb, rental cabins, room rentals, boarding houses, and similar arrangements.

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. House numbers, addresses, and nameplates not exceeding two square feet, and customary architectural features, including but not limited to crosses on church steeples, shall not be considered signs.

SITE CONDOMINIUM SUBDIVISION: Means a condominium subdivision that includes units with building envelopes or that grants the owner the right to construct a structure.

SITE PLAN: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A sketch plan depicts a subset of the information required by this Ordinance for a site plan (see Article 12).

SKETCH PLAN: A drawing showing the proposed placement of a new building, dwelling structure, or use, or an addition to a building, structure, or use on a lot.

SLOPE: The gradient, the rate of incline or decline, expressed as a percentage. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a slope of 25%.

SOLAR ENERGY SYSTEM, PRIVATE ACCESSORY-USE: An accessory solar energy system generating up to and including 1 Mega Watt Direct Current (MW DC) installed and used for the primary purpose of serving on-site uses and to provide power

for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be composed of or similar to the following: building-integrated photovoltaic systems ("BIPV"), ground-mounted solar energy collectors, solar-thermal, and/or building-mounted solar energy collectors.

SOLAR ENERGY SYSTEM FACILITY, UTILITY-SCALE: A commercial and/or utility principal-use solar energy system generating more than 1-Megawatt Direct Current for the primary purpose of utility-scale electricity generation exported directly through the electrical grid or exported to the wholesale market.

SPECIAL USE OR SPECIAL LAND USE: A use of land whose characteristics may create a nuisance or nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Article 11). Approval for establishing a special land use is indicated by the issuance of a Special Use Permit.

SPECIAL LAND 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 specifically permitted as a special land use pursuant to standards and procedures established in Section 11.01.

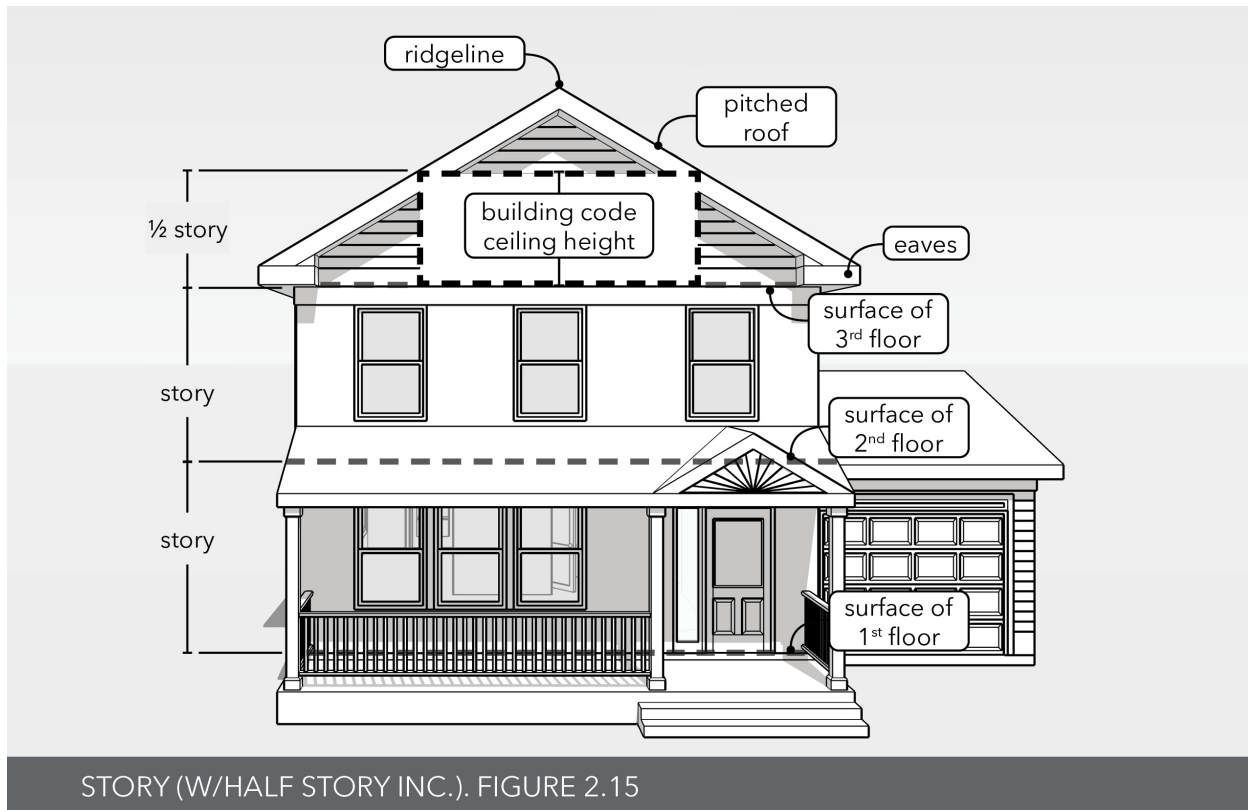
STABLE, COMMERCIAL: A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet the definition requirements of a private stable (see "Stable, Private"), as defined in this Ordinance.

STABLE, PRIVATE: An accessory structure and/or use where no more than twelve (12) horses are bred, reared, cared for, and/or boarded, irrespective of remuneration, and the keeping of such horses complies with the standards of Section 10.23 "Keeping of Animals." A private stable may provide riding lessons, but a private stable shall not be interpreted as to include a facility providing horse shows, rodeo shows, training exhibitions, or other activity typically categorized by gathering of spectators or observers.

STOP WORK ORDER: An administrative order, which is either posted on the property or mailed, or personally delivered to the property owner, which directs a person not to continue, or not to allow the continuation of an activity, which is in violation of this Ordinance or other applicable codes.

STORAGE, TRANSFER WAREHOUSE, OR SHIPPING FACILITY: A building used primarily for the storage, transfer, and shipping of goods and materials.

STORY: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story (see Figure 2.15).



STORY (W/HALF STORY INC.). FIGURE 2.15

STORY, HALF: No more than two habitable rooms situated wholly or partially within a sloping roof with knee walls no greater than three feet in height and a sufficient minimum room height of seven feet six inches (as defined by the Michigan Building Code) and of at least 200 square feet of floor area. An attic space that is used as a separate family dwelling unit, such as an accessory dwelling unit (ADU) shall be counted as a full story, not a half story (see Figure 2.15)

STREET: A publicly owned and dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURE: Anything fabricated, constructed, or erected, the use of which requires fixation or placement in, or attachment to something having location on the ground. For the purposes of this Ordinance, this includes but is not limited to all buildings, independently supported decks, satellite dishes, fences, and free-standing signs; but does not include in-ground swimming pools, at-grade porches, patios, steps, stairs, below-ground structures, anything lawfully in a public right-of-way including but not limited to utility poles, mailboxes, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities, utilities, and essential public services.

SUBDIVISION: The division of land into more lots for the purpose of sale or development, and subject to the platting requirements of the Michigan Land Division Act, (PA 288 of 1967, as amended) MCL 560.101 *et seq*, this Ordinance, and the requirements of the Locke Township Land Division Ordinance (Ordinance 1998-01).

SWIMMING POOL: Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. All coping, bullnose edges, paved deck or walkway, or cantilevered edges or walkways, or similar structures intended for access to the structure along the perimeter of the water shall be considered part of the swimming pool structure. Swimming pools are measured from the outermost edge of the pool structure as defined in this Article.

Section 2.21 – “T”

TEMPORARY DWELLING UNIT: A dwelling unit occupied continuously for less than six months of the year, or a dwelling unit occupied intermittently for less than 15 days of each month. A dwelling unit, which is occupied for more than 180 days per year, is not a temporary dwelling unit. A dwelling unit used to gain residency, as a mailing address, or for a homestead tax exemption is not a temporary dwelling unit.

TEMPORARY USE OR BUILDING: A use, building, or structure permitted by procedures established in this Ordinance, to exist during a specified time.

TRAVEL TRAILER: A recreational unit designed to be used for temporary residence purposes.

Section 2.22 – “U”

UNDERGROUND STORAGE TANK: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground.

UNDEVELOPED STATE: A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

USE: A purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Section 2.23 – “V”

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals.

VEHICLE: A motorized conveyance designed and intended for the purpose of moving people or goods.

VETERINARY CLINIC: A facility where animals are given medical care, and the boarding of animals is limited to short-term care incidental to the clinic's use, which may or may not include boarding or kennel facilities. Kennel facilities are those lots or premises on which four or more domestic animals, six months of age or older, are kept temporarily or permanently for the purposes of breeding, boarding, or sale. Small animal

clinics principally care for small domestic animals commonly kept as household pets such as, but not limited to, dogs, cats, fish, reptiles, rodents, or birds. Large animal clinics principally care for large domestic animals, such as livestock in addition to small domestic animals. Large clinic veterinarians may also remotely visit farms and agricultural facilities to care for livestock off site.

VICIOUS ANIMAL: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

Section 2.24 – “W”

WALL: An upright structure of building material, such as masonry, wood, or plaster, serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building. An exterior wall may contain openings for windows or doors.

WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

WAREHOUSING FACILITY: A use engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions dangerous to the general public.

WILD ANIMAL: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), rodents, any hybrid animal that is part wild, and captive- bred species of common cage birds.

WIND ENERGY SYSTEM FACILITY, UTILITY-SCALE: Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIRELESS COMMUNICATION ANTENNA: A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, cellular, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes.

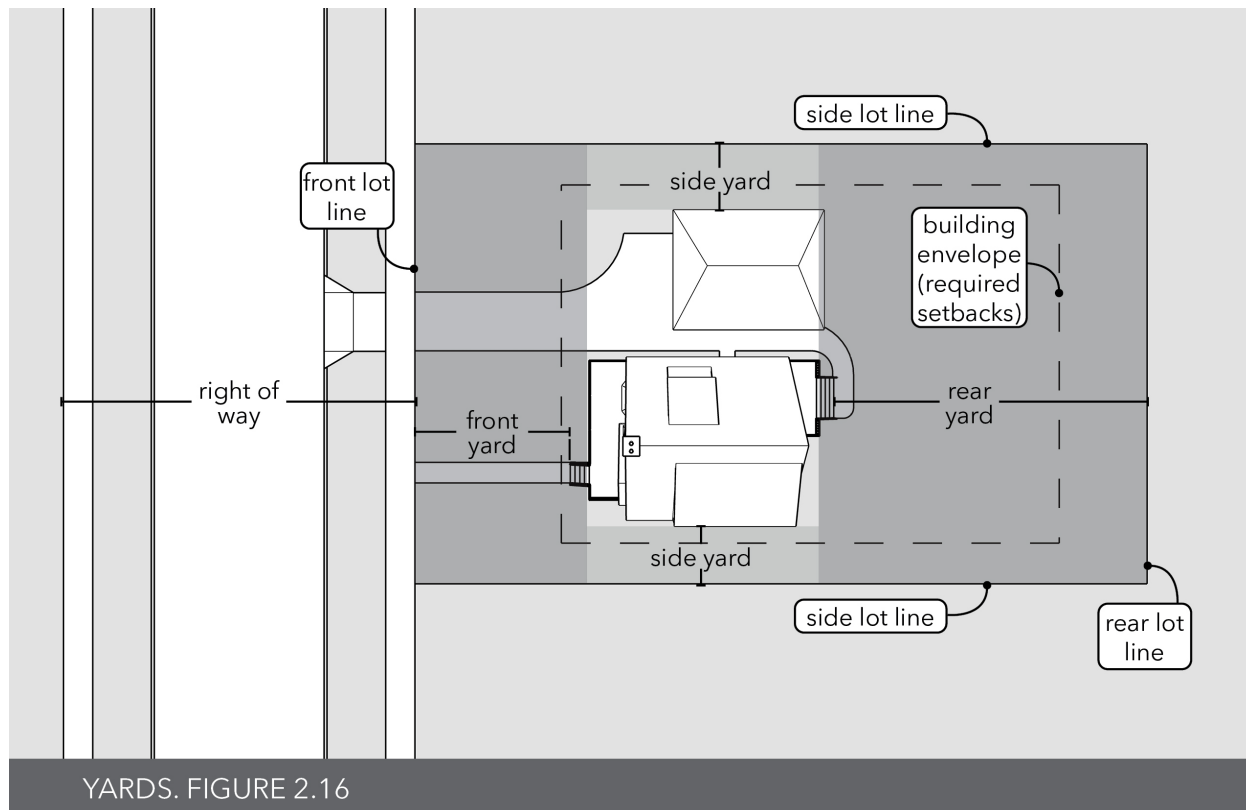
WIRELESS COMMUNICATION TOWER: A radio, telephone, or television relay structure including but not limited to monopole, lattice framework, guywire, or other design which is attached directly to the ground or another structure, used for the transmission or reception of radio, television, microwave, or any other form of wireless telecommunication signals.

Section 2.25 – “X”

Reserved.

Section 2.26 – “Y”

YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein (see Figure 2.16):



YARDS. FIGURE 2.16

1. **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 wall of the main building.
2. **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 wall of the main building. In the case of a waterfront lot, the rear yard shall be defined by the minimum horizontal distance between the nearest wall of the main building and the 100-year Flood Elevation line established by the Flood Insurance Rate Map (FIRM) promulgated by the Federal Emergency Management Agency as referenced within Section 10.21 for properties along the Red Cedar River and other waters of the State.
3. **SIDE YARD:** An open space between a main 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 wall of the main building.

YARD, REQUIRED: The yard required by this Ordinance when the required front, side, or rear setbacks are applied.

Section 2.27 – “Z”

ZONING ENABLING ACT or ZONING ACT: Act 110 of the Michigan Public Acts of 2006, as amended, known as the Michigan Zoning Enabling Act.

ZONING ADMINISTRATOR: The Locke Township Zoning Administrator is hired or appointed for the purpose of carrying out certain duties and responsibilities as defined in this Ordinance.

ZONING BOARD OF APPEALS: The Locke Township Zoning Board of Appeals.

ZONING DISTRICT: A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

ZONING PERMIT (FORMERLY LAND USE PERMIT): A document signed by the Zoning Administrator or the Township's designee according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, sketch plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom.

Article 3 – Zoning Districts and Map

Section 3.00 – Districts Established

For the purposes of this Ordinance, the Township is hereby divided into the following districts:

Section 3.00.01 - Residential districts

1. A-1 - Agricultural District
2. R-1 - Low-Density Residential District
3. R-2 - Medium-Density Residential District
4. R-3 - High-Density Residential District
5. R-MF – Multiple Family Residential District
6. R-MHC - Manufactured Housing Community District

Section 3.00.02 - Nonresidential districts

1. C-1 - Neighborhood Commercial District
2. I-1 - Light Industrial District

Section 3.00.03 - Overlay Districts

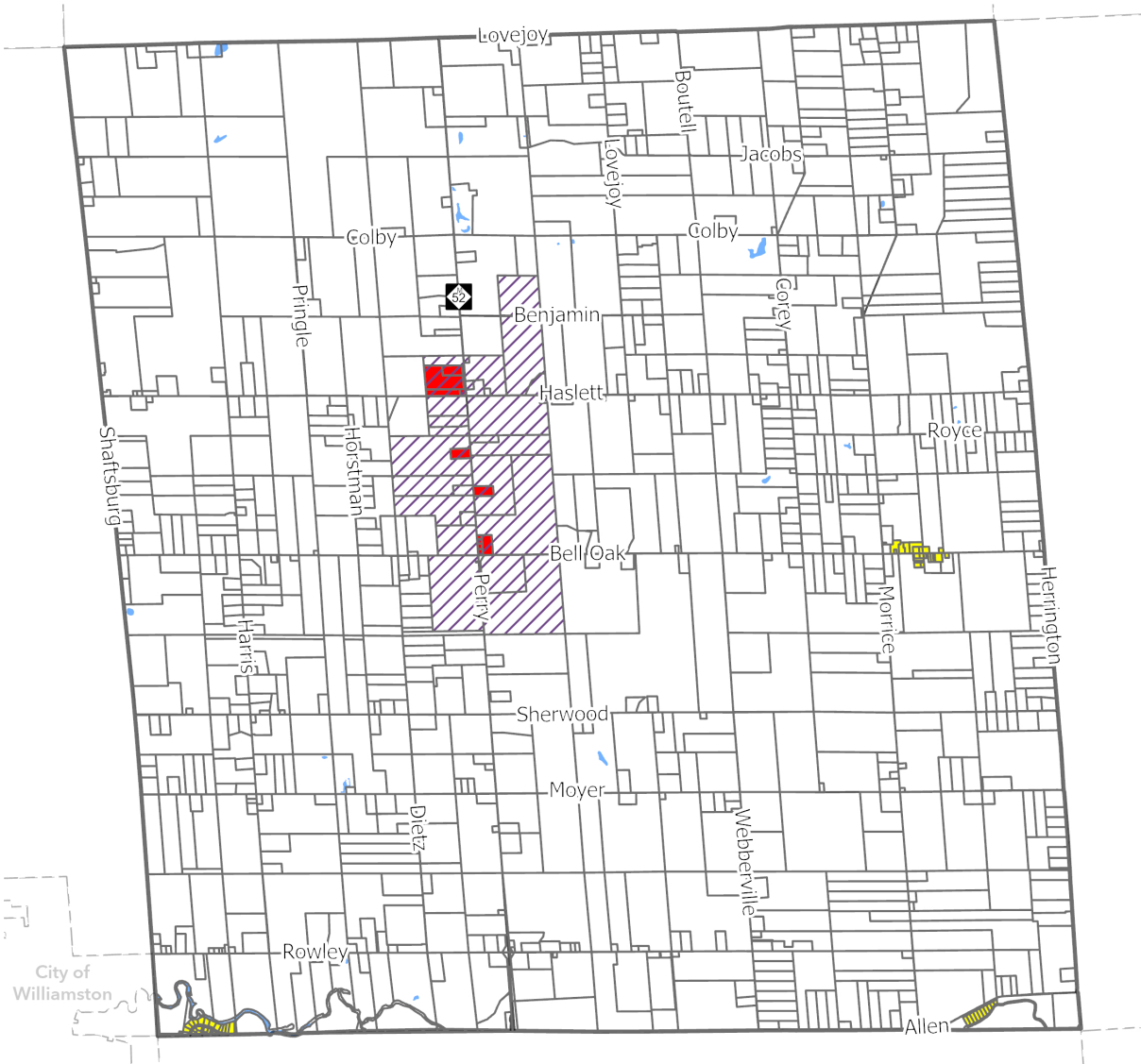
1. RE-O - Renewable Energy Overlay District

Section 3.00.04 – Zoning Map

(following page)

Zoning Map

Locke Township
Ingham County, Michigan



- Zoning**
- A-1, Agricultural District
 - C-1, Neighborhood Commercial District
 - R-1, Low Density Residential
 - Renewable Energy Overlay District

williams&works
engineers | surveyors | planners

Section 3.02 – District Boundaries and Zoning Map

1. The boundaries of these districts are hereby established as shown on the Zoning Map, which is on file in the Township Hall, and which map, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as fully described herein.
2. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Locke Township Hall shall be the final authority as to the current zoning status of any lot, Zoning District, use, building, or structure in the Township.

Section 3.03 – Boundaries Interpreted

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

1. Boundaries that are indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries that are indicated as approximately following a recorded property line shall be construed as following such line.
3. Boundaries that are indicated as following railroad lines shall be construed to be the midway between the main tracks.
4. Boundaries that are indicated as approximately following the centerlines of streams, rivers, drains, ditches, lakes, or other bodies of water shall be construed to follow such centerlines.
5. Boundaries that are indicated as parallel to or extensions of features indicated in Subsections (1) through (4) of this Section shall be so construed. The scale of the map shall determine distances not specifically indicated on the official Zoning Map.
6. Where physical or natural features existing on the ground are inconsistent with those shown on the official Zoning Map, or in other circumstances not covered by Subsections (1) through (5) of this Section, the Zoning Board of Appeals shall interpret the district boundaries.
7. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.04 – Zoning of Vacated Areas

Whenever any street, public way, or easement within the Township shall be vacated, such street, public way, or easement or portion thereof shall automatically be classified in the same Zoning District as the property to which it attaches.

Section 3.05 – District Requirements

All buildings and uses in any district shall be subject to the provisions of the Zoning District in which they are zoned, as well as the provisions of Article 10 of this Ordinance, pertaining to General Provisions.

Section 3.06 – Application of Regulations

The regulations set forth by this Article within each Zoning District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land similarly situated within a Zoning District, and particularly, except as provided in this Section:

1. Unless permitted in this ordinance, no building or other structure shall hereafter be erected or altered to:
 - A. Exceed the height or area limitations.
 - B. Accommodate or house a greater number of families.
 - C. Have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.
 - D. Be erected or altered in any manner contrary to this Ordinance.
2. No part of a yard, other open space, or off-street parking or loading space required for or in connection with any building for the purpose of complying with this Article shall be included as part of a yard, open space, or off-street parking or loading space required for any other building.
3. No yard or lot existing upon the effective date of the ordinance from which this Article is derived shall be reduced in dimension or area below the minimum requirements set forth herein.

Section 3.07 – Table of District Uses

P = Permitted Uses S = Special Land Uses

Land Use	A-1	R-1	R-2	R-3	R-MF	R-MHC	C-1	I-1
Adult Day Care Facilities							P	
Adult Oriented Facilities								S
Adult Foster Family or Small Group Home (6 or fewer persons)	P	P	P	P	P	P		
Adult Foster Care Small Group Home (7-12 persons)	S	S	S	S	S			
Adult Foster Care Large Group Home (13-20 persons)				S	S			
Agriculture (Farming)	P							
Agricultural Service Establishments	S						P	P
Ambulance Services							P	P
Art Studios							P	
Assisted Living Facilities				S	S			
Automotive Proving Grounds, Testing, and Research Facilities	S							S
Automobile or Vehicle Sales							P	
Automobile or Vehicle Service or Repair Facilities	S						P	P
Automobile or Vehicle Wash							P	
Battery Energy Storage Systems (BESS), Principal Use	S							S
Bed and Breakfast Establishments	S	S						
Biofuel Production Facilities	S							S
Business Incubator Facilities								P
Campgrounds	S							
Child Care Facilities							P	

Land Use	A-1	R-1	R-2	R-3	R-MF	R-MHC	C-1	I-1
Child Care Homes, Family (6 or fewer persons)	P	P	P	P	P	P		
Child Care Homes, Group (7-12 persons)	S	S	S	S	S	S		
Concentrated Animal Feeding Operations (CAFO) ¹	P							
Conservation Areas, Public or Private	P							
Contractor's Offices and Showrooms	S						P	P
Contractor's Supply Facilities							P	P
Contractors Warehouse, Facilities, Storage Facilities, or Storage Yards							S	P
Convalescent Homes (Nursing Homes)				S	S		P	
RESERVED								
Drive Through Businesses							S	
Dry Cleaning Facility							S	P
Dwellings, Accessory Units (ADUs)	P	P	P					
Dwellings, Multiple-Family					P			
Dwellings, Single-Family Detached	P	P	P	P	P			
Dwellings, Three-Family (Triplex)					P			
Dwellings, Two-Family (Duplex)			P	P	P			
Educational Facilities	S	S	S	S	S		P	P
Essential Services	P	P	P	P	P		P	P
Events Center (Wedding Barn)	S						P	
Financial Institutions							P	
Funeral Homes, Mortuaries, Crematoria							S	

¹ Any Concentrated Animal Feeding Operation must meet the Michigan Department of Agricultural and Rural Development Generally Accepted Agricultural Management Practices (GAAMPs) other environmental laws and are protected under the Michigan Right to Farm Act.

Land Use	A-1	R-1	R-2	R-3	R-MF	R-MHC	C-1	I-1
Greenhouses, Commercial	S							P
Health Clubs							P	
Home for the Aged					S			
Home Occupations (Class 1)	P	P	P	P	P	P		
Home Occupations Conducted in an Accessory Building (Class 2)	S	S	S					
Hospice Facilities					S		P	
Hospitals or Medical Clinics							P	
Hotels or Motels							P	
Junk and Salvage Yards	S							S
Kennels, Commercial	S							P
Landscaping Materials Supply	S						P	
Manufacturing, Processing, or Assembly Facilities Light								P
Manufacturing, Processing, or Assembly Facilities Heavy								S
Medical and Dental Offices							P	
Mobile Home Parks or Manufactured Housing Communities						P		
Mineral Mining and Extraction Operations	S							
Municipal Maintenance Garages								P
Nursery and Commercial Landscaping	S						P	P
Open-Air Businesses							S	S
Outdoor Storage Facilities or Yards							S	P
Personal Service Establishments							P	
Pharmacies/Medical Supply Sales Facilities							P	
Places of Public Assembly	S	S	S	S	S		P	

Land Use	A-1	R-1	R-2	R-3	R-MF	R-MHC	C-1	I-1
Places of Worship	S	S	S	S	S		P	P
Private Airport or Landing Strip	S							
Private Clubs or Lodges							S	
Private Recreation Facilities, Indoor							P	
Private Recreation Facilities, Outdoor	S						S	
Professional Service Establishments							P	
Public Facilities	S	S	S	S	S		S	
Recreation Areas for wildlife management, public or private	P							
Rehabilitation Facilities							S	
Research, Laboratory, or Product Testing Facilities	S							P
Resort or Retreat Centers	S							
Restaurants							P	
Retail Businesses							P	
Sales and Distribution Facilities								P
Sawmills	S							
Seasonal Mobile Home Parks						P		
Self-Storage / Mini Warehouse Facilities	S						P	P
Senior Housing				S	S			
Short-term Rental							P	
Solar Energy System Facility, Utility-Scale	S							S
Stables for Boarding or Riding, Commercial	S							
Stables for Boarding and Riding, Private	P	S						

Land Use	A-1	R-1	R-2	R-3	R-MF	R-MHC	C-1	I-1
Storage, Transfer Warehouses, or Shipping Facilities								P
Veterinarian Clinics	S						P	
Wind Energy System Facility, Utility-Scale	S							S
Warehousing Facility	S							P
Wireless Communication Towers	S						S	S

Section 3.08 – Table of Dimensional Standards

Zoning District	Min. Lot Area (acres/square feet)	Min. Lot Width (ft.)	Min. Front Yard (ft.) ¹	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Accessory Building Setback (ft.) ²	Max. Height (ft.)	Min. Floor Area/Unit (sq. ft.)	Max. % Lot Coverage
A-1 – Agricultural	5 acres	330 ft.	108 ft. (from centerline of road)	30 ft.	60 ft.	Side – 30 ft.	35 ft. or 2.5 stories, whichever is less	800 sq. ft.	20 %
						Rear – 60 ft.			
R-1 – Low Density Residential	1 acre	150 ft.	108 ft. (from centerline of road) ¹	20 ft.	40 ft.	Side – 20 ft.	35 ft. or 2.5 stories, whichever is less	800 sq. ft.	20%
						Rear – 40 ft.			
R-2 – Medium Density Residential	0.5 acre	85 ft.	108 ft. (from centerline of road) ¹	10 ft.	40 ft.	Side – 10 ft.	35 ft. or 2.5 stories, whichever is less	800 sq. ft.	30%
						Rear – 40 ft.			
R-3 – High Density Residential	0.5 acre	85 ft.	108 ft. (from centerline of road) ¹	20 ft.	40 ft.	Side – 10 ft.	35 ft. or 2.5 stories, whichever is less	800 sq. ft.	30%
						Rear – 40 ft.			
R-MF – Multiple Family Residential	0.5 acre ³	85 ft.	108 feet (from centerline of road)	20 ft.	40 ft.	Side – 10 ft.	35 ft. or 3 stories, whichever is less	800 sq. ft.	40%
						Rear – 40 ft.			
						Building Separation – 10 ft. min.			
R- MHC Manufactured Housing Community	5 acres	330 ft.	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Zoning District	Min. Lot Area (acres/square feet)	Min. Lot Width (ft.)	Min. Front Yard (ft.) ¹	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Accessory Building Setback (ft.) ²	Max. Height (ft.)	Min. Floor Area/Unit (sq. ft.)	Max. % Lot Coverage
C-1 Neighborhood Commercial	1 acre	100 ft.	108 ft. (from centerline of road)	10 ft.	40 ft.	Side – 10 ft.	30 ft. or 2 stories, whichever is less	n/a	50%
						Rear – 40 ft.			
I-1 Light Industrial	2 acres	200 ft.	108 ft. (from centerline of road)	40 ft.	40 ft.	Side – 40 ft.	40 ft. or 3 stories, whichever is less	n/a	50%
						Rear – 40 ft.			

¹ Minimum front yard setback shall always be 108 feet if the property fronts an Ingham County primary or secondary road or State of Michigan Highway, and if the property is located in a platted subdivision or site condominium the front yard setback shall be 40 feet.

² Accessory building setbacks must at least be the minimum setback requirement from any property line.

³ One-half acre (21,780 sq. ft.) for the first three dwelling units. Each additional one dwelling unit added is required to have a minimum of at least 2,000 additional square feet of lot area.

Article 4 – A-1 – Agricultural District

Section 4.00 – Purpose

The A-1 – Agricultural District's purpose is to encourage and provide opportunities for agriculture and the retention of the prime agricultural lands within Locke Township, which has such a cultural and economic history within the Township and is cherished by its residents. Prime soil, topography, and other natural features that many other locations do not have make Locke Township well suited for producing food, fiber, and other agricultural products. This district should provide for a very low-density rural lifestyle, rural development patterns, open space, natural resources, and rural vistas. The Township may permit other land uses in a very limited fashion if it considers them compatible. Persons considering living or moving to live within the Agricultural District should be highly aware of traditional farming machinery, traffic, noises, odors, fertilizer, pesticide application, and other generally acceptable and lawfully protected agricultural activities, which may continue to occur annually or on a long-term basis. This district includes certain land uses that have been divided to preclude farm operations but support opportunities for rural residential development and lifestyles.

Section 4.01 – Uses Permitted by Right

- | | |
|--|---|
| 1. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons) | 6. Dwellings, Accessory Units (ADUs) |
| 2. Agriculture (Farming) | 7. Dwellings, Single-Family Detached |
| 3. Child Care Homes, Family (6 or fewer persons) | 8. Essential Services |
| 4. Concentrated Animal Feeding Operations (CAFO) | 9. Home Occupations (Class 1) |
| 5. Conservation Areas, Public or Private | 10. Recreation Areas for Wildlife Management, Public or Private |
| | 11. Stables for Boarding and Riding, Private |
| | 12. Accessory Buildings and Uses |

Section 4.02 – Special Land Uses

- | | |
|---|---|
| 1. Adult Foster Care Small Group Homes (7-12 persons) | 5. Battery Energy Storage Facilities, Principal Use (overlay district only) |
| 2. Agricultural Service Establishments | 6. Bed & Breakfast Establishments |
| 3. Automotive Proving Grounds, Testing, and Research Facilities | 7. Biofuel Production Facilities |
| 4. Automotive or Vehicle Service and Repair Facilities | 8. Campgrounds |

- | | |
|---|--|
| 9. Child Care Homes, Group (7-12 persons) | 23. Private Recreation Facilities, Outdoor |
| 10. Contractor's Offices or Showrooms | 24. Public Facilities |
| 11. Educational Facilities | 25. Research, Laboratory, or Product Testing Facilities |
| 12. Events Center (Wedding Barn) | 26. Resort or Retreat Centers |
| 13. Greenhouses, Commercial | 27. Sawmills |
| 14. Home Occupations Conducted in an Accessory Building (Class 2) | 28. Self-Storage/Mini Warehouse Facilities |
| 15. Junk or Salvage Yards | 29. Solar Energy Facilities, Utility-Scale (overlay district only) |
| 16. Kennels, Commercial | 30. Stables for Boarding or Riding, Commercial |
| 17. Landscaping Materials Supply | 31. Veterinarian Clinics |
| 18. Mineral Mining and Extraction Operations | 32. Wind Energy Facilities, Utility-Scale (overlay district only) |
| 19. Nursery and Commercial Landscaping | 33. Warehousing Facility |
| 20. Places of Public Assembly | 34. Wireless Communication Towers |
| 21. Places of Worship | |
| 22. Private Airport and Landing Strip | |

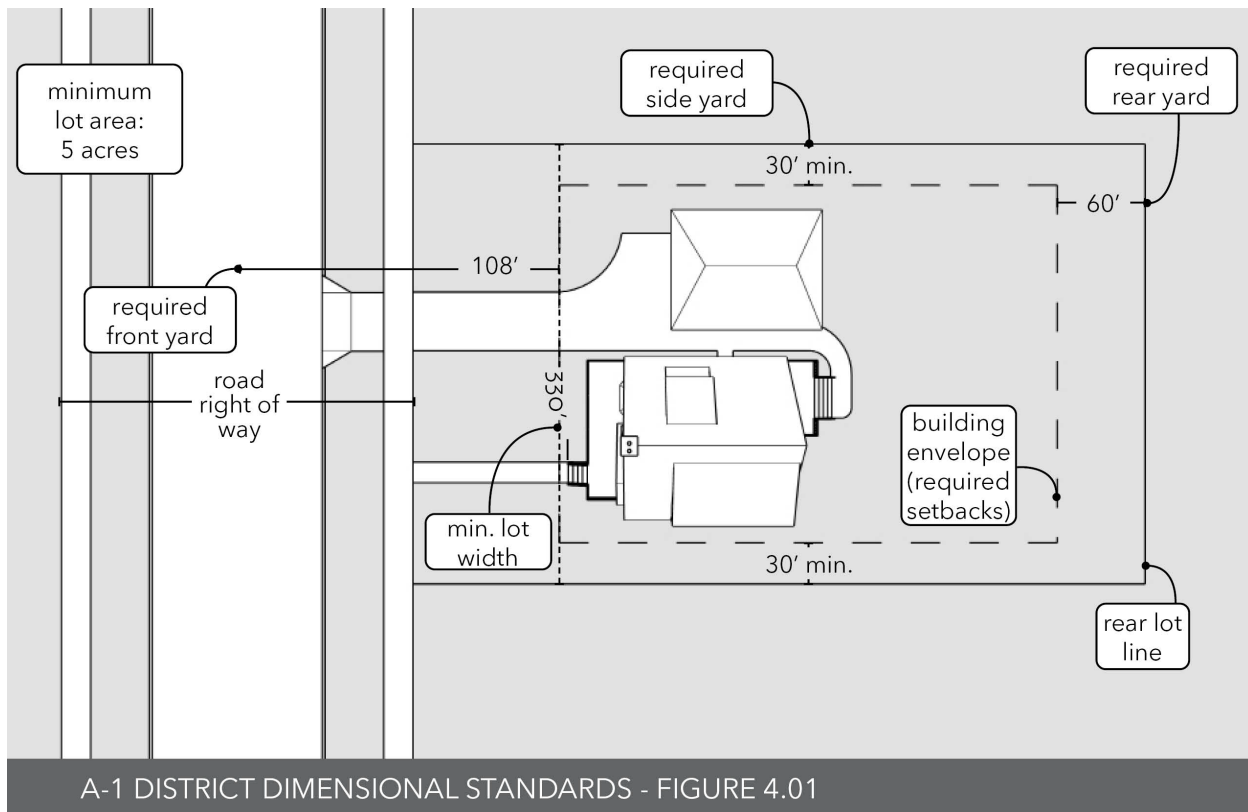
Section 4.03 – Dimensional Standards

Dimensional Standards – A-1 – Agricultural District

Minimum Front Yard Setback²	108 feet, subject to Section 4.04(1), Section 4.04(2), and Section 4.04(4)
Minimum Side Yard Setback	30 feet per side, subject to Section 4.04(5)
Minimum Rear Yard Setback	60 feet
Minimum Lot Area	5 acres
Minimum Lot Roadway Frontage	330 feet
Minimum Lot Width³	330 feet
Maximum Lot Coverage	20%
Maximum Building Height	35 feet or 2 ½ stories, whichever is less, subject to Section 4.04(3)
Minimum Dwelling Unit Floor Area	800 square feet

² See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

³ See Lot Width definition for measurement calculations Section 2.13.



Section 4.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all residential buildings that front a primary or secondary road in the Township, with the exception of any road developed as part of a planned residential development.
3. In the Agricultural District, the highest point of a cupola, widow's watch, tower, or similar feature that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. Flat roofs and mansard roofs shall be no greater than 25 feet at the highest point.
4. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.
5. Any lot that was lawfully recorded before the date of this Ordinance and is less than 1 acre in area, the minimum side yard setback shall be 10 feet.

Article 5 – Residential Districts

Section 5a – R-1 - Low-Density Residential District

Section 5a.00 – Purpose

The R-1 Low Density Residential District generally consists of the Township's planned residential lots, at least one acre in area. And contains at least containing 150 feet of road frontage. In all cases, the regulations of this Section are intended to encourage and facilitate the development of land uses and building forms that are consistent with the character of existing residences in other districts. New development should be respectful of the Township's existing development patterns, history, and character, and integrate seamlessly into the Township's rural fabric through the use of design and building materials consistent with the area.

Section 5a.01 – Uses Permitted by Right

1. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons)
2. Child Care Homes, Family (6 or fewer persons)
3. Dwellings, Accessory Units (ADUs)
4. Dwellings, Single-Family Detached
5. Essential Services
6. Home Occupations (Class 1)
7. Accessory Buildings and Uses

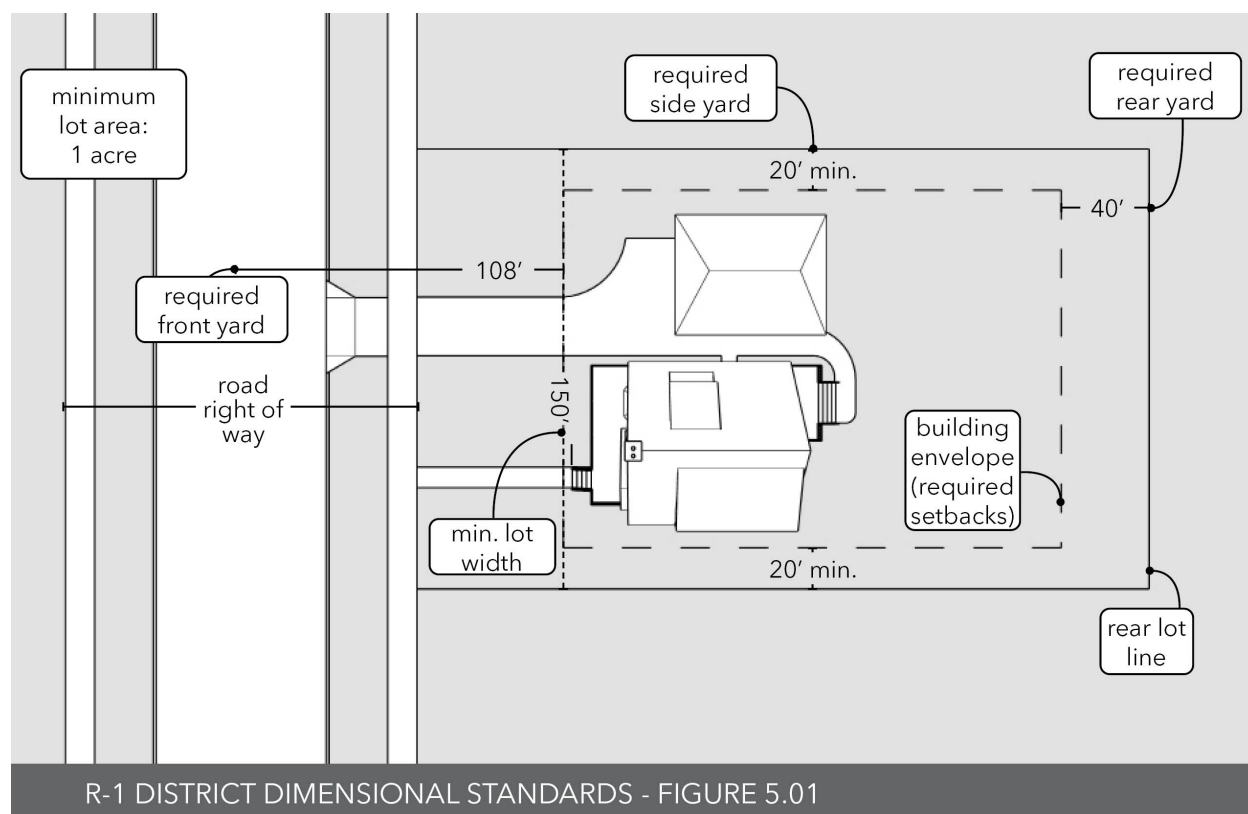
Section 5a.02 – Special Land Uses

1. Adult Foster Care Small Group Homes
2. Bed and Breakfast Establishments
3. Child Care Homes, Group (7-12 persons)
4. Educational Facilities
5. Home Occupations Conducted in an Accessory Building (Class 2)
6. Places of Public Assembly
7. Places of Worship
8. Public Facilities
9. Stables for Boarding and Riding, Private

Section 5a.03 – Dimensional Standards

Dimensional Standards – R-1 – Low-Density Residential District

Minimum Front Yard Setback⁴	108 feet, subject to Section 5a.04(1), Section 5a.04(2), Section 5a.04(3), and Section 5.04(5).
Minimum Side Yard Setback	20 feet per side, subject to Section 5a.04(6)
Minimum Rear Yard Setback	40 feet
Minimum Lot Area	1 acre (43,560 square feet)
Minimum Lot Roadway Frontage	150 feet
Minimum Lot Width⁵	150 feet
Maximum Lot Coverage	20%
Maximum Building Height	35 feet or 2 ½ stories, whichever is less, subject to Section 5a.04(4)
Minimum Dwelling Unit Floor Area	800 square feet



Section 5a.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. Minimum front yard setback requirements are subject to Section 3.08, which

⁴ See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

⁵ See Lot Width definitions for measurement calculations Section 2.13.

requires a setback of 108 feet for all residential buildings that front a primary or secondary road in the Township, with the exception of any road developed as part of a planned residential development (see Section 5a.04(3)).

3. Minimum front yard setback requirements for any internal road in a platted subdivision, site condominium, or condominium development shall be 40 feet.
4. In the R-1 District, the highest point of a cupola, widow's watch, tower, or similar feature that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. Flat roofs and mansard roofs shall be no greater than 25 feet at the highest point.
5. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.
6. Any lot that was lawfully recorded before the date of this Ordinance and is less than 1 acre in area, the minimum side yard setback shall be 10 feet.

Section 5b – R-2 - Medium-Density Residential District

Section 5b.00 – Purpose

The R-2 – Medium-Density Residential District is designed to be created only through a rezoning of a planned residential development. The R-2 district generally consists of the Township's small residential lots, at least ½ acre (21,780 sq. ft.) in area and contains at least 85 feet of road frontage. In all cases, the regulations of this Section are intended to encourage and facilitate the development of land uses and building forms that are consistent with the character of existing residences in other districts. New development should be respectful of the Township's existing development patterns, history, and character, and integrate seamlessly into the Township's rural fabric through the use of design and building materials consistent with the area.

Section 5b.01 – Uses Permitted by Right

1. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons)
2. Child Care Homes, Family (6 or fewer persons)
3. Dwellings, Accessory Units (ADUs)
4. Dwellings, Single-Family Detached
5. Dwellings, Two-Family (Duplex)
6. Essential Services
7. Home Occupations (Class 1)
8. Accessory Buildings and Uses

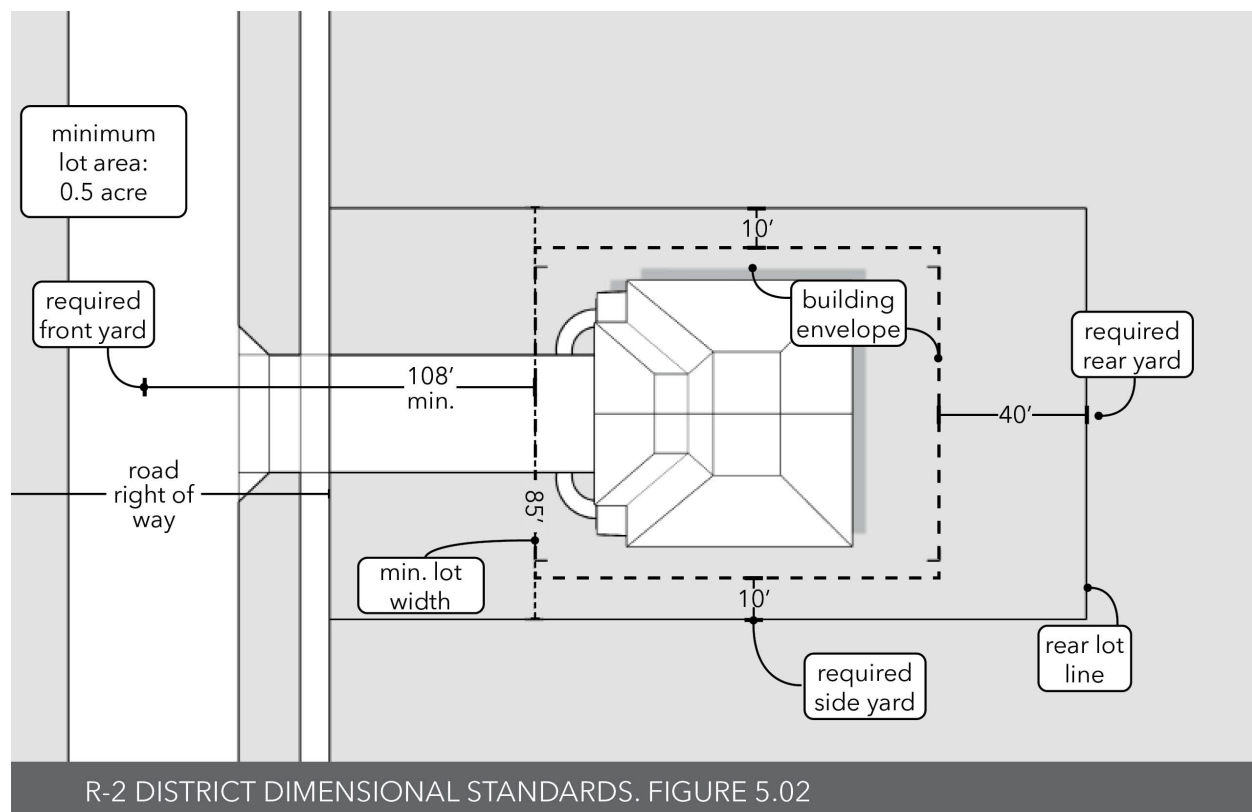
Section 5b.02 – Special Land Uses

1. Adult Foster Care Small Group Homes (7-12 persons)
2. Child Care Homes, Group (7-12 persons)
3. Educational Facilities
4. Home Occupations Conducted in an Accessory Building (Class 2)
5. Places of Public Assembly
6. Places of Worship
7. Public Facilities

Section 5b.03 – Dimensional Standards

Dimensional Standards – R-2 – Medium-Density Residential District

Minimum Front Yard Setback⁶	108 feet, subject to Section 5b.04(1), Section 5b.04(2), Section 5b.04(3), and Section 5b.04(5)
Minimum Side Yard Setback	10 feet per side, subject to Section 5b.04(6)
Minimum Rear Yard Setback	40 feet
Minimum Lot Area	½ acre (21,780 square feet)
Minimum Lot Roadway Frontage	85 feet
Minimum Lot Width⁷	85 feet
Maximum Lot Coverage	30%
Maximum Building Height	35 feet or 2 ½ stories, whichever is less, subject to Section 5b.04(4)
Minimum Dwelling Unit Floor Area	800 square feet



R-2 DISTRICT DIMENSIONAL STANDARDS. FIGURE 5.02

Section 5b.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. Minimum front yard setback requirements are subject to Section 3.08, which

⁶ See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

⁷ See Lot Width definitions for measurement calculations Section 2.13.

requires a setback of 108 feet for all residential buildings that front a primary or secondary road in the Township, with the exception of any road developed as part of a planned residential development (see Section 5b.04(4)).

3. Minimum front yard setback requirements for any internal road in a platted subdivision, site condominium, or condominium development shall be 40 feet.
4. In the R-2 District, the highest point of a cupola, widow's watch, tower, or similar feature that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. Flat roofs and mansard roofs shall be no greater than 25 feet at the highest point.
5. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.
6. Any lot that was lawfully recorded before the date of this Ordinance and is less than 1 acre in area, the minimum side yard setback shall be 10 feet.

Section 5c – R-3 – High-Density Residential District

Section 5c.00 – Purpose

The R-3 – High-Density Residential District is designed to be created only through a rezoning of a planned residential development or open space development. The R-3 district generally consists of the Township's smallest residential lots. This district is designed with flexible dimensional standards regarding one or two-family homes and whether the property is serviced by public water and sewer. In all cases, the regulations of this Section are intended to encourage and facilitate the development of land uses and building forms that are consistent with the character of existing residences in other districts. New development should be respectful of the Township's existing development patterns, history, and character, and integrate seamlessly into the Township's rural fabric through the use of design and building materials consistent with the area.

Section 5c.01 – Uses Permitted by Right

1. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons)
2. Child Care Homes, Family (6 or fewer persons)
3. Dwellings, Single-Family Detached
4. Dwellings, Three-Family (Triplex)
5. Dwellings, Two-Family (Duplex)
6. Essential Services
7. Home Occupations (Class 1)
8. Accessory Buildings and Uses

Section 5c.02 – Special Land Uses

1. Adult Foster Care Small Group Homes (7-12 persons)
2. Adult Foster Care Large Group Homes (13-20 persons)
3. Assisted Living Facilities
4. Child Care Homes, Group (7-12 persons)
5. Convalescent Homes (Nursing Homes)
6. Educational Facilities
7. Places of Public Assembly
8. Place of Worship
9. Public Facilities
10. Senior Housing

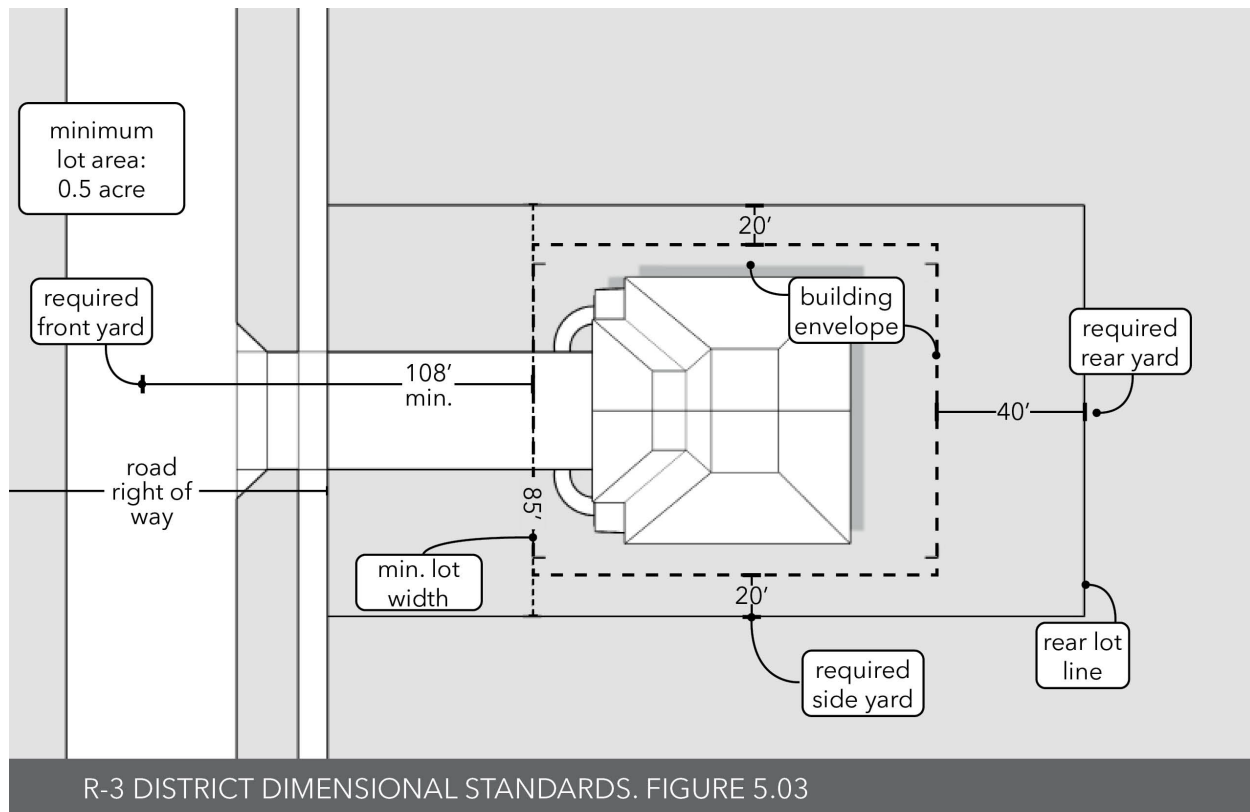
Section 5c.03 – Dimensional Standards

Dimensional Standards – R-3 – High-Density Residential District

Minimum Front Yard Setback⁸	108 feet, subject to Section 5c.04(1), Section 5c.04(2), Section 5c.04(3), and Section 5c.04(5)
Minimum Side Yard Setback	20 feet per side, subject to Section 5c.04(6)
Minimum Rear Yard Setback	30 feet
Minimum Lot Area	½ acre (21,780 square feet)
Minimum Lot Roadway Frontage	85 feet
Minimum Lot Width⁹	85 feet
Maximum Lot Coverage	30%
Maximum Building Height	35 feet or 2 ½ stories, whichever is less, subject to Section 5c.04(4)
Minimum Dwelling Unit Floor Area	800 square feet

⁸ See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

⁹ See Lot Width definitions for measurement calculations Section 2.13.



Section 5c.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all residential buildings that front a primary or secondary road in the Township, with the exception of any road developed as part of a planned residential development (see Section 5c.04(4)).
3. Minimum front yard setback requirements for any internal road in a platted subdivision, site condominium, or condominium development shall be 40 feet.
4. In the R-3 District, the highest point of a cupola, widow's watch, tower, or similar feature that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. Flat roofs and mansard roofs shall be no greater than 25 feet at the highest point.
5. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.
6. Any lot that was lawfully recorded before the date of this Ordinance and is less than 1 acre in area, the minimum side yard setback shall be 10 feet.

Section 5d – R-MF Multiple Family Residential District

Section 5d.00 – Purpose

The R-MF Multiple Family Residential District is designed to be created only through a rezoning of a planned residential development or open space development. The R-MF district is generally intended to provide alternative housing formats at a higher dwelling unit density than the other residential districts within the Township. This district is provided to ensure a stable and sound residential neighborhood that provides suitable open spaces and shall only be developed when access to public water and sewer services is available. This district may also be developed in a residential mixed-use fashion to provide more dense housing options that provide 3 or more dwelling units per structure in combination with single-family detached or two-family dwellings.

Section 5d.01 – Uses Permitted by Right

1. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons)
2. Child Care Homes, Family (6 or fewer persons)
3. Dwellings, Multiple Family
4. Dwellings, Single-Family Detached
5. Dwellings, Two-Family (Duplex)
6. Dwellings, Three-Family (Triplex)
7. Essential Services
8. Home Occupations (Class 1)
9. Accessory Buildings and Uses

Section 5d.02 – Special Land Uses

1. Adult Foster Care Small Group Homes (7-12 persons)
2. Adult Foster Care Large Group Homes (13-20 persons)
3. Assisted Living Facilities
4. Bed and Breakfast Establishments
5. Child Care Homes, Group (7-12 persons)
6. Convalescent Homes (Nursing Homes)
7. Educational Facilities
8. Homes for the Aged
9. Hospice Facilities
10. Places of Public Assembly
11. Places of Worship
12. Public Facilities
13. Senior Housing

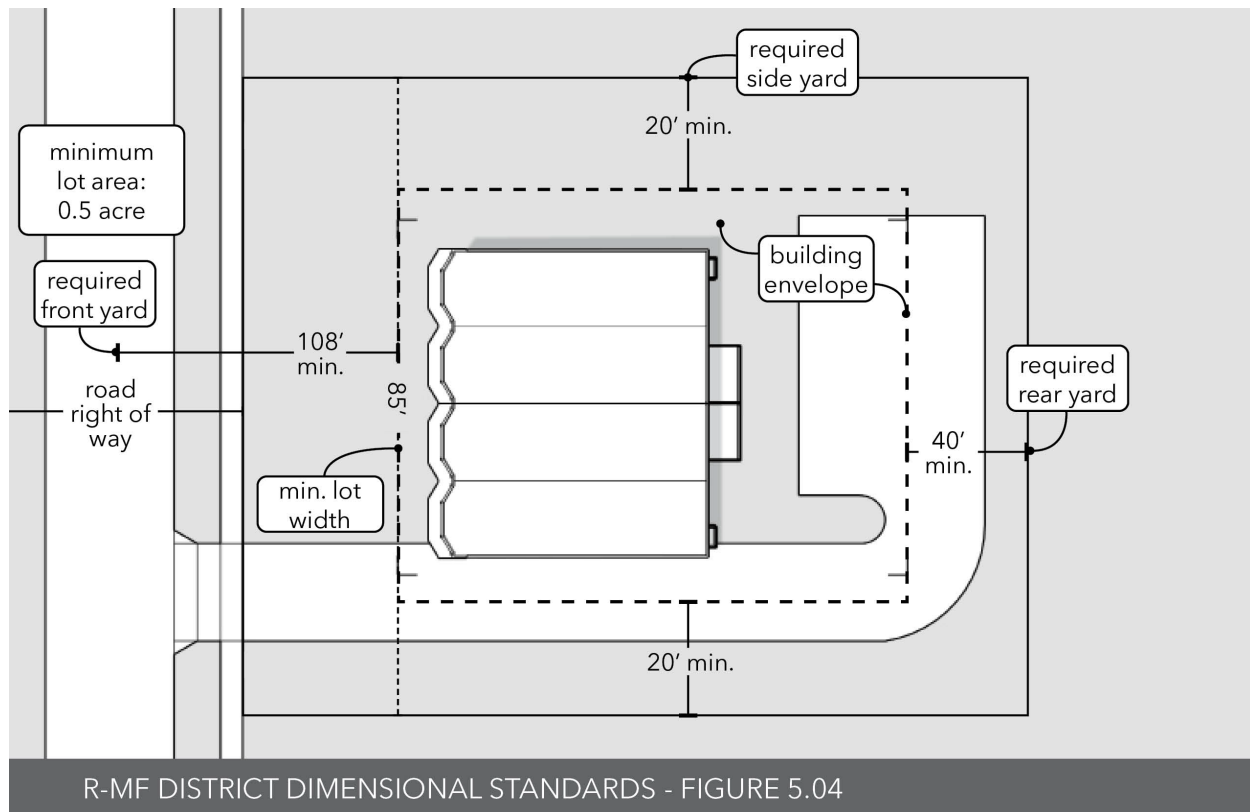
Section 5d.03 – Dimensional Standards

Dimensional Standards – R-MF – Multiple Family Residential District

Minimum Front Yard Setback¹⁰	108 feet, subject to Section 5d.04(1), Section 5d.04(2), Section 5d.04(3), and Section 5d.04(5)
Minimum Side Yard Setback	20 feet per side
Minimum Rear Yard Setback	40 feet
Minimum Lot Area	½ acre (21,780 square feet) for the first 3 dwelling units and 2,000 sq. ft. for each additional dwelling unit
Minimum Distance Between Buildings	30 feet
Minimum Lot Roadway Frontage	85 feet
Minimum Lot Width¹¹	85 feet
Maximum Lot Coverage	40%
Maximum Building Height	35 feet, or three stories, whichever is less, subject to Section 5d.04(4)
Minimum Dwelling Unit Floor Area	800 square feet

¹⁰ See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

¹¹ See Lot Width definitions for measurement calculations Section 2.13.



Section 5d.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all residential buildings that front a primary or secondary road in the Township, with the exception of any road developed as part of a planned residential development (see Section 5d.04(4)).
3. Minimum front yard setback requirements for any internal road in a platted subdivision, site condominium, or condominium development shall be 40 feet.
4. In the R-MF District, the highest point of a cupola, widow's watch, tower, or similar feature that extend above the roof line shall be considered the highest point of the roof surface on roofs with such features. Flat roofs and mansard roofs shall be no greater than 30 feet at the highest point.
5. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.
6. Any lot that was lawfully recorded before the date of this Ordinance and is less than 1 acre in area, the minimum side yard setback shall be 10 feet.

Section 5e – R-MHC Manufactured Housing Community

Section 5e.00 – Purpose

The R-MHC district is intended to provide for the location and regulation of manufactured housing communities in Locke Township. It is further intended to provide these communities with necessary services in a setting that provides a high quality of life for residents consistent with all other residential districts in the Township. This use shall be located in areas where it will be compatible with adjacent land uses and consistent with the policies and recommendations of the Township's Master Plan. Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses, as a manufactured housing community may contain specific site conditions, unlike other types of residential development. Sites with an abundance of natural features, such as forested areas, wetlands, and steep slopes, and sites lacking the transportation and utility infrastructure to support a high-density living environment are not suitable for the development of a manufactured housing community.

Within the R-MHC district, manufactured housing communities shall be governed by the requirements of Act 96 of the Public Acts of 1987, as amended, and the standards set forth in the rules and regulations promulgated by the Michigan Manufactured Housing Commission, including Part 9, Community Construction. The purpose of this Section is to provide for a manufactured home development of long-term duration of stay in areas that take into account such special characteristics as locational needs, transportation and utility infrastructure, site layout, and design, demand upon community services, and the relationship to and effect upon surrounding uses of land, and consistency with the Locke Township Master Plan.

All manufactured housing developments shall comply with the applicable requirements of Public Act 96 of 1987, as amended. The standards in this Section are not designed to generally exclude mobile homes of persons who engage in any aspect pertaining to the business of mobile homes or mobile home parks.

Section 5e.01 – Uses Permitted by Right

1. Adult Foster Care Family Homes and Small Group Homes (6 or fewer persons)
2. Child Care Homes, Family (6 or fewer persons)
3. Home Occupations (Class 1)
4. Mobile Home Parks or Manufactured Housing Communities
5. Seasonal Mobile Home Parks

Section 5e.02 – Special Land Uses

1. Child Care Group Homes (7-12 persons)

Section 5e.03 – Site Development Requirements

1. The site development requirements of the Manufactured Housing Commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the State of Michigan. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).
2. The development of a manufactured housing community shall require site plan approval by the Planning Commission in accordance with Article 12.

Article 6 – Nonresidential Districts

Section 6a – C-1 Neighborhood Commercial District

Section 6a.00 – Purpose

The C-1 – Neighborhood Commercial District offers retail, service, and office establishments that primarily cater to the day-to-day convenience and service needs of Township residents, nearby populations, and those traveling along M-52. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of the District, including certain special land uses. Development in this district is intended to be compatible with the predominantly rural character of the Township as reflected in architectural design and building scale, building materials, signage, landscaping, buffering, and lighting. It is the purpose of the C-1 District that development minimizes negative impacts on surrounding properties and accommodates development in a manner that ensures safe and efficient vehicle and pedestrian movement and access, minimizing any potential traffic congestion, turning conflicts onto roadways, and pedestrian hazards. The development of the C-1 Commercial District will follow the future land use pattern along M-52 as planned in the Locke Township Master Plan.

Section 6a.01 – Uses Permitted by Right

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|---|--|
| 1. Adult Day Care Facilities | 16. Health Clubs |
| 2. Agricultural Service Establishments | 17. Hospice Facilities |
| 3. Ambulance Services | 18. Hospitals or Medical Clinics |
| 4. Art Studios | 19. Hotels or Motels |
| 5. Automobile or Vehicle Sales | 20. Landscaping Materials Supply |
| 6. Automobile or Vehicle Service or Repair Facilities | 21. Medical or Dental Offices |
| 7. Automobile or Vehicle Wash | 22. Nursery and Commercial Landscaping |
| 8. Child Care Facilities | 23. Permitted Uses with Outdoor Seating |
| 9. Contractor's Offices and Showrooms | 24. Personal Service Establishments |
| 10. Contractor's Supply Facilities | 25. Pharmacies/Medical Supply Sales Facilities |
| 11. Convalescent Homes (Nursing Homes) | 26. Places of Public Assembly |
| 12. Educational Facilities | 27. Places of Worship |
| 13. Essential Services | 28. Private Recreation Facilities, Indoor |
| 14. Events Center (Wedding Barns) | 29. Professional Service Establishments |
| 15. Financial Institutions | |

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|-------------------------------|--|
| 30. Rehabilitation Facilities | 33. Self-Storage/Mini Warehouse Facilities |
| 31. Restaurants | 34. Short-term Rental |
| 32. Retail Businesses | 35. Veterinarian Clinics |

Section 6a.02 – Special Land Uses

- | | |
|--|---|
| 1. Contractor's Warehouse, Contractor's Storage Facility, or Storage Yards | 6. Outdoor Storage Facilities or Yards |
| 2. Drive Through Businesses | 7. Private Clubs or Lodges |
| 3. Dry Cleaning Facility | 8. Private Recreation Facilities, Outdoor |
| 4. Funeral Homes, Mortuaries, Crematoria | 9. Public Facilities |
| 5. Open-Air Businesses | 10. Rehabilitation Facilities |
| | 11. Wireless Communication Towers |

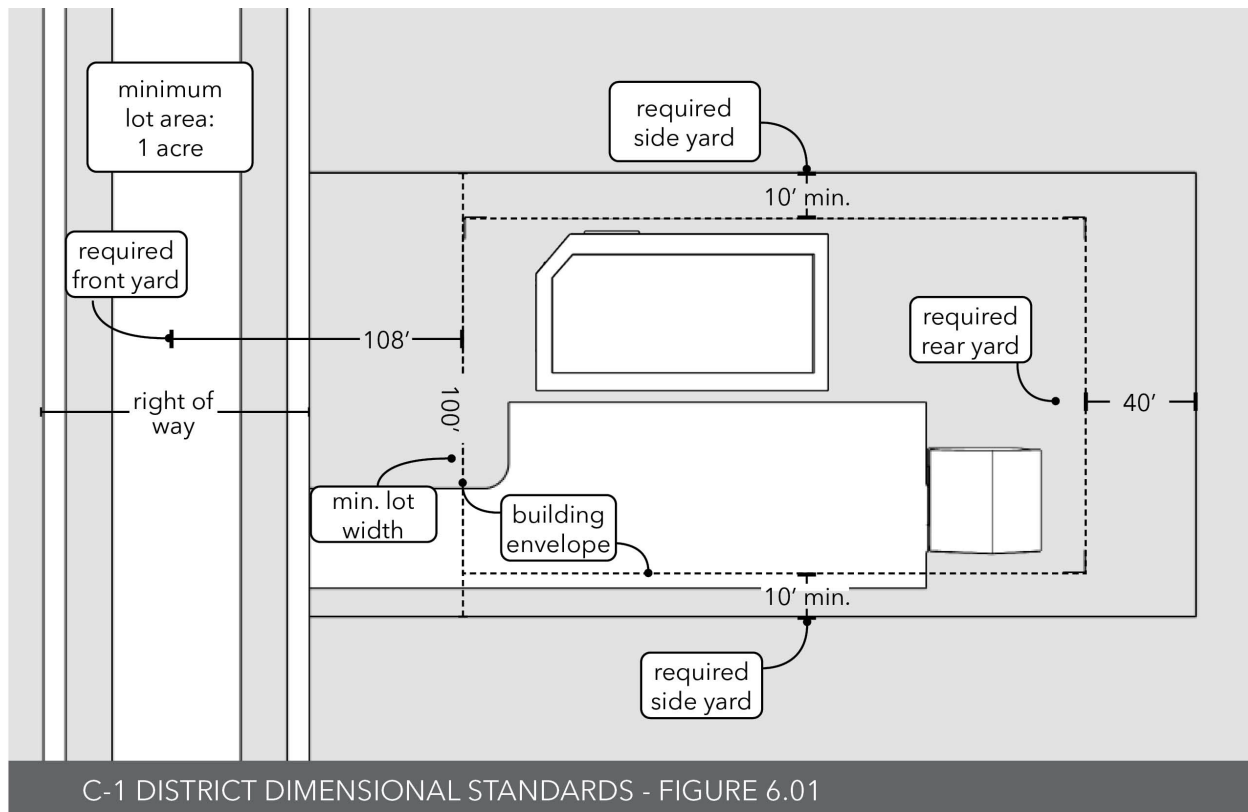
Section 6a.03 – Dimensional Standards

Dimensional Standards – C-1 – Neighborhood Commercial District

Minimum Front Yard Setback¹²	108 feet, subject to Section 6a.04(1) and Section 6a.04(3)
Minimum Side Yard Setback	10 feet per side, subject to Section 6a.04(3)
Minimum Rear Yard Setback	40 feet
Minimum Lot Area	1 acre (43,560 square feet)
Minimum Lot Roadway Frontage	100 feet
Minimum Lot Width¹³	100 feet
Maximum Lot Coverage	50%
Maximum Building Height	30 feet, or two stories, whichever is less, subject to Section 6a.04(2)

¹² See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

¹³ See Lot Width definitions for measurement calculations Sec. 2.13.



Section 6a.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. In the C-1 District, the highest point of a parapet, tower, or similar feature that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. Flat roofs and mansard roofs shall be no greater than 25 feet at the highest point.
3. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.

Section 6b – I-1 Light Industrial District

Section 6b.00 – Purpose

The I-1 District offers a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity, the absence of objectionable external effects such as noise, fumes, excessive truck traffic, and limited demands for public services. Other land uses may be permitted where considered compatible with and/or supportive of the primary purpose of this district, including certain special land uses. Development in this district is intended to be compatible with the rural character of the Township as reflected in architectural design, building scale, building materials, signage, landscaping, buffering, and lighting. It is the purpose of the I-1 District that development minimizes negative impacts on abutting properties and accommodates development in a manner that ensures safe and efficient vehicle and pedestrian movement and access, and minimizes traffic congestion, turning conflicts, and pedestrian hazards. The I-1 District is intended to be developed as a Planned Development only due to the scarcity of public utilities and road infrastructure. Therefore, review and approval of site selection will be determined by the impact of the proposed use on the surrounding neighborhood and proximity to utilities or other resources.

Section 6b.01 – Uses Permitted by Right

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|--|--|
| 1. Agricultural Service Establishments | 13. Manufacturing, Processing, or Assembly Facilities, Light |
| 2. Ambulance Services | 14. Municipal Maintenance Garages |
| 3. Automobile and Vehicle Service or Repair Facilities | 15. Nursery and Commercial Landscaping |
| 4. Business Incubator Facilities | 16. Outdoor Storage Facilities or Yards |
| 5. Contractor's Offices and Showrooms | 17. Places of Worship |
| 6. Contractor's Supply Facilities | 18. Research, Laboratory, or Product Testing Facilities |
| 7. Contractor's Warehouses, Storage Facilities, or Yards | 19. Sales and Distribution Facilities |
| 8. Dry Cleaning Facility | 20. Self-Storage/Mini Warehouse Facilities |
| 9. Educational Facilities | 21. Storage, Transfer Warehouses, or Shipping Facilities |
| 10. Essential Services | 22. Warehousing Facility |
| 11. Greenhouses, Commercial | |
| 12. Kennels, Commercial | |

Section 6b.02 – Special Land Uses

1. Adult Oriented Facilities

- | | |
|--|---|
| 2. Automotive Proving Grounds, Testing, and Research Facilities | 6. Manufacturing, Processing, or Assembly, Heavy |
| 3. Battery Energy Storage Facilities (BESS), Principal Use (overlay district only) | 7. Open-Air Businesses |
| 4. Biofuel Production Facilities | 8. Solar Energy Facilities, Utility-Scale (overlay district only) |
| 5. Junk and Salvage Yards | 9. Wind Energy Facilities, Utility-Scale (overlay district only) |
| | 10. Wireless Communication Towers |

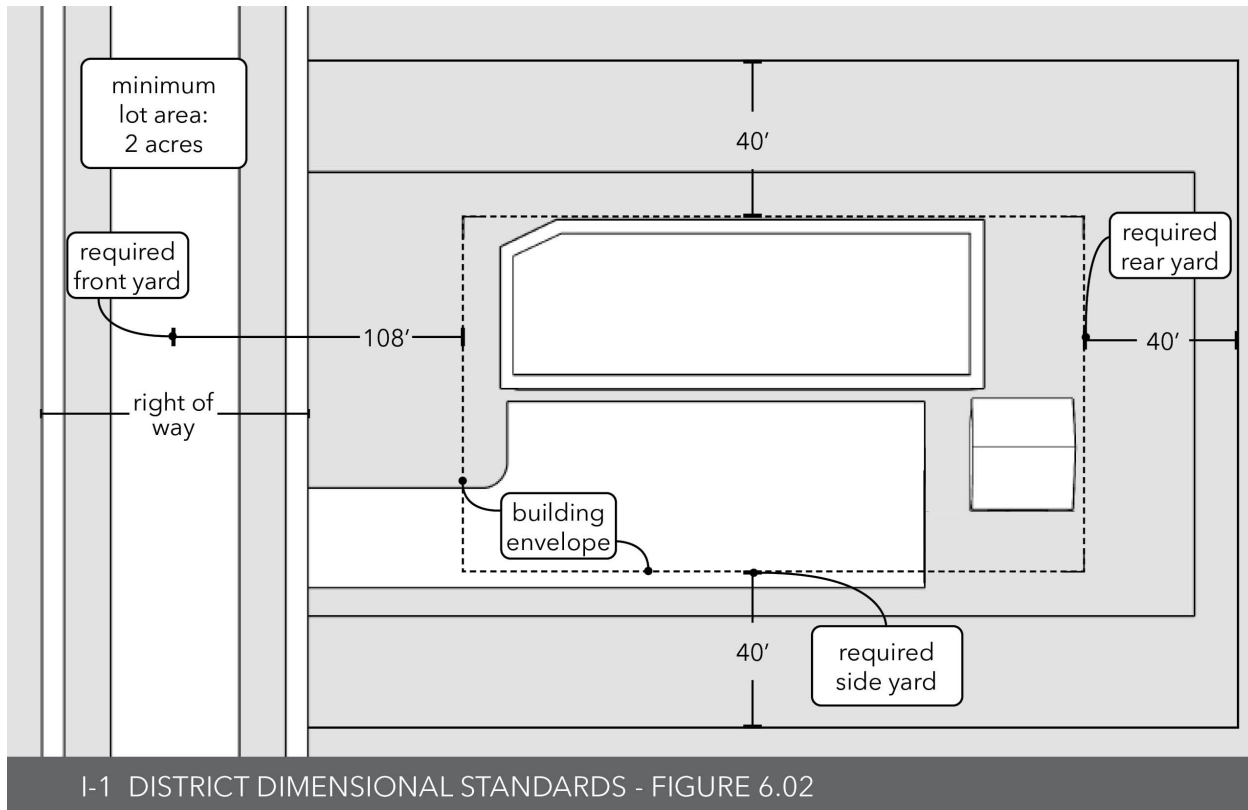
Section 6b.03 – Dimensional Standards

Dimensional Standards – I-1 – Light Industrial District

Minimum Front Yard Setback¹⁴	108 feet, subject to Section 6b.04(1) and Section 6b.04(3)
Minimum Side Yard Setback	40 feet per side, subject to Section 6b.04(2)
Minimum Rear Yard Setback	40 feet, subject to Section 6b.04(3)
Minimum Lot Area	2 acres
Minimum Lot Roadway Frontage	200 feet
Minimum Lot Width¹⁵	200 feet
Maximum Lot Coverage	50%
Maximum Building Height	40 feet, or three stories, whichever is less, subject to Section 6b.04(4)

¹⁴ See Lot Frontage definition in Section 2.13 and Front Yard definition in Section 2.26.

¹⁵ See Lot Width definitions for measurement calculations Section 2.13.



Section 6b.04 – Additional Standards

1. Minimum front yard setback requirements are subject to Section 3.08, which requires a setback of 108 feet for all buildings that front all primary and secondary county and state roads, measured from the center of the road.
2. Minimum setback shall be 60 feet if the property abuts a conservation or residential use or district.
3. Any lot fronting two roads shall be considered to have two front yards, a primary and secondary front yard, and therefore, must meet the minimum setback requirement from each road frontage.
4. In the I-1 district, the highest point of the roof shall be considered the peak of the roof from which height is measured. Accessory structures that are necessary for industrial purposes such as silos, towers, bays, roof equipment, or similar features will not count toward the maximum height limit.

Article 7 – Overlay Districts

Section 7a.00 – Renewable Energy Overlay District (RE-O)

Section 7a.00.00 – Purpose and Findings

1. Purpose. The purpose of the renewable energy overlay district is intended to provide suitable locations for utility-scale solar energy systems, utility-scale wind energy systems, and principal-use battery energy storage systems (BESS) that are otherwise authorized under state law and the Township's Code of Ordinances and Zoning Ordinance to meet a reasonable demonstrated need for this land use in the Township. It is the purpose of the Township to permit these systems to the extent a demonstrated need exists for the land use by regulating the siting, design, construction, operation, monitoring, modification, and removal of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems. The Township seeks to preserve its rural character and agricultural heritage. To these ends, the lands included in this District are within reasonable proximity to existing electric power transmission infrastructure.
2. Findings. In establishing this overlay district, the Township of Locke finds as follows:
 - A. It is necessary and reasonable to permit utility-scale solar energy systems, utility-scale wind energy systems, and principal use battery energy storage systems in the Township to the extent that there is a demonstrated need for that land use.
 - B. Land use for utility-scale solar energy systems, utility-scale wind energy systems, and principal-use battery energy storage systems beyond a reasonable and legitimate demonstrated need to provide for the Township's energy needs would have needless adverse effects on surrounding businesses and residences, and be detrimental to the health, safety, welfare, and prosperity of the Township and its residents.
 - C. The Township wishes to preserve its existing topography and rural character, maintain property values, and protect and preserve the quality and pace of rural life of its residents while preserving the environment and protecting wildlife.
 - D. Utility-Scale Solar Energy Systems, Utility-Scale Wind Energy Systems, and Principal-Use Battery Energy Storage Systems (BESS) can adversely impact the health, safety, welfare, and prosperity of that community, including existing property values, especially when in proximity to farms, forests, and residential properties.
 - E. Utility-Scale Solar Energy Systems, Utility-Scale Wind Energy Systems, and Principal-Use Battery Energy Storage Systems (BESS) shall be carefully managed to reduce the adverse long-term effects such land use can have on the productivity of farmland. See University of Michigan

Graham Sustainability Institute & Michigan State University Extension, “Planning & Zoning for Solar Energy Systems,” “Planning & Zoning for Wind Energy Systems,” and “Planning & Zoning for Battery Energy Storage Systems.”

- F. Several Michigan communities have suffered, or are suffering, from fiscal uncertainty due to litigation and rule changes concerning taxation arising from rural renewable energy production.
- G. Locke Township contributes significant storm water runoff into adjacent municipalities because of relative elevations, and therefore the Township values low-impact development to better manage its stormwater runoff.
- H. Impervious surfaces such as solar panels, wind turbines, and battery storage units channel stormwater run-off, and support posts and trenching are likely to damage drain tiles. Thus, Utility Scale Solar Energy Systems must be carefully sited, designed, and limited in scope.
- I. The Township adopts these land use regulations to balance any demonstrated need for utility-scale solar energy systems, utility-scale wind energy systems, and principal-use battery energy storage systems (BESS) in the Township with the public, health, and safety impacts identified above.

Section 7a.00.01 – Delineation of the Renewable Energy Overlay District

The Renewable Energy Overlay District overlays existing zoning districts delineated on the official Locke Township Zoning Map. The boundaries of the Renewable Energy Overlay District are depicted on the official Locke Township Zoning Map, incorporated herein by reference, and consists of approximately 1,038 total acres.

Section 7a.00.02 – Uses Permitted by Right

- 1. There are no uses permitted by right in the Renewable Energy Overlay District, other than uses permitted by right in the underlying zoning districts.

Section 7a.00.03 – Special Land Uses

- 1. Utility-Scale Solar Energy System (SES) Facility
- 2. Utility-Scale Wind Energy System (WES) Facility
- 3. Principal Use Battery Energy Storage Systems (BESS) Facility

Section 7a.01 – Solar Energy Systems (SES)

Section 7a.01.01 – Definitions

- 1. Building Integrated Photovoltaics (BIPVs): A small, private Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

2. Ground Mounted Solar Energy System: A Private Accessory or Utility-Scale Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
3. Maximum Tilt: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
4. Minimum Tilt: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
5. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid, also known as net metering.
6. Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIPVs.
7. Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.
8. Utility-Scale Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to Principal Uses or the wholesale or retail sale of generated electricity to any person or entity.
9. Non-Participating Property: A property that is not subject to a Utility Scale Solar Energy System lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a Utility Scale Solar Energy System.
10. Participating Property: A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity submitting a special land use permit application for the purpose of developing a Utility Scale Solar Energy System.
11. Owner/Operator: A person or entity that owns or operates a Utility Scale Solar Energy System. "Owner/operator," even when used in the singular, may refer to more than one person or entity if there are multiple owners or operators, or the Utility Scale Solar Energy System is owned and operated by different entities. "Owner/operator" includes any successor to the original owner/operator. "Owner/operator" may or may not be the same as the applicant.

Section 7a.01.02 – General Provisions

All solar energy systems are subject to the following provisions.

1. All Solar Energy Systems shall conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriter Laboratory (UL),

National Electrical Code (NEC), National Fire Protection Association (NFPA), and the most current Michigan Uniform Building Code adopted by the enforcing agencies.

2. If an applicant, operator, or landowner of a Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney and other professional fees and costs.

Section 7a.01.03 – Private Accessory Use Solar Energy Systems

1. Administrative Review. Except as provided in Subsection (D) below, all Private Accessory Use Solar Energy Systems require administrative approval as follows:
 - A. Application to Zoning Administrator. An applicant who seeks to install a Private Accessory Use Solar Energy System shall submit an application to the Zoning Administrator on a form approved by the Township Board.
 - B. Application Requirements. The application shall include:
 - i. A site plan depicting setback, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan shall be drawn to scale.
 - ii. Photographs of the property's existing condition.
 - iii. Renderings or catalogue cuts of the proposed solar energy equipment.
 - iv. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 - v. A copy of the manufacturer's installation directions.
 - C. Zoning Administrator Authority. The Zoning Administrator is authorized to approve, approve with conditions, or deny applications for Private Accessory Use Solar Energy Systems. An aggrieved party may appeal the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 15.06 of the Zoning Ordinance.
 - D. Exclusions from Administrative Review. Administrative review is not required for (i) a single solar panel with a total area of less than eight square feet; and (ii) repair and replacement of existing solar energy equipment if there is no expansion of the size or area of the solar energy equipment.
2. Private Solar Energy System BIPVs. Private Solar Energy System BIPVs are permitted as accessory uses in all zoning districts, subject to administrative approval as set forth in this Section. A building permit is required for the installation of BIPVs.

3. Roof or Building Mounted Private Accessory Use Solar Energy Systems. Roof or Building Mounted Private Accessory Use Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this Section and subject to the following requirements:
 - A. Safety. A Roof or Building Mounted Private Accessory Solar Energy System shall be installed, maintained, and used only in accordance with the manufacturer's instructions, and it shall comply with all applicable construction code and electric code including the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies.
 - B. Building Permit. A building permit is required for installation of a Roof or Building Mounted Private Accessory Solar Energy System.
 - C. Maximum Height. No part of the Solar Energy System mounted on a roof is permitted to extend more than five feet beyond the peak of the roof or to exceed the maximum building limitation for the zoning district in which it is located. No part of a Solar Energy System mounted on a roof is to project beyond the eaves of the roof.
 - D. Location. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted. A Solar Energy System mounted on a building wall may not face an adjacent public right-of-way.
 - E. Appearance. Roof or Building Mounted Private Accessory Use Solar Energy Systems shall be neutral in color and substantially non-reflective of light.
 - F. Nonconforming Buildings. A Roof or Building Mounted Private Solar Energy System installed on a nonconforming building or structure is not considered an expansion of the nonconformity, but it shall meet all height and placement requirements of the zoning district and this Section.
4. Ground Mounted Private Accessory Use Solar Energy Systems. Ground Mounted Private Accessory Use Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this Section and subject to the following requirements:
 - A. Safety. A Ground Mounted Private Solar Energy System shall be installed, maintained, and used only in accordance with the manufacturer's instructions, and it shall comply with all applicable construction code and electric code including the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies. The Ground Mounted Private Solar Energy System shall be permanently and safely attached to the ground.
 - B. Building Permit. A building permit is required for installation of a Ground Mounted Private Solar Energy System.

- C. **Maximum Height.** A Ground Mounted Private Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings and shall not exceed 20 feet above the ground when oriented at maximum tilt.
- D. **Location.** A Ground Mounted Private Solar Energy System shall be located in the rear yard or side yard, unless otherwise approved by the Zoning Board of Appeals, and meet the applicable setback requirements for the zoning district in which it is located.
- E. **Underground Transmission.** All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they shall be placed in a secured container or enclosure.
- F. **Screening.** Screening shall be required as approved by the Zoning Administrator.
- G. **Lot Area Coverage.** The area of the Ground Mounted Private Solar Energy System shall not exceed 50% of the square footage of the principal building on the property. If the property is two acres or less in size, a Ground Mounted Private Solar Energy System is not considered an accessory building or structure for purposes of Section 15.08 for applying for a zoning variance.
- H. **Appearance.** The exterior surfaces of a Ground Mounted Private Solar Energy System shall be generally neutral in color and substantially non-reflective of light.
- I. **Nonconforming Buildings.** A Ground Mounted Private Solar Energy System installed on a nonconforming building or structure is not considered an expansion of the nonconformity, but it shall meet all height and placement requirements of the zoning district and this Section.

Section 7a.01.04 – Utility-Scale Solar Energy Systems.

Utility-Scale Solar Energy Systems are permitted by Special Land Use approval in the Renewable Energy Overlay District and require a special land use permit under Article 11 and site plan approval under Article 12. Utility-Scale Solar Energy Systems are also subject to the following requirements:

- 1. **Special Land Use Permit Application Requirements.** In addition to the requirements of Section 11.01, the applicant for a Utility-Scale Solar Energy System shall provide the Township with all the following:
 - A. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
 - B. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to,

review fees of the Township Attorney, Township Planner, and Township Engineer or appointed individual, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

- C. A list of all parcel numbers that will be used by the Utility-Scale Solar Energy System; documentation establishing ownership of each parcel; and any and all lease or option agreements, easements, or purchase agreements for the subject parcels, together with any attachments to such agreements or easements.
- D. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- E. Federal Employer Identification Number for current owner/operator is required at the time of application.
- F. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and to the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.
- G. A written description of the fire suppression system that will be installed, which shall identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
- H. A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the Utility-Scale Solar Energy System site. The training plan must include, at a minimum, annual emergency response training for local firefighters and other local emergency personnel at the site of the Utility-Scale Solar Energy System.

- I. A complete set of photographs, video, and topography map of the entire Participating Property prior to construction.
- J. A copy of any power purchase agreement or other written agreement that the applicant has with an electric utility or any agreement or approval for interconnection between the proposed Utility-Scale Solar Energy System and an electric utility or transmission company.
- K. A written plan conforming to the requirements of this ordinance for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- L. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Solar Energy System and restore the subject parcels to as near as possible to the condition the subject parcels were in prior to being used as a Utility-Scale Solar Energy System.
- M. Financial security that meets the requirements of Sections 7a.01.04(24), 7a.01.04(26), and 7a.01.04(31) of this Ordinance.
- N. A plan for resolving complaints regarding but not limited to noise, glare, maintenance, and drainage from the public or other property owners concerning the construction and operation of the Utility-Scale Solar Energy System.
- O. Identification of and a plan for managing any hazardous waste.
- P. A transportation plan for construction and operation phases, including any applicable agreements with the Ingham County Road Department and Michigan Department of Transportation.
- Q. An attestation that the applicant and owner of the subject property will indemnify and hold the Township and its officials, elected or appointed, harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Solar Energy System.
- R. A copy of the manufacturer's directions, instruction manual, and specification sheets including any unredacted safety manuals and Safety Data Sheets (SDS), for installing, maintaining, and using the Utility-Scale Solar Energy System.
- S. A ground cover vegetation establishment and management plan that complies with this ordinance.
- T. Proof of environmental compliance, including compliance with:
 - i. Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.).

- ii. Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances.
 - iii. Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.).
 - iv. Part 303, Wetlands (MCL 324.30301 et. seq.).
 - v. Part 365, Endangered Species Protection (MCL324.36501 et. seq.)
 - vi. Any other applicable laws and rules in force at the time the application is considered by the Township.
 - U. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
 - V. Insurance. Proof of the owner/operator's public liability insurance shall be provided at the time of application. If the applicant is approved, proof of insurance shall be provided to the Township annually thereafter. The policy shall provide for bodily injury and property damage and shall name Locke Township and each Participating Property owner as an additional insured. The owner/operator shall insure for liability for the utility-scale solar system until removed for at least \$25,000,000 per occurrence to protect the owner/operator, Township, and Participating Property owner. Proof of a current policy is required annually and shall be provided each year to the Township prior to the anniversary date of the Special Land Use Permit.
 - W. Compliance with the Michigan Uniform Building Code and National Electric Safety Code: Construction of a Utility Solar Energy Facility shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any Special Land Use Permit under this Section.
 - X. Conceptual plan. A graphical computer-generated depiction of how the Utility-Scale Solar Energy System will appear from all directions.
2. Site Plan Application Requirements.
- A. Contents of Site Plan. In addition to the requirements in Section 12.04, the applicant shall, at its expense, provide a detailed application and site plan drafted to a scale of 1" = 200 feet with the following:
 - i. Location of all proposed structures, panels, equipment, transformers, and substations.
 - ii. Location of all existing structures or dwellings on the parcel and location of all existing structures or dwellings on adjacent Non-Participating Property within 1,000 feet of the property lines of any Participating Properties.
 - iii. Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.

- iv. Indication of how and where the system will be connected to the power grid.
- v. Plan for any land clearing and grading required for the installation and operation of the system.
- vi. Plan for ground cover establishment and management.
- vii. Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
- viii. Sound modeling study including sound isolines extending from the sound sources to the property lines.
- ix. Any additional studies requested by the Planning Commission, including but not limited to the following:
 - a. Visual Impact Assessment: A technical analysis by a third party qualified professional approved by the Township at applicant/owner's expense of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - b. Environmental Analysis: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense to identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. Stormwater Study: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense studying the proposed layout of the Utility-Scale Solar Energy System and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year precipitation event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

- d. Glare Study: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense to determine if glare from the Utility-Scale Solar Energy System will be visible from nearby airports, air strips, residences, and roadways. The analysis will consider the changing position of the sun throughout the day and year and its influences on the utility-scale solar energy system.
 - e. Optional Conceptual Layout Plan. Applicants shall submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall be reviewed by the Planning Commission to allow for discussion and feedback.
 - B. Approvals from Other Agencies. Final site plan approval may be granted only after the applicant receives all required federal, state, and local approvals, including any applicable approval by the state historic preservation office. Applicant shall provide copies of all review letters, final approved plans, and reports issued by any other governing agencies to the Township.
 - C. The site plan must show the existing topographical grades in two-foot intervals and conditions of all Participating Property at the time of application.
 - D. A baseline soil test including Cation Exchange Capacity (CEC) shall be provided to the Township prior to any construction.
 - E. A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum, consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.
 - F. Water Usage and Cleaning. The applicant shall detail the methodology planned for cleaning the solar panels, frequency, and listing of any and all detergents, surfactants, chemical solutions used for each cleaning, and sources of water used to facilitate panel restoration and maintenance.
- 3. Application Items as Substantive Requirements. The information, plans, documents, and other items identified as application requirements in this ordinance, including the site plan and special land use permit, are substantive requirements for obtaining approval for a Utility-Scale Solar Energy System. The Planning Commission is to review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission shall deny approval on that basis.
- 4. System and Location Requirements.
 - A. Utility-Scale Solar Energy Systems are to be located only in the Renewable Energy Overlay District.

- B. Utility-Scale Solar Energy Systems shall be ground mounted.
 - C. Utility-Scale Solar Energy Systems (including all solar panels, structures, equipment, inverters and fencing) shall be set back 500 feet from all Non-Participating Property lines (measured from the parcel line of the Non-Participating Property to the nearest fence line of the Utility-Scale Solar Energy System) and 750 feet from all public road rights-of-way measured from the nearest boundary of the public right-of-way. If a single Utility-Scale Solar Energy System is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the Utility-Scale Solar Energy System is located, then the lot line setbacks of this Subsection do not apply to the lot lines shared by those lots.
 - D. Utility-Scale Solar Energy Systems shall be set back at least 150 feet from the edge of any wetland, shoreline, or drain easement. The Planning Commission may increase this setback requirement if the Planning Commission determines that such a setback is necessary to protect the public health, safety, and welfare.
 - E. Riparian buffers and filter strips, and where needed, denitrifying bioreactors, may be required and if required must be installed and maintained to the specifications required by the United States Department of Agriculture's Farm Service Agency (USDA/FSA). The buffers and filter strips are intended to reduce or eliminate sediment and nutrient loading of drainage ditches, streams, rivers, lakes, and other nearby waterways. If required, no structures may be placed within the buffer or filter strip areas. Depending upon the topography, soil, and other factors, buffer or filter strips will generally be between 33 feet and 164 feet wide, on both sides of ditches, streams, and other waterways.
 - F. The height of the Utility-Scale Solar Energy System and any mounts, buildings, accessory structures, and related equipment shall not exceed 16 feet when oriented at maximum tilt. The Planning Commission may allow a height of up to 20 feet if the applicant establishes that the lot is used for grazing by farm animals in a manner that requires increasing the height limit. Lightning rods may exceed 16 feet in height, but they shall be limited to the height necessary to protect the Utility-Scale Solar Energy System from lightning.
 - G. PV Array Components: PV array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization acceptable to the Township.
- 5. Permits. All required county, state, and federal permits shall be obtained before the Utility-Scale Solar Energy System begins operating.
 - 6. Screening. Greenbelt screening is required around any Utility-Scale Solar Energy System and around any equipment associated with the system to obscure, to the

greatest extent possible, the Solar Energy System from all sides and any open views from Non-Participating Property.

- A. Screening shall be installed to obscure the Utility Scale Solar Energy System and shall contain two rows of staggered evergreen trees planted not more than twelve (12) feet apart trunk to trunk, and the two rows shall be no greater than ten (10) feet apart. Any substitution shall be approved in advance by the Planning Commission. No species of any Arborvitae shall be permitted.
 - B. Planting shall be at least eight (8) feet tall at time of planting, measured from the top of the root ball to the base of the leader (not including the height of the leader) and reasonably expected to reach a height of ten (10) feet within three (3) growing seasons.
 - C. The trees may be trimmed but shall maintain a height of at least eighteen (18) feet.
 - D. Evergreen trees shall be native to Michigan.
 - E. Good arboricultural techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and shall be replanted in a manner consistent with this Section at the next appropriate planting time. Each dead or diseased vegetation shall be completely replaced at 50% as determined by the Zoning Administrator. Annual review by a Professional Arborist, paid for by the owner/operator, shall be performed to determine any plant/vegetation replacement necessary to remain in compliance with the ordinance.
 - F. Utility-Scale Solar Energy Systems also shall comply with the landscaping standards in Section 13d of the Zoning Ordinance.
 - G. Front, side, and rear yard screening is required if the Utility-Scale Solar Energy System is adjacent to a non-participating property.
7. Appearance. The exterior surface of the Utility-Scale Solar Energy System shall be generally neutral in color and substantially non-reflective of light.
8. Lighting. Lighting of the Utility-Scale Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting shall not extend beyond the perimeter of the participating property. The Utility-Scale Solar Energy System shall not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads. Flashing or intermittent lights are prohibited.
9. Security Fencing.
- A. Security fencing may be required by the Planning Commission to be installed around all electrical equipment related to the Utility-Scale Solar Energy System, including any transformers. Fencing shall be at least

seven feet tall and be composed of woven agricultural wire. Barbed and razor wire is prohibited.

- B. A containment system shall surround any transformers in case of hazardous waste or oil spills.
 - C. Appropriate warning signs shall be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Solar Energy System.
 - D. Gate posts and corner posts shall have a concrete foundation.
 - E. Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.
 - F. The Township may allow or require a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
 - G. Security fencing is subject to setback requirements. The security fence shall be locked, and a self-locking device shall be used. Lock boxes and keys (may be electronic such as keypad opener, if the passcode is provided to the Township and central dispatch for 911 service) shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted. A safety plan shall be in place and updated regularly with NIESA and other emergency service providers that have jurisdiction over the Utility-Scale Solar Energy System.
10. Noise. All sound measurements are to be instantaneous and shall not be averaged. The noise generated by a Utility-Scale Solar Energy System shall not exceed the following limits:
- A. 40 dBA L_{max} , as measured at the property line, between the hours of 7:00 a.m. and 9:00 p.m.
 - B. 35 dBA L_{max} , as measured at the property line, between the hours of 9:00 p.m. and 7:00 a.m.
 - C. The owner/operator of the Utility Scale Solar Energy System shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, at the expense of the applicant.
11. Underground Transmission. All power transmission, communication, or other lines, wires, or conduits from a Utility-Scale Solar Energy System to any building or other structure shall be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
12. Drain Tile Inspections. The Utility-Scale Solar Energy System shall be maintained in working condition at all times while in operation. The owner/operator shall hire, at its own expense, a third-party contractor approved by the Township to identify and inspect all drain tiles at least once every two years by means of a robotic camera, with the first inspection occurring post construction but before the Utility-

Scale Solar Energy System is in operation. The owner/operator shall submit proof of the inspection to the Township. The owner/operator shall repair any damage or failure of the drain tile within 60 days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

13. Fire Suppression. The Utility-Scale Solar Energy System shall include a fire suppression system that is specifically designed to immediately suppress and extinguish fires in any part of the Solar Energy System, including the panels, electrical equipment, and transformers. The owner/operator shall provide documentation establishing the effectiveness of the fire suppression system and the results of a third- party independent inspection (approved by the Township) of the fire suppression system. The fire suppression system shall also be reviewed and approved by NIESA.
14. Battery Storage. Commercial grid storage batteries or capacitor banks storing or returning supplemental power to the grid are permitted in the Renewable Energy Overlay District. Use of Batteries in commercial applications is permitted as emergency backup for safety lighting and related computer infrastructures, in addition to colocation systems.
15. Storage: If storage on the solar site is included as part of the Utility-Scale SES, said storage must be placed in a security container or enclosure when in use in accordance with applicable laws and regulations, and when no longer used, shall be disposed of in accordance with applicable laws and regulations. Security containers or enclosures must also comply with all local and state ordinances and codes.
16. Renewable energy equipment and/or materials shall not be stored or disposed of on any public or private parcel within Locke Township at any time.
17. Stray Voltage Assessments: No stray voltage originating from a Utility Scale Solar Energy System may be detected on any Participating or Non-Participating property. A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the Participating Properties. The tests shall be performed by an investigator approved by the Township at the applicant/owner's expense. A report of the tests shall be provided to the owners of all property included in the study area. The applicant/landowner shall seek written permission from the property owners prior to conducting testing on such owners' property. Applicants/landowners shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing. The owner of any Participating Property included in the list of project parcels shall not refuse the stray voltage testing if they have a MDARD registered livestock facility on the Participating Property.
18. Ground Cover. The lot on which the Utility-Scale Solar Energy System is located shall be covered with vegetation until decommissioning. To meet this requirement, the lot shall include one or more of the following:

- A. Pollinator Habitat: A site designed to have vegetation that will enhance pollinator populations, including a diversity of flowering plants and wildflowers, and meets a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 - B. Conservation Cover: A site designed with practices to restore native plants, grasses, and prairie with the aim of protecting specific species or providing specific ecosystem services, such as carbon sequestration or soil health. The site shall be designed in partnership with a conservation organization or approved by the Ingham Conservation District.
 - C. Forage/Grazing: Sites that incorporate rotational livestock grazing and forage production as part of a vegetative maintenance plan.
 - D. Agrivoltaics: Sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
 - E. Ground cover shall be planted within four months of project completion, weather permitting.
 - F. Invasive species and noxious weeds are not permitted and shall be removed in a timely manner.
19. Drainage. Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices shall be managed within the property and on-site in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to pre-existing conditions following decommissioning. Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction. Prior to the start of construction, any existing drain tile shall be inspected by a third-party contractor approved by the Township, at applicant/owner's expense by robotic camera and the imagery submitted to the Township for baseline documentation on tile condition. Any damage shall be repaired, and a report submitted to the landowner and Township. While the facility is in operation, the owner/operator shall reinspect the drain tiles every two years by robotic camera for any damage and shall repair any damage within 60 days of discovery. The owner/operator shall report the inspection, along with any damage and repair, to the Township within 90 days after each two-year deadline. The Township reserves the right to have the Building Inspector or other agent present at the time of repair. Solar panel support structures and/or foundations shall be constructed to preserve any drainage field tile or system.
20. Access Routes. Access drives are subject to the approval of the Ingham County Road Department to the extent of the Road Department's jurisdiction and the Michigan Department of Transportation. All access drives and roads within the site shall be adequately maintained for emergency vehicle use, including winter maintenance.

21. The owner/operator shall submit an As-Built Drawing with dimensions relative to property lines of all new structures including inverters and buried cable both inside and outside fenced areas upon completion and before any power is supplied to the grid. The As-Built Drawing shall be a scale of 1" = 200 feet.
22. Signs. Signs are permitted but shall comply with Section 13a. The lot shall include at least one sign identifying the owner and providing a 24-hour emergency contact telephone number.
23. Emergency Action Plan and Training. Before the Utility-Scale Solar Energy System is operational, the owner/operator shall provide the necessary training, equipment, or agreements specified in the application to Township or other emergency personnel.
24. Decommissioning and/or Abandonment.
 - A. If a Utility-Scale Solar Energy System is abandoned or otherwise non-operational for a period of six months, the owner/operator shall notify the Township and shall remove the system within six months after the date of abandonment. Removal requires receipt of a demolition permit and full restoration of the site in accordance with the provisions of this Ordinance and to the satisfaction of the Zoning Administrator. The site shall be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Solar Energy System that is never fully completed or operational if construction has been halted for a period of six months.
 - B. The decommissioning plan shall be written to provide security to the Township for 125% of the cost to remove and dispose of all panels, removal of all wiring, footings, and pilings, (regardless of depth), and restoration of the land to its original condition. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. The decommissioning security shall be paid in cash to the Township. Once the value of decommissioning is determined, it shall be updated on a periodic basis of not less than every 2 years, and additional security shall be required based on the average inflation rate of the preceding 2 years.
 - C. All abandonment and decommissioning work shall be done when soil is dry.
 - D. The ground shall be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the owner/operator.
 - E. If land balancing is required, all topsoil will be saved and spread evenly over balanced area according to the existing topography map provided at the time of application.

- F. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if the use is to cease, prior to decommissioning, or abandonment.
 - G. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility-Scale Solar Energy System exists or is in place shall constitute a material and significant violation of the special land use permit, and this Ordinance, and will subject the Utility-Scale Solar Energy System owner/operator (jointly and severally, if there is more than one owner or operator) to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the special land use permit.
 - H. The Township shall have the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner/operator or landowner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real property owned by the owner/operator or landowner for the amount of the excess, and to take all steps allowed by law to enforce said lien.
 - I. At the time of decommissioning, the Planning Commission may allow deviations from the above decommissioning requirements following notice and a public hearing in accordance with Section 103 of the Zoning Enabling Act.
25. Complaint Resolution. Utility-Scale Solar Energy Systems shall provide a complaint resolution process, as described below:
- A. The site shall have signs posted with contact information to collect complaints related to the Utility-Scale Solar Energy System.
 - B. A log shall be kept by the owner/operator of all complaints received and shall be available to Township officials for review at the Township's request.
 - C. The owner/operator shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
 - D. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
 - E. The owner/operator or its assigns reserve the right to adjudicate any claims made against it, including residential claims, in a court of competent jurisdiction. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.
26. Maintenance and Repair.
- A. Each Utility-Scale Solar Energy System shall be kept and maintained in good repair and condition at all times and the site shall be neat, clean, and

free of refuse, waste, or unsightly, hazardous, or unsanitary conditions. All solar panels damaged beyond repair or use shall be replaced and removed from the project site within seven (7) days and shall be disposed of off-site in accordance with any state or federal requirements. The applicant/owner may request an extension of this seven-day requirement, in writing, which may be granted at the discretion of the Planning Commission.

- B. If the Township Board or Zoning Administrator determines that a Utility-Scale Solar Energy System fails to meet the requirements of this Ordinance or the special land use permit, the Zoning Administrator or Township Board shall provide notice to the owner/operator of the non-compliance, and the owner/operator has 14 days to cure the violation. If the violation is a safety hazard as determined by the Zoning Administrator or Township Board, then the owner and/or operator have 7 days to cure the violation. If the owner and/or operator has not remedied non-compliance issues in the aforementioned time periods, the owner/operator shall immediately shut down the Utility-Scale Solar Energy System and shall not operate, start or restart the Utility-Scale Solar Energy System until the issues have been resolved. If the owner/operator fails to bring the operation into compliance, the Township may seek relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner/operator is deemed responsible shall result in a \$500.00 fine. Each day shall constitute a new violation.
 - C. The owner/operator shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request.
 - D. General Maintenance Bond. At the time of the Special Land Use application, the owner/operator shall submit two (2) third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Utility-Scale Solar Energy System. A performance bond in the amount of 125% of the higher bid shall be provided to the Township in cash to ensure completion. The Township may use the bond to complete or repair any landscaping, fencing, or drainage infrastructure (including drain tiles).
27. Extraordinary Events. If the Utility-Scale Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the owner/operator shall notify the Township within 8 hours.
28. Annual Report. The owner/operator shall submit a report on or before January 1 of each year that includes all the following:
- A. Amount of electricity generated.
 - B. Current proof of insurance with the Township and Participating Property owner(s) shown as named insured.

- C. Verification of financial security.
 - D. A summary of all complaints, complaint resolutions, and extraordinary events.
 - E. Additionally, a representative of the owner/operator shall appear before the Planning Commission annually to report on the Utility-Scale Solar Energy System and address questions or concerns from the Planning Commission.
29. Inspections. The Township may inspect a Utility-Scale Solar Energy System at any time by providing 24 Hours advance notice to the owner/operator.
30. Transferability. A special use permit for a Utility-Scale Solar Energy System is transferable to a new owner. The new owner shall register its name, Federal Employer Identification Number, and business address 30 days prior to the transfer date with the Township and shall comply with this Ordinance and all approvals and conditions issued by the Township. In the event of a sale or transfer of ownership and/or operation of the solar facility, the original escrow shall be maintained throughout the entirety of the process and shall not be altered.
31. Major and Minor Site Plan Amendments.
- A. Major site plan amendments include those listed in Section 12.08(2) and any of the following:
 - i. Changes of the location of arrays, fencing, buildings, or ancillary equipment by 10 feet or more.
 - ii. Any increase in the height of solar panels.
 - B. Minor site plan amendments include those listed in section 12.08(1) and any of the following:
 - i. Changes of the location of arrays, fencing, buildings, or ancillary equipment by less than 10 feet.
32. Remedies. If an owner/operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, shall revoke the special land use permit and site plan approval after giving the owner/operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 7a.02 – Wind Energy Systems (WES)

Section 7a.02.01 – Definitions.

The following definitions are added to the Township Zoning Ordinance, consistent with the existing ordering of definitions in that section:

1. Private Accessory use Wind Energy System: A Wind Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
2. Wind Energy System (WES): Any part of a system that collects or stores kinetic wind energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by wind energy to any other medium by any means.
3. Utility-Scale Wind Energy System: A Wind Energy System in which the principal design, purpose, or use is to provide energy to Principal Uses or the wholesale or retail sale of generated electricity to any person or entity.
4. Non-Participating Property: A property that is not subject to a Utility-Scale Wind Energy System lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a Utility-Scale Wind Energy System.
5. Participating Property: A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity submitting a special land use permit application for the purpose of developing a Utility-Scale Wind Energy System.
6. Owner/Operator: A person or entity that owns or operates a Utility-Scale Wind Energy System. "Owner/operator," even when used in the singular, may refer to more than one person or entity if there are multiple owners or operators, or the Utility-Scale Wind Energy System is owned and operated by different entities. "Owner/operator" includes any successor to the original owner/operator. "Owner/operator" may or may not be the same as the applicant.
7. SCADA (Supervisory Control and Data Acquisition): Is a computer-based, industrial automation platform used to monitor, control, and analyze wind turbines, substations, and meteorological equipment in real-time. It serves as the "central nervous system," optimizing production, enabling remote operation, and collecting performance data

Section 7a.02.02 – General Provisions.

All wind energy systems are subject to the following requirements of this Section.

1. All Wind Energy Systems shall conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriter Laboratory (UL), National Electrical Code (NEC), National Fire Protection Association (NFPA), and the most current Michigan Uniform Building Code adopted by the enforcing agencies.
2. If an applicant, operator, or landowner of a Wind Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or

equitable action to abate a violation and recover any and all costs, including the Township's actual attorney and other professional fees and costs.

Section 7a.02.03 – Private Accessory Use Wind Energy Systems.

1. Administrative Review. Except as provided in subsection (D) below, all Private Accessory Wind Energy Systems require administrative approval as follows:
 - A. Application to Zoning Administrator. An applicant who seeks to install a Private Accessory Wind Energy System shall submit an application to the Zoning Administrator on a form approved by the Township Board.
 - B. Application Requirements. The application shall include:
 - i. A site plan depicting setback, turbine size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan shall be drawn to scale.
 - ii. Photographs of the property's existing condition.
 - iii. Renderings or catalogue cuts of the proposed wind energy equipment.
 - iv. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 - v. A copy of the manufacturer's installation directions.
 - C. Zoning Administrator Authority. The Zoning Administrator is authorized to approve, approve with conditions, or deny applications for Private Wind Energy Systems. An aggrieved party may appeal the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 15.06 of the Zoning Ordinance.
 - D. Exclusions from Administrative Review. Administrative review is not required for repair and replacement of existing wind energy equipment if there is no expansion of the size or area of the wind energy equipment.
2. Private Accessory Wind Energy System. Private Accessory Wind Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:
 - A. Safety. A Private Accessory Wind Energy System shall be installed, maintained, and used only in accordance with the manufacturer's instructions, and it shall comply with all applicable construction code and electric code including the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies.
 - B. Building Permit. A building permit is required.

- C. Maximum Height. The total height of a Private WES with the blade fully extended must not exceed 90 feet. The minimum clearance from ground level to the blade at its lowest point must be 30 feet.
- D. Location. The minimum setback of a Private WES from any property line or road right-of-way must equal three times the total height of the unit (with the WES blade at its highest point).
- E. Private WES must comply with the noise limits set forth in this Ordinance.
- F. Underground Transmission. All power transmission or other lines, wires, or conduits from a Private Wind Energy System to any building or other structure shall be located underground. If batteries are used as part of the Private Wind Energy System, they shall be placed in a secured container or enclosure.

Section 7a.02.04 – Utility-Scale Wind Energy Systems.

Utility-Scale Wind Energy Systems are permitted by Special Land Use approval in the Renewable Energy Overlay District and require a special land use permit under Article 11 and site plan approval under Article 12.

Utility-Scale Wind Energy Systems are also subject to the following requirements of this Section.

1. Special Land Use Permit Application Requirements. In addition to the requirements of Section 11.01, the applicant for a Utility-Scale Wind Energy System shall provide the Township with all the following:
 - A. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
 - B. A deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and/or approval process, which costs can include, but are not limited to, review fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review and/or approval process for the application. At any point during the review process, the Township may require that the applicant place additional monies into escrow with the Township if the existing escrowed funds on account with the Township will be insufficient, in the determination of the Township, to cover any remaining costs or expenses with the review and/or approval process. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and/or approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

- C. A list of all parcel numbers that will be used by the Utility-Scale Wind Energy System; documentation establishing ownership of each parcel; and any and all lease or option agreements, easements, or purchase agreements for the subject parcels, together with any attachments to such agreements or easements.
- D. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- E. Federal Employer Identification Number for current owner/operator is required at the time of application.
- F. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant shall identify its plan for providing those resources. The emergency plan shall include identification of potential hazards to adjacent properties, public roadways, and to the community in general that may be created, as well as plans for immediate cleanup, long-term monitoring, and continued mitigation efforts following an emergency.
- G. A written description of the fire suppression system that will be installed, which shall identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
- H. A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the Utility-Scale Wind Energy System site. The training plan must include, at a minimum, annual emergency response training for local firefighters and other local emergency personnel at the site of the Utility-Scale Wind Energy System.
- I. A complete set of photographs, video, and topography map of the entire Participating Property prior to construction.
- J. A copy of any power purchase agreement or other written agreement that the applicant has with an electric utility or any agreement or approval for interconnection between the proposed Utility-Scale Wind Energy System and an electric utility or transmission company.
- K. A written plan conforming to the requirements of this ordinance for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- L. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Wind Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Wind Energy System and restore the subject parcels to as near as possible to the

condition the subject parcels were in prior to being used as a Utility-Scale Wind Energy System.

- M. Financial security that meets the requirements of this ordinance.
- N. A plan for resolving complaints regarding but not limited to noise, glare, maintenance, and drainage from the public or other property owners concerning the construction and operation of the Utility-Scale Wind Energy System.
- O. Identification of and a plan for managing any hazardous waste.
- P. A transportation plan for construction and operation phases, including any applicable agreements with the Ingham County Road Department and Michigan Department of Transportation.
- Q. An attestation that the applicant and owner of the subject property will indemnify and hold the Township and its officials, elected or appointed, harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Wind Energy System.
- R. A copy of the manufacturer's directions, instruction manual, and specification sheets including any unredacted safety manuals and Safety Data Sheets (SDS), for installing, maintaining, and using the Utility-Scale Wind Energy System.
- S. A ground cover vegetation establishment and management plan that complies with this ordinance.
- T. Proof of environmental compliance, including compliance with:
 - i. Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.).
 - ii. Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances.
 - iii. Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.).
 - iv. Part 303, Wetlands (MCL 324.30301 et. seq.);
 - v. Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
 - vi. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- U. Insurance. Proof of the owner/operator's public liability insurance shall be provided at the time of application. If the applicant is approved, proof of insurance shall be provided to the Township annually thereafter. The policy shall provide for bodily injury and property damage and shall name Locke Township and each Participating Property owner as an additional insured.

The owner/operator shall insure for liability for the utility scale wind system until removed for at least \$25,000,000 per occurrence to protect the owner/operator, Township, and Participating Property owner. Proof of a current policy is required annually and shall be provided each year to the Township prior to the anniversary date of the special land use permit.

- V. Compliance with the Michigan Uniform Building Code and National Electric Safety Code: Construction of a Utility-Scale Wind Energy Facility shall comply with the most current version of the Michigan Uniform Building Code and National Electrical Code adopted by the enforcing agencies as a condition of any special land use permit under this section.
- W. Conceptual plan. A graphical computer-generated depiction of how the Utility-Scale Wind Energy System will appear from all directions.

2. Site Plan Application Requirements.

- A. Contents of Site Plan. In addition to the requirements in Section 12.04, the applicant shall, at its expense, provide a detailed application and site plan drafted to a scale of 1" = 200 feet with the following:
 - i. Location of all proposed structures, turbines, equipment, transformers, and substations.
 - ii. Location of all existing structures or dwellings on the parcel and location of all existing structures or dwellings on adjacent Non-Participating Property within 1,000 feet of the property lines of any Participating Properties.
 - iii. Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
 - iv. Indication of how and where the system will be connected to the power grid.
 - v. Plan for any land clearing and grading required for the installation and operation of the system.
 - vi. Plan for ground cover establishment and management.
 - vii. Anticipated construction schedule and completion date. As a condition of any special land use or site plan approval, hours of construction shall be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. with no construction on Saturday, Sunday, or any federally recognized holiday.
 - viii. Sound modeling study including sound isolines extending from the sound sources to the property lines.
 - ix. Any additional studies requested by the Planning Commission, including but not limited to the following:

- a. Visual Impact Assessment: A technical analysis by a third party qualified professional approved by the Township at applicant/owner's expense of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - b. Environmental Analysis: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense to identify and assess any potential impacts on the natural environment including, but not limited to, removal of trees, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. Stormwater Study: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense studying the proposed layout of the Utility-Scale Wind Energy System and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year precipitation event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - d. Glare Study: An analysis by a third-party qualified professional approved by the Township at applicant/owner's expense to determine if glare from the Utility-Scale Wind Energy System will be visible from nearby airports, air strips, residences, and roadways. The analysis will consider the changing position of the sun throughout the day and year and its influences on the utility-scale wind energy system.
 - e. Optional Conceptual Layout Plan. Applicants shall submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan shall be reviewed by the Planning Commission to allow for discussion and feedback.
- x. Approvals from Other Agencies. Final site plan approval may be granted only after the applicant receives all required federal, state and local approvals, including any applicable approval by the state historic preservation office. Applicant shall provide copies of all

review letters, final approved plans, and reports issued by any other governing agencies to the Township.

- xi. The site plan must show the existing topographical grades in two-foot intervals and conditions of all Participating Property at the time of application.
- xii. A baseline soil test including Cation Exchange Capacity (CEC) shall be provided to the township prior to any construction.
- xiii. A written description of how the applicant will address dust control during construction. Such plan shall, at a minimum consist of water applications at least three times per day unless it has rained in the preceding three hours of the planned application.
- xiv. Water Usage and Cleaning. The applicant shall detail the methodology planned for cleaning the wind turbines, frequency, and listing of any and all detergents, surfactants, chemical solutions used for each cleaning, and sources of water used to facilitate turbine restoration and maintenance.

- 3. Application Items as Substantive Requirements. The information, plans, documents, and other items identified as application requirements in this ordinance, including the site plan and special land use permit, are substantive requirements for obtaining approval for a Utility-Scale Wind Energy System. The Planning Commission is to review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission shall deny approval on that basis.

- 4. System and Location Requirements.

- A. Utility-Scale Wind Energy Systems are to be located only in the Renewable Energy Overlay District.
- B. The minimum setback from any property line of a Non-Participating Landowner or any road right-of-way is 3,000 feet or five times the Tip Height of each turbine in the Utility-Scale WES, whichever is larger. Additionally, each turbine must be located at least 0.5 miles from the nearest lake or body of water. If a single Utility-Scale Wind Energy System is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the Utility-Scale Wind Energy System is located, then the lot line setbacks of this subsection do not apply to the lot lines shared by those lots.
- C. The maximum height of a Utility-Scale WES with the blade fully extended must not exceed 300 feet.
- D. The minimum clearance from ground level to the blade at its lowest point must be at least 100 feet.
- E. Blade arcs created by a Utility-Scale WES must have a minimum of 100 feet of clearance over and away from any structure.

- F. Each Utility-Scale WES must be equipped with a braking or equivalent device, capable of stopping the Utility-Scale WES operation in high winds with or without SCADA control. The braking system must be effective during complete grid power failure when Utility-Scale WES are unable to communicate with SCADA control or receive power.
 - G. All turbines must be equipped with technology that automatically de-ices the turbine blades. The system must detect ice and heat the blades, such as through the use of built-in carbon heating mats or through the circulation of hot air.
- 5. Permits. All required county, state, and federal permits shall be obtained before the Utility-Scale Wind Energy System begins operating.
 - 6. Appearance. All turbines and towers must be painted a non-obtrusive, neutral color, such as beige, gray, or off-white and must be non-reflective. All turbines bases and blades must be the same color and must be consistent with the color of other Utility-Scale WES in the Township. No advertisements, graphics, or striping are permitted on the blades or towers. The applicant is encouraged to select anti-icing paint that prevents the formation of ice on the surface of the turbine's blades.
 - 7. Lighting. Lighting of the Utility-Scale Wind Energy System is limited to the minimum light necessary for safe operation. Towers may be lit only to the minimum extent required by the FAA.
 - 8. Security Fencing.
 - A. Security fencing may be required by the Planning Commission to be installed around all electrical equipment related to the Utility-Scale Wind Energy System, including any transformers. Fencing shall be at least seven feet tall and be composed of woven agricultural wire. Barbed and razor wire is prohibited.
 - B. A containment system shall surround any transformers in case of hazardous waste or oil spills.
 - C. Appropriate warning signs shall be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Wind Energy System.
 - D. Gate posts and corner posts shall have a concrete foundation.
 - E. Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.
 - F. The Township may allow or require a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
 - G. Security fencing is subject to setback requirements. The security fence shall be locked, and a self-locking device shall be used. Lock boxes and keys (may be electronic such as keypad opener, if the passcode is

provided to the Township and central dispatch for 911 service) shall be provided at locked entrances for emergency personnel access. Electric fencing is not permitted. A safety plan shall be in place and updated regularly with NIESA and any other emergency service provider having jurisdiction over the Utility-Scale Wind Energy System.

9. Noise. All sound measurements are to be instantaneous and shall not be averaged. The noise generated by a Utility-Scale Wind Energy System shall not exceed the following limits:
 - A. 40 dBA Lmax, as measured at the property line, between the hours of 7:00 a.m. and 9:00 p.m.
 - B. 35 dBA Lmax, as measured at the property line, between the hours of 9:00 p.m. and 7:00 a.m.
 - C. The owner/operator of the Utility Scale Wind Energy System shall annually provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, at the expense of the applicant.
10. Underground Transmission. All power transmission, communication, or other lines, wires, or conduits from a Utility-Scale Wind Energy System to any building or other structure shall be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
11. Drain Tile Inspections. The Utility-Scale Wind Energy System shall be maintained in working condition at all times while in operation. The owner/operator shall hire, at its own expense, a third-party contractor approved by the Township to identify and inspect all drain tiles at least once every two years by means of a robotic camera, with the first inspection occurring post construction but before the Utility-Scale Wind Energy System is in operation. The owner/operator shall submit proof of the inspection to the Township. The owner/operator shall repair any damage or failure of the drain tile within 60 days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
12. Fire Suppression. The Utility-Scale Wind Energy System shall include a fire suppression system that is specifically designed to immediately suppress and extinguish fires in any part of the Wind Energy System, including the turbines, electrical equipment, and transformers. The owner/operator shall provide documentation establishing the effectiveness of the fire suppression system and the results of a third-party independent inspection (approved by the Township) of the fire suppression system. The fire suppression system shall also be reviewed and approved by NIESA.
13. Battery Storage. Commercial grid storage batteries or capacitor banks storing or returning supplemental power to the grid are permitted in the Overlay District. Use of batteries in commercial applications is permitted as emergency backup for

safety lighting and related computer infrastructures, in addition to colocation systems.

14. A Utility-Scale WES must not interfere with any radio, television, or other communication systems. If the Township or the applicant or operator of the Utility-Scale WES receive a complaint about communication interference, the applicant or operator must resolve the interference immediately and provide proof that the interference has been resolved within 90 days.
15. Stray Voltage Assessments: No stray voltage originating from a Utility Scale Wind Energy System may be detected on any Participating or Non-Participating property. A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the Participating Properties. The tests shall be performed by an investigator approved by the Township at the applicant/owner's expense. A report of the tests shall be provided to the owners of all property included in the study area. The applicant/landowner shall seek written permission from the property owners prior to conducting testing on such owners' property. Applicants/landowners shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing. The owner of any Participating Property included in the list of project parcels shall not refuse the stray voltage testing if they have a MDARD registered livestock facility on the Participating Property.
16. Drainage. Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices shall be managed within the property and on-site in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to pre-existing conditions following decommissioning. Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction. Prior to the start of construction, any existing drain tile shall be inspected by a third-party contractor approved by the Township, at applicant/owner's expense by robotic camera and the imagery submitted to the Township for baseline documentation on tile condition. Any damage shall be repaired, and a report submitted to the landowner and Township. While the facility is in operation, the owner/operator shall reinspect the drain tiles every two years by robotic camera for any damage and shall repair any damage within 60 days of discovery. The owner/operator shall report the inspection, along with any damage and repair, to the Township within 90 days after each two-year deadline. The Township reserves the right to have the Building Inspector or other agent present at the time of repair. Wind turbine support structures and/or foundations shall be constructed to preserve any drainage field tile or system.
17. Access Routes. Access drives are subject to the approval of the Ingham County Road Department to the extent of the Road Department's jurisdiction and Michigan Department of Transportation. All access drives and roads within the

site shall be adequately maintained for emergency vehicle use, including winter maintenance.

18. The owner/operator shall submit an As-Built Drawing with dimensions relative to property lines of all new structures including turbines and buried cable both inside and outside fenced areas upon completion and before any power is supplied to the grid. The As-Built Drawing shall be a scale of 1" = 200 feet.
19. Signs. Signs are permitted but shall comply with Section 13a. The lot shall include at least one sign identifying the owner and providing a 24-hour emergency contact telephone number.
20. Emergency Action Plan and Training. Before the Utility Wind Energy System is operational, the owner/operator shall provide the necessary training, equipment, or agreements specified in the application to Township or other emergency personnel.
21. Decommissioning and/or Abandonment.
 - A. If a Utility-Scale Wind Energy System is abandoned or otherwise non-operational for a period of six months, the owner/operator shall notify the Township and shall remove the system within six months after the date of abandonment. Removal requires receipt of a demolition permit and full restoration of the site in accordance with the provisions of this Ordinance and to the satisfaction of the Zoning Administrator. Decommissioning shall include the removal of each turbine, all buildings, electrical components, foundations and roads, as well as any other associated facilities. The site shall be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Wind Energy System that is never fully completed or operational if construction has been halted for a period six months.
 - B. The decommissioning plan shall be written to provide security to the Township for 125% of the cost to remove and dispose of all turbines, removal of all wiring, footings, and pilings, (regardless of depth), and restoration of the land to its original condition. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. The decommissioning security shall be paid in cash to the Township. Once the value of decommissioning is determined, it shall be updated on a periodic basis of not less than every 2 years and additional security shall be required based on the average inflation rate of the preceding 2 years.
 - C. All abandonment and decommissioning work shall be done when soil is dry as determined by a third-party soil expert approved by the Township at the applicant/owner's expense.
 - D. The ground shall be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the owner/operator.

- E. If land balancing is required, all topsoil will be saved and spread evenly over balanced area according to the existing topography map provided at the time of application.
 - F. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if the use is to cease, prior to decommissioning, or abandonment.
 - G. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility-Scale Wind Energy System exists or is in place shall constitute a material and significant violation of the special land use permit, and this Ordinance, and will subject the Utility-Scale Wind Energy System owner/operator (jointly and severally, if there is more than one owner or operator) to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the special land use permit.
 - H. The Township shall have the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner/operator or landowner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real property owned by the owner/operator or landowner for the amount of the excess, and to take all steps allowed by law to enforce said lien.
 - I. At the time of decommissioning, the Planning Commission may allow deviations from the above decommissioning requirements following notice and a public hearing in accordance with Section 103 of the Zoning Enabling Act.
22. Renewable energy equipment and/or materials shall not be stored or disposed of on any public or private parcel within Locke Township at any time.
23. Complaint Resolution. Utility-Scale Wind Energy Systems shall provide a complaint resolution process, as described below:
- A. The site shall have signs posted with contact information to collect complaints related to the Utility-Scale Wind Energy System.
 - B. A log shall be kept by the owner/operator of all complaints received and shall be available to Township officials for review at the Township's request.
 - C. The owner/operator shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
 - D. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
 - E. The owner/operator or its assigns reserve the right to adjudicate any claims made against it, including residential claims, in a court of competent jurisdiction. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received,

the status of complaint resolution, and actions taken to mitigate complaints.

24. Maintenance and Repair.

- A. Each Utility-Scale Wind Energy System shall be kept and maintained in good repair and condition at all times and the site shall be neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions. All wind turbines damaged beyond repair or use shall be replaced and removed from the project site within seven (7) days and shall be disposed of off-site in accordance with any state or federal requirements. Applicant/owner may request an extension of this seven-day requirement, in writing, which may be granted at the discretion of the Planning Commission.
- B. If the Township Board or Zoning Administrator determines that a Utility-Scale Wind Energy System fails to meet the requirements of this Ordinance or the special land use permit, the Zoning Administrator or Township Board shall provide notice to the owner/operator of the non-compliance, and the owner/operator has 14 days to cure the violation. If the violation is a safety hazard as determined by the Zoning Administrator or Township Board, then the owner and/or operator has 7 days to cure the violation. If the owner and/or operator has not remedied non-compliance issues in the aforementioned time periods, the owner/operator shall immediately shut down the Utility-Scale Wind Energy System and shall not operate, start or restart the Utility-Scale Wind Energy System until the issues have been resolved. If the owner/operator fails to bring the operation into compliance, the Township may seek relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner/operator are deemed responsible shall result in a \$500.00 fine. Each day shall constitute a new violation.
- C. The owner/operator shall keep a maintenance log on the wind turbine(s), which shall be available for the Township's review within 48 hours of such request.
- D. General Maintenance Bond. At the time of the Special Land Use application, the owner/operator shall submit two (2) third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the utility scale wind energy system. A performance bond in the amount of 125% of the higher bid shall be provided to the Township in cash to ensure completion. The Township may use the bond to complete or repair any landscaping, fencing, or drainage infrastructure (including drain tiles).

25. Extraordinary Events. If the Utility-Scale Wind Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the owner/operator shall notify the Township within 8 hours.

26. Annual Report. The owner/operator shall submit a report on or before January 1 of each year that includes all the following:
 - A. Amount of electricity generated.
 - B. Current proof of insurance with the township and Participating Property owner(s) shown as named insured.
 - C. Verification of financial security.
 - D. A summary of all complaints, complaint resolutions, and extraordinary events.
 - E. Additionally, a representative of the owner/operator shall appear before the Planning Commission annually to report on the Utility-Scale Wind Energy System and address questions or concerns from the Planning Commission.
27. Inspections. The Township may inspect a Utility-Scale Wind Energy System at any time by providing 24 Hours advance notice to the owner/operator.
28. Transferability. A special use permit for a Utility-Scale Wind Energy System is transferable to a new owner. The new owner shall register its name, Federal Employer Identification Number, and business address 30 days prior to the transfer date with the Township and shall comply with this Ordinance and all approvals and conditions issued by the Township. In the event of a sale or transfer of ownership and/or operation of the wind facility, the original escrow shall be maintained throughout the entirety of the process and shall not be altered.
29. Major and Minor Site Plan Amendments.
 - A. Major site plan amendments include those listed in Section 12.08(2) and any of the following:
 - i. Changes of the location of turbines, fencing, buildings, or ancillary equipment by 10 feet or more.
 - ii. Any increase in the height of wind turbines.
 - B. Minor site plan amendments include those listed in Section 12.08(1) and any of the following:
 - i. Changes of the location of turbines, fencing, buildings, or ancillary equipment by less than 10 feet.
 - ii. Remedies. If an owner/operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, shall revoke the special land use permit and site plan approval after giving the owner/operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 7a.03 – Battery Energy Storage Systems (BESS)

Section 7a.03.01 – Definitions.

1. Augmentation: The process of supplementing or replacing some or all of the system components to maintain the nameplate capacity (measured in megawatts).
2. Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.
3. Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.
4. Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.
5. Decommissioning: The process of removing equipment and other infrastructure associated with a project and restoring the site for viable reuse consistent with the zoning district.
6. Dedicated-Use Building: A building that is only used for battery energy storage system components and equipment, as defined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems.
7. Non-Participating Property: Real property that is not participating property.
8. National Fire Protection Association (NFPA): A global self-funded nonprofit dedicated to standardizing fire protection. It standardizes over 300 fire protection code standards that serve as a standard in fire, electrical, and health safety fields.
9. Northeast Ingham Emergency Services Authority (NIESA): The Northeast Ingham Emergency Service Authority (NIESA) provides fire suppression, life safety, emergency medical services (ambulance/paramedics) and rescue services to the residents and visitors of the Northeast corner of Ingham County. The response district includes the City of Williamston, the Village of Webberville, as well as Leroy, Locke, Wheatfield, and Williamstown Townships.

10. On-Site Battery Energy Storage System: A Battery Energy Storage System (BESS) that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid, also known as net metering.
11. Principal Use Battery Energy Storage System: A Battery Energy Storage System (BESS) for the primary purpose of Principal Use through the electrical grid.
12. Small Principal Use Battery Energy Storage System: A Principal Use Battery Energy Storage System (BESS) with a nameplate capacity of 20 MW or less.
13. Medium Principal Use Battery Energy Storage System: A Principal Use Battery Energy Storage System (BESS) with a nameplate capacity greater than 20 MW and less than 50 MW. Principal Use BESS with a nameplate capacity of 50 MW or more but with an energy discharge capability of less than 200 MWh are also considered Medium Principal Use BESS.
14. Large Principal Use Battery Energy Storage System: A Principal Use Battery Energy Storage System (BESS) with a nameplate capacity of 50 MW or more and an energy discharge capability of 200 MWh or more.
15. Participating Property: Real property that is either owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation regardless of whether any part of the BESS system is constructed on the property.
16. Repowering: The process of reconfiguring, supplementing, or replacing some or all of the system components to increase the nameplate capacity (measured in megawatts).

Section 7a.03.02 – General Provisions.

1. Accessory Use Battery Energy Storage Systems (On-Site BESS)
 - A. Accessory use battery energy storage systems are permitted as an accessory use in all zoning districts and shall follow the regulations associated with accessory uses.
 - B. A zoning permit is required for Accessory Use Battery Energy Storage Systems with an aggregate energy capacity of more than 600 kWh. Documentation showing compliance with National Fire Protection Association (NFPA) 855 shall be submitted for review by the Zoning Administrator. Accessory Use BESS with an aggregate energy capacity of less than or equal to 600 kWh do not require a zoning permit.
2. Principal Use Battery Energy Storage Systems (Off-Site BESS)
 - A. Small Principal Use BESS (<20MW in Nameplate Capacity):
 - i. Small Principal Use BESS are permitted as a special land use in the Renewable Energy Overlay District and subject to Site Plan Review by the Planning Commission

- B. Medium Principal Use BESS (≥ 20 MW and < 50 MW in Nameplate Capacity):
 - i. Medium Principal Use BESS are a special land use in the Renewable Energy Overlay District subject not only to the requirements for Principal Use BESS, but also to the applicable standards and requirements for Special Land Uses outlined in Article 11 as well as the following criteria for approval:
 - a. The public benefits of the proposed BESS justify its construction. Public benefits include, but are not limited to, any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this jurisdiction.
 - C. Large Principal Use BESS (≥ 50 MW in Nameplate Capacity):
 - i. Large Principal Use BESS are permitted as a special land use only in the Renewable Energy Overlay District.
 - D. Hybrid Energy Projects:
 - i. If a Principal Use BESS is to be co-located with another energy facility, such as a wind or solar energy facility, both land uses may be included in one application, and each component shall be reviewed for compliance with the appropriate standards.
3. Use Standards. All Principal Use BESS shall comply with the following use standards.
- A. System Certification: All Principal Use BESS shall be in compliance with the latest edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems at the time of application. Compliance includes that all system components and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Energy Storage Systems and Equipment) and that BESS are subject to UL 9540A (Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems), as applicable.
 - B. Small Principal Use BESS Setbacks:
 - i. Setback distances shall be measured from the nearest edge of the perimeter fencing.
 - ii. Principal Use BESS are not subject to property line setbacks for common property lines of two or more participating properties with the exception of property lines fronting public rights of way in which setbacks shall apply.
 - iii. Small Principal Use BESS: A Small Principal Use BESS shall follow the setback distance for primary buildings or structures for the district in which it is sited.
 - iv. 750 feet from any community buildings and occupied dwellings on a non-participating property.

- v. 750 feet from the center road.
 - vi. 500 feet from the side lot line.
 - vii. 500 feet from the rear property line.
 - viii. 500 feet from any existing dwelling unit on a participating property.
- C. Medium Principal Use BESS: The following minimum setback distances shall apply to any Medium Principal Use BESS:
- i. 750 feet from any community buildings and occupied dwellings on a non-participating property.
 - ii. 750 feet from the center road.
 - iii. 500 feet from the side lot line.
 - iv. 500 feet from the rear property line.
 - v. 500 feet from any existing dwelling unit on a participating property.
- D. Large Principal Use BESS Setbacks:
- i. 750 feet from any community buildings and occupied dwellings on a non-participating property.
 - ii. 500 feet from the nearest edge of road right of way.
 - iii. 500 feet from any Nonparticipating property line.
- E. Sound.
- i. Small Principal Use BESS shall not exceed a noise level of 40 dBA (L_{eq} (1-hour)) or the existing ambient noise level, whichever is greater, modeled at the nearest property line. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute
 - ii. For Medium Principal Use BESS, the sound pressure level shall not exceed a noise level of 40 dBA_{max} or the existing ambient noise level, whichever is greater, modeled at the nearest property line. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
 - iii. For Large Principal Use BESS, the sound pressure level shall not exceed a noise level of 40 dBA_{max} or the existing ambient noise level, whichever is greater, modeled at the nearest property line. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- F. Lighting. The BESS shall implement dark sky-friendly lighting solutions that are designed to minimize the amount of light that escapes upward into the sky.
- G. Fencing. If perimeter fencing is installed, it is not subject to the fencing requirements in Section 10.19 of this zoning ordinance, and barbed wire is

prohibited, unless there is no other option that would comply with other applicable codes.

- H. Vegetation/Tree-Cutting. All combustible vegetation or other combustible growth within 50 feet of a Principal Use BESS enclosure shall be cleared and any tree stumps shall be removed. Single specimens of trees, shrubbery, or cultivated ground such as green grass, ivy, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Otherwise, removal of trees from any portion of the site outside of the perimeter fence should be minimized to the extent possible.
- I. Screening/Visibility. A Principal Use BESS shall be subject to screening and landscaping requirements of the underlying zoning district. Any screening and landscaping shall be placed outside the perimeter fencing. Screening is not subject to setbacks.
 - i. In districts that call for screening or landscaping along rear or side property lines, these shall only be required where an adjoining non-participating property has an existing residential or public use.
 - ii. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Planning Commission may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing non-participating residential uses.
 - iii. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the purpose of the Ordinance and is appropriately documented (e.g., abutting participating properties; existing vegetation).
- J. Lot Size and Lot Coverage. A Principal Use BESS is subject to minimum 5 acres in lot size requirements and 20% maximum lot coverage requirements of the overlay district.
- K. Access Drives. Access drives shall be designed to be easily maneuverable and shall be maintained to enable year-round emergency vehicle access.
- L. Stormwater Management. The entire site upon which Principal Use BESS is located must comply with stormwater requirements as outlined by the Ingham County Drain Commissioner. Stormwater management structures shall be designed based on the final footprint of the BESS project, accounting for any planned augmentation, if applicable.
- M. Height. Any Dedicated-Use Building shall be a single story. The total height of a Principal Use BESS enclosure, including any roof-mounted mechanic equipment, shall not exceed 20 feet. Other equipment (e.g.,

poles, substations, towers) is exempted from height requirements if alternative design options are not feasible.

- N. Wiring. All on-site utility lines shall be placed underground to the extent feasible, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation, any poles, with new easements and right-of-way.
- O. Signage.
 - i. Safety Signage. Safety signage shall comply with NFPA 855 or other applicable safety codes and is exempt from maximum sign surface area calculations in Section 13a.05.
 - ii. Other Signage. No other signage is permitted.
- P. Repair, Augmentation, and Repowering. In addition to repairing or replacing BESS components to maintain the system, a Principal Use BESS may at any time be augmented or repowered without the need to submit a new site plan so long as the augmentation or repowering is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as the original permit and there is no significant change in the battery chemistry (e.g., a change from one lithium-ion battery type, such as Lithium Iron Phosphate, to another, such as Nickel Manganese Cobalt). When a BESS is anticipated to be augmented, the applicant shall submit an augmentation plan as part of the site plan application.
 - i. A proposal to change the project footprint or a significant change in battery chemistry shall be considered a new application, subject to the ordinance standards at the time of the request.
- Q. Decommissioning. A Decommissioning Plan is required for any Principal Use BESS at the time of application.
 - i. The Decommissioning Plan shall include the specifications laid out in Section 12.10 Site Plan Review and the requirements for Decommissioning Plans outlined in NFPA 855. An update of the Decommissioning Plan, including a review of the amount of the financial security based on inflation and the current removal costs not to include salvage value, shall be completed every 5 years, for the duration of commercial operations, and approved by the Township Board. The amount shall be calculated by a mutually agreed-upon third party with expertise in decommissioning, hired by the BESS system owner. The amended and approved Decommissioning Plan shall be provided to Northeast Ingham Emergency Service Authority (NIESA).
 - ii. A Principal Use BESS owner may at any time:

- a. Proceed with the approved Decommissioning Plan and remove the system as indicated after prior notification of the NIESA, or
 - b. Amend the Decommissioning Plan with Township Board approval and proceed according to the revised plan after prior notification of NIESA.
 - iii. A BESS that has not stored electrical energy for 12 consecutive months shall prompt an abandonment hearing. Decommissioning a Principal Use BESS, in accordance with an approved Decommissioning Plan, must be completed within 12 months after abandonment.
- R. Site Plan Requirements. Principal Use BESS are subject to site plan requirements in Section 12.04 Site Plan Review and shall also include the following:
- i. Site Layout and Context. A site plan at a scale and format that allows details to be clear and legible (e.g., as separate maps, or by showing some areas at a finer scale) showing:
 - a. The location and dimensions (including footprint and height) of all BESS components proposed for the final stage of installation (i.e., accounting for any future augmentation, if applicable), including enclosures or dedicated-use buildings, ancillary structures and electric equipment, buried or above ground wiring, utility connections, temporary and permanent access drives.
 - b. The location of existing structures on participating property.
 - c. The location of existing dwellings and primary structures on non-participating properties within 1,000 feet of the property boundary.
 - d. Participating and non-participating property lines.
 - e. Setbacks.
 - f. Details of proposed fencing, screening/landscape, berm, and signage.
 - g. A photometric plan.
 - ii. Land Clearing and/or Grading Plan. A plan showing proposed clearing and/or grading as required for the installation and operation of the system.
 - iii. Stormwater Management Plan. Computations and design of a stormwater management system as outlined by the Ingham County Drain Commissioner.

- iv. Pre-Development Sound Modeling Study including sound isolines extending from the sound source(s) to all property lines and dwellings on non-participating properties within 1,000 feet of the property boundary. A Pre-Development Sound Modeling Study is not required for Small Principal Use BESS.
- v. Augmentation Plan (if applicable). Demonstrating through description and an annotated site plan the anticipated augmentation phases, including which structures/components are expected to be installed in which time frames.
- vi. Preliminary Equipment Specification Sheet. This sheet documents the proposed battery energy storage system components, inverters, and associated electrical equipment that are to be installed. A Final Equipment Specification Sheet shall be submitted as part of Post-Construction Reporting.
- vii. System Maintenance Plan. A detailed maintenance schedule covering all affected equipment and the activities performed as outlined in the NFPA 855 Standard for the Installation of Stationary Energy Storage Systems
- viii. Contact Information. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Information of the final system installer shall be submitted as part of Post-Construction Reporting.
- ix. NFPA 855 Compliance. Confirmation that the facility complies with the latest edition of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."
- x. Fire and Emergency Response Plans. An Emergency Response Plan and a Fire Response Plan developed in consultation with the NIESA shall be submitted and contain the following:
 - a. Emergency Response Plan (ERP): The ERP shall include:
 - (1) An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate Fire Response Plan);
 - (2) Emergency response measures, evacuation control measures, and community notification measures by contingency.
 - (3) An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
 - (4) A commitment to review and update the ERP with NIESA at least once every 3 years.

- (5) An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity.
- (6) Other information the applicant finds relevant.
- b. Fire Response Plan (FRP): The FRP shall include:
 - (1) A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
 - (2) A description of all contingency plans to be implemented in response to the occurrence of a fire emergency, including evacuation control measures and community notification measures.
 - (3) The results of a toxic and flammable gas plume dispersion analysis for the anticipated BESS equipment in a severe fire emergency scenario to assess potential impacts on surrounding communities.
 - (4) A commitment to offer to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and at least once per year while the facility is in operation, at the expense of the project owner. Training should familiarize NIESA with the project, hazards, procedures, and current best practices.
 - (5) A commitment to review and update the FRP with NIESA at least once every 3 years.
 - (6) An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
 - (7) Other information the applicant finds relevant.
 - (8) Copies of Fire and Emergency Response Plans shall be maintained at an approved on-site location accessible to facility personnel, NIESA, and other emergency responders, which should be outside the perimeter fence.

- xi. Renewable energy equipment and/or materials shall not be stored or disposed of on any public or private parcel within Locke Township at any time.
 - xii. The Decommissioning Plan shall, in addition to requirements for Decommissioning Plans in NFPA 855 include:
 - a. A narrative description of the activities to be accomplished for removing the BESS from service, including who will perform that activity and at what point in time, for complete physical removal of all BESS components, structures, equipment, security barriers, and transmission lines from the site. The description shall also include hazardous material use and removal from the site based upon what is known at the time the application is filed.
 - b. A description of which above-grade and below-grade improvements will be removed, retained, or restored for viable use of the property consistent with the zoning district.
 - c. A listing of any contingencies for removing an intact operational BESS, and for removing a BESS that has been damaged by a fire or other event.
 - d. The projected decommissioning costs for BESS removal and site restoration, and not to include salvage value, and how said estimate was determined by a mutually agreed-upon third party with expertise in decommissioning, hired by the applicant.
 - e. The method of ensuring that funds totaling 125 percent (125%) of projected costs will be available for site decommissioning and restoration (in the form of surety bond, irrevocable letter of credit, or cash deposit).
 - f. The method by which the decommissioning cost will be kept current, including in the case of a change of ownership or operational authority.
 - xiii. Statement of Public Benefits. For Principal Use BESS that require Special Land Use approval, a statement explaining the expected public benefits of the proposed BESS.
- S. Post-Approval Documentation. Any zoning permit or special land use permit for any Principal Use BESS shall be conditioned upon the submission of the following documents:
- i. Pre-Construction Documents. Prior to the commencement of construction activities, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with NIESA. These shall be submitted to the NIESA and the Zoning Administrator. Copies of all Pre-Construction

Documents shall be maintained at an approved on-site location accessible to facility personnel, NIESA, and other emergency responders.

- a. Final Equipment Specification Sheet: Documenting the final battery energy storage system components, inverters, and associated electrical equipment.
 - b. Contact Information: Name, address, and contact information of the system installer and the owner and/or operator of the battery energy storage system.
 - c. Amended ERP and FRP (if applicable): Changes to the design, type, manufacturer, etc. of BESS facilities or equipment, after site plan approval, must be analyzed to determine if changes are necessary to the ERP or FRP. Additional consultation with NIESA is required for amended plans.
 - d. Commissioning Plan: A Commissioning Plan as outlined in NFPA 855.
 - e. Hazard Mitigation Analysis (HMA): A Hazard Mitigation Analysis as outlined in NFPA 855.
- ii. Post-Construction Reporting. Prior to the commencement of commercial operations, the following documents shall be prepared and/or updated in compliance with NFPA 855 and developed in consultation with NIESA. These shall be submitted to NIESA and the Zoning Administrator prior to final inspection and approval by the building official. Copies of all Post-Construction Reporting shall be maintained at an approved on-site location accessible to facility personnel, NIESA, and other emergency responders.
 - a. Amendments or updates to any Pre-Construction Documents
 - b. Commissioning Report. A Commissioning Report as outlined in NFPA 855.
 - c. Emergency Operations Plan. An Emergency Operations Plan as outlined in NFPA 855. An Emergency Operations Plan shall be required for all applications, including applications for any facilities under the exclusive control of electric utilities, notwithstanding any potential exemption of this requirement provided by NFPA 855.
- iii. Post-Construction Sound Survey. Documentation of sound pressure level measurements shall be provided to the Zoning Administrator by a third-party qualified professional selected by the Planning Commission and at the expense of the BESS system owner within 6 months of the commencement of the operation of the project. The

study will be designed to verify compliance with sound standards applicable to this ordinance. Small Principal Use BESS are exempt from this requirement.

Article 8 – Open Space Developments

Section 8.00 – Purpose

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to “Open Space Developments” (OSD) under this Article, more effectively encourage the preservation of the Township’s natural resources including farmland and sensitive environmental areas, and the Township’s rural character. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the OSD is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use.

Section 8.01 – Review and Approval Process

OSDs are permitted as Planned Unit Developments (PUD) only, and their review and approval shall follow the same procedures and requirements for PUDs under Article 9, including the approval of a preliminary and final site plan, and conformance to the requirements and standards of this Article, except as provided below:

1. Parallel Plan: At the time the applicant submits a site plan for the OSD, the applicant shall also submit a Parallel Plan, which shall illustrate a practical and reasonable manner for developing the project parcel according to the standard development standards of the zoning district in which it is located. This plan shall identify the total number of lots and dwellings reasonably attainable. The Planning Commission shall be the determining body regarding the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSD proposal.
 - A. The Parallel Plan referenced in Subsection one (1) need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and Township regulations including, but not limited to, potable water and sewage disposal, stormwater management including necessary on-site management options such as detention and retention ponds, and general road design and construction. The Parallel Plan shall demonstrate the feasibility of the proposed plan both regarding its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A Parallel Plan shall not be considered by the Planning Commission if it determines that it does not provide the necessary level of detail or information to assess such Parallel Plan for the purposes of Subsection (1) above.

2. Recording of Approval Action: The applicant shall record an affidavit with the Ingham County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSD plan unless a change is approved by the Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Ingham County Register of Deeds. Copies of recorded documents shall be presented to the Township Clerk.
3. Permit Issuance: Upon receipt of the recorded documents, the Zoning Administrator shall issue a Zoning Permit for the OSD.

Section 8.02 – Approval Standards

1. Approval Standards: No application for an OSD shall be approved except upon a finding that the following standards have been met:
 - A. Section 12.06, Site Plan Approval Standards
 - B. Section 9.09 PUD Preliminary and Rezoning Standards for Approval
 - C. Section 8.03, OSD Design Standards
 - D. Unified Control: The proposed development shall be under single ownership or control, such that a single person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
 - E. The OSD proposal shall support the purpose of this Article as defined in Section 8.00

Section 8.03 – Open Space Development (OSD) Design Standards:

1. Regulatory Flexibility: To encourage flexibility and creativity consistent with the OSD concept, departures from the conventional regulations of the zoning district may be permitted, subject to review and approval by the Planning Commission. For example, such departures may include but are not limited to modifications to lot dimensional standards, setback requirements, and lot area requirements. However, in no case shall an OSD's design features exceed the following:
2. Permitted Principal Uses:
 - A. Agricultural Districts: Residential condominium subdivisions and residential platted subdivisions, and the associated required open space as provided by this Article.
 - B. Residential Districts: Residential condominium subdivisions, residential platted subdivisions, multiple family developments, and the associated required open space as provided by this Article. However, in no case shall the number of multiple-family dwelling units exceed thirty percent (30%) of the total number of dwelling units in the OSD.

3. Number of Lots/Dwellings: The number of dwellings and lots in an OSD shall not exceed the number attainable by the Parallel Plan.
4. Building Setbacks in the Agricultural District: All buildings in the Agricultural District shall be setback the following minimum distances:
 - A. Along OSD parcel perimeter, adjacent to a road outside of the OSD parcel: One hundred and eight feet (108) feet (measured from the center of the road), except where the Planning Commission finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, in which case such setback may be reduced to no less than seventy-five (75) feet. The Planning Commission may increase the minimum setback to a maximum of two hundred and eight (208) feet (measured from the center of the road) where the OSD is to include lots of less than one acre in area, and the Planning Commission finds such increased setbacks are necessary to ensure compatibility with adjacent land uses.
 - B. Along OSD parcel perimeter buffering along a non-roadway parcel line: Fifty (50) ft.
 - C. Along a road inside the OSD parcel: Fifty-eight (58) ft.
 - D. Along lakes, ponds, rivers, streams, and wetlands: One hundred (100) ft., except where federal, state, or local regulations require a greater distance.
 - E. No dwelling shall be located within ten (10) feet of a side lot line or forty (40) feet of a rear lot line. Where such lot lines serve as perimeter boundary lines of the OSD parcel, Subsections 4(A) and 4(B) above shall apply.
 - F. Minimum Lot Area
 - i. Agricultural Districts: The minimum lot area for a dwelling in an OSD in an Agricultural District shall be one (1) acre, except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be 20,000 sq. ft.
 - ii. Residential Districts: The minimum lot area for a dwelling in an OSD in a Residential District shall be 21,780 sq. ft. except where such dwelling is to be served by public sewer, in which case the minimum lot area shall be one-half (1/2) of the conventional minimum lot area for the district, according to Section 3.08 (Table of Dimensional Standards).
5. Guarantee of Open Space: An OSD shall include permanently dedicated open space in perpetuity. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for anything other than conservation, agricultural uses, or preservation in an undeveloped state, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Planning Commission that all

open space portions of the development will be maintained for perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Zoning Administrator and the land uses continue as approved in the open space development.

- A. A minimum of fifty percent (50%) of the OSD parcel shall be designated as permanent open space.
- B. Any structure(s) or building(s) accessory to the permanently dedicated open space may be erected within the dedicated open space, subject to the approved site plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent (1%) of the total required dedicated open space area in the A-1 – Agriculture District, and twenty percent (20%) in a Residential District.
- C. Dedicated open space may include flood plain areas, but the minimum required dedicated open space shall not include lot areas and required yard setback areas, roads and road rights-of-way, public rights-of-way, year-round submerged lands, and wetlands in excess of thirty percent (30%) of the required dedicated open space provided such wetlands are not year-round submerged.
- D. All land within a development that is not devoted to a building, dwelling unit, required yard, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. This provision shall not prohibit the inclusion of non-residential buildings, required yards, accessory uses, vehicle access, vehicle parking, a roadway, or other approved land improvements in the designated common land.
- E. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Planning Commission such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non-profit land trust, or a conservation easement established in Part 21, Subpart 11 of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994), as amended. Such conveyance shall ensure that the open space will be protected from all forms of development, except as specifically delineated on an approved site plan. All subsequent use and improvements to the dedicated open space shall comply with the approved site plan. Changes to the authorized uses or improvements to the open space are prohibited except where the Planning Commission approves a revised site plan upon finding that the applicant's proposed changes shall not alter the essential character of the open space or undermine the purpose and spirit of the OSD concept as presented in this Article. Such conveyance shall: Indicate the proposed allowable use(s) of the dedicated open space.

- i. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - ii. Provide standards for scheduled maintenance of the open space.
 - iii. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- 6. Utilities and Storm Water Management:
 - A. The OSD shall provide for the underground installation of all utilities.
 - B. An OSD permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
 - C. Provisions shall be made for appropriate storm water management, including the construction of necessary storm water facilities. The storm water system may include the establishment of detention or retention basins and associated infrastructure. The storm water management plan shall rely upon natural systems to the greatest extent possible and preserve the quality and integrity of such systems, rather than systems that encourage unnecessary topographic alterations, erosion, heightened impurities directed to surface and ground water systems, and similar negative impacts.
 - D. Fire protection measures shall be provided in all OSDs which provide public water, and in OSDs which are generally characterized by lots of approximately one-half (1/2) acre or less in size, where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by NIESA and associated infrastructure to enable NIESA to effectively respond to a fire emergency.
- 7. Access and Circulation:
 - A. Access: The nearest edge of any entrance or exit drive for an OSD shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). All dwellings within an OSD shall gain access from an interior road within the OSD.
 - B. Non-motorized Circulation: A non-motorized circulation system may be required along one side of, or all of, the internal roads of the OSD to ensure safe non-motorized travel. The exact location and alignment of the pedestrian ways shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Pedestrian circulation networks shall assure ease of access from residences to the designated open space areas.

8. **Natural Features:** The development shall be designed to promote the preservation of natural features such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, and special plant and animal habitats. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require a minimum of twenty-five (25) foot wide undisturbed open space setback from the edge of any, lake, pond, river, stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
9. **Preservation of Road Corridor Character in the A-1 – Agriculture District:** The development shall be designed to promote the effective preservation of the existing character along the public road frontages that the OSD abuts, to the extent such frontage areas are characterized by open space areas, significant vegetation, environmental resources, and/or scenic views through, the retention of such features by building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.
10. **Phased Development:**
 - A. **Phased Development:** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
11. **Timing of Phases:** Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved final site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of the same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changes in conditions in the area, or the case of fraud or violation of the terms of the original approval.

Article 9 – Planned Unit Development (PUD) District

Section 9.00 – Purpose

The provisions of this Article are intended to offer an alternative to conventional development and traditional zoning standards and to permit flexibility in the development or redevelopment of areas through the authorization of Planned Unit Development (PUD) districts. The standards in this Article are intended to promote and encourage creativity and flexibility in the development or redevelopment of land that is suitable in size, location, and character for the uses proposed. It is also the purpose of this Article to ensure compatibility with adjacent land uses, the Township Master Plan, and, where applicable, existing natural features.

In certain instances, the application of the strict requirements of this Ordinance may result in developments less in the interest of public health, safety, and welfare than if some degree of flexibility were permitted. The purpose of a PUD, therefore, is to permit the development of planned areas for various compatible uses allowed by the zoning ordinance and for other uses not so provided. PUDs are also intended to enhance flexibility in building placement, height, bulk, and other standards in order to achieve a recognizable and commensurate benefit that furthers Township goals and the public interest.

A PUD is permitted as a separate zoning district only when determined in compliance with the regulations of this Article. The approval of a PUD shall require an amendment to the zoning map during the Preliminary PUD Review stage of the process.

Section 9.01 – Objectives and Qualifying Conditions

1. The degree to which the following objectives are satisfied shall be considered by the Planning Commission and Township Board in their review of a PUD in order to realize the advantages of coordinated, flexible, and comprehensive planning that are afforded through the use of Planned Unit Developments. The objectives of PUDs are:
 - A. To encourage the provision and protection of open spaces, cultural and/or historic resources, the development of recreational amenities, and, where necessary, other support facilities within a reasonable distance of dwelling units.
 - B. To encourage developers to use a more creative and imaginative approach in the development or redevelopment of property in the Township.
 - C. To promote flexibility in design and to permit planned diversification in the location of structures.
 - D. To allow for market-driven development or redevelopment in places most conducive to accommodating additional activity.

- E. To facilitate economic development through the permission of mixed uses and/or varied building types and forms.
 - F. To create walkable developments with pedestrian-oriented buildings that are well-integrated into the Township and connect to nearby destinations and/or neighborhoods.
 - G. To provide for the adaptive re-use of significant or historic buildings.
 - H. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.
 - I. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
 - J. To minimize adverse traffic impacts and to accommodate safe and efficient pedestrian access and circulation.
 - K. To provide for the redevelopment of sites and/or buildings that are underdeveloped or have fallen into disrepair.
 - L. To combine and coordinate architectural styles, building forms, and building relationships.
2. Qualifying Conditions.
- A. Ownership. The tract of land for which a PUD application is received must be either in 1 ownership or have written approval of the owners of all affected properties.
 - B. Minimum Acreage. The gross area of a tract of land to be developed as a residential PUD shall be a minimum of 5 acres. There shall be no minimum area for non-residential and mixed-use PUDs.
 - C. Utilities. All PUDs should be connected to public water and public sanitary sewer service; however, drinking wells and septic systems may be approved upon approval from the County Health Department.
 - D. Master Plan. The applicant shall demonstrate that the proposed PUD is consistent with the adopted Township Master Plan.

Section 9.02 – Uses Permitted and Residential Density

1. The following uses may be permitted in a PUD:
- A. Uses permitted by right or by special land use in the underlying zoning district.
 - B. Any use that is determined to be consistent with the Township Master Plan.
 - C. A combination of uses that are compatible with existing and adjacent land uses and the Township Master Plan.
 - D. Only those uses approved for the PUD shall thereafter be permitted within the PUD.

2. For PUDs containing a residential component but located in a non-residential district, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the Master Plan, existing and future surrounding land uses, the capacity of public utilities and services, and other applicable factors.
3. For PUDs containing a residential component and located in a residential zoning district, the permitted density shall not exceed that permitted by the underlying zoning district, unless a density bonus is permitted pursuant to Subsection 5 below. If the PUD lies in more than one zone district, then the number of dwelling units shall be calculated on a proportionate basis.
4. The maximum density permitted by Subsection 3 above shall be determined using a parallel plan. A parallel plan shall be submitted by the applicant and shall illustrate the maximum number of dwelling units that could be feasibly developed on the property under conventional application of the underlying zoning district requirements, including any requirements for off-street parking, internal streets, and stormwater management facilities. Parallel plans are intended for comparison only and do not require the same level of detail as is required for site plans submitted for development approval.
5. Density Bonus. For PUDs containing a residential component and located in a residential zoning district, a density bonus of up to 25% over what is allowed by the underlying zoning district may be granted at the discretion of the Planning Commission and Township Board if the PUD provides substantive additional amenities, preserves substantive additional open space, or otherwise results in a substantial and recognizable benefit to Locke Township. By way of example, a “substantial and recognizable benefit” may consist of public gathering spaces, usable open space beyond the minimum requirements, non-motorized connections to adjacent properties, tree-lined streets, public amenities, public art, and similar features that are consistent with the existing or desired character of Locke Township.

Section 9.03 – Non-Residential or Mixed-Use PUDs

1. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
2. A mix of residential and non-residential uses may be permitted only if they will not materially alter the character of the neighborhood and/or the PUD, and if the mixed-use development is consistent with the Township Master Plan.
3. When a PUD contains a mix of residential and non-residential uses, buildings designed for non-residential uses shall be constructed according to the following requirements:
 - A. If the entire PUD contains fewer than 20 dwelling units, 75% of these units must be constructed prior to the establishment or occupancy of any non-residential use.

- B. If the PUD contains more than 20 dwelling units, 50% of these units shall be constructed prior to the establishment or occupancy of any non-residential use.

Section 9.04 – Design Standards

1. Deviations from Minimum Requirements. In approving a PUD, the Township may permit deviations from the lot area and width requirements, parking requirements, required buffers, building setback requirements, height limitations, and other similar dimensional requirements of the zoning ordinance in accordance with the following standards:
 - A. The applicant shall identify, in writing, the nature and extent of any proposed deviation from the requirements of the underlying zoning district.
 - B. Deviations from minimum requirements may be permitted if they will result in a higher quality of development or better integration of the proposed use(s) within the vicinity.
 - C. Deviations from the minimum requirements shall also satisfy at least 1 of the following criteria:
 - i. The proposed deviations shall preserve any ecologically significant natural features of the site.
 - ii. The proposed deviations shall create, maintain, or improve habitat for wildlife.
 - iii. The proposed deviations shall create, maintain, or improve open space, walkability, safety, or otherwise improve the quality of the development for its residents.
 - iv. The proposed deviations shall constitute an adaptive re-use or redevelopment of buildings and/or property; and/or
 - v. The proposed deviations shall be necessary for the development or redevelopment of property that would not be feasible without the deviations.
 - vi. The proposed deviations shall be consistent with the Township Master Plan.
2. Other Requirements.
 - A. All electric, cable, internet, and telephone transmission wires within the PUD shall be placed underground.
 - B. Signs are permitted in accordance with the zone district in which the proposed uses are permitted.
3. Conditions. The Township Board may impose conditions with the approval of a PUD that are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Article. Such conditions shall be considered an integral part of the PUD approval and shall be enforceable by the Zoning Administrator.

Section 9.05 – General Application Procedures

1. The following steps, which are outlined in Sections 9.06 – 9.10, shall govern all applications for PUD approval, whether residential, non-residential, or mixed use:
 - A. Pre-application Conference. The applicant shall attend a pre-application conference with Township staff to determine general compliance with PUD eligibility and design requirements and to identify issues of significance regarding the proposed application.
 - B. Conceptual Planning Commission Review (Optional). A conceptual plan may be submitted to the Planning Commission for initial review. The applicant may also attend a pre-application review of the proposed PUD Plan with the Planning Commission.
 - C. PUD Preliminary Plan and PUD Rezoning.
 - i. The Planning Commission shall review the PUD Preliminary Plan and PUD rezoning application, hold a public hearing (if required), and make a written recommendation to the Township Board.
 - ii. The Township Board shall review the PUD Preliminary Plan and PUD rezoning application, the written recommendation and findings from the Planning Commission, hold a public hearing, and make a final decision.
 - D. PUD Final Site Plan Review. The Planning Commission and other applicable Township personnel shall review the PUD final site plan in accordance with Section 9.10 of Article 9 – Planned Unit Developments (PUDs).
 - i. Either concurrently with the PUD Preliminary Plan application, or upon approval by the Township Board (with or without conditions), the applicant may apply for preliminary plat approval, condominium or site condominium approval, private road approval, and other approvals as applicable. Unless specifically stated, approval of a PUD shall not constitute approval of a preliminary plat, condominium, site condominium, or private road and shall not obviate the need for the applicant to obtain such approvals.
2. Approval of a PUD pursuant to this Article shall constitute an amendment to the Locke Township Zoning Ordinance and Zoning Map to include the approved PUD.

Section 9.06 – Pre-Application Conference

Prior to the submission of an application for PUD, the applicant shall meet with the Zoning Administrator, Township Planner, Engineer, and any other staff or consultants as deemed appropriate. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements and to identify issues of significance regarding the proposed application. If the applicant proceeds with the PUD application, a summary of the pre-application meeting may be forwarded to the

Planning Commission. No formal action shall be taken at the pre-application conference. The applicant shall present a sketch plan of the Planned Unit Development, and the following information:

1. A legal description of the property in question.
2. The total number of acres to be included in the project.
3. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
4. The approximate number of acres to be occupied and/or devoted to or by each type of use.
5. The number of acres to be preserved as open space or recreation space.
6. All known natural resources and natural features on the site.

Section 9.07 – Conceptual Planning Commission Review (Optional)

1. Following the pre-application conference, preliminary plans of the proposed PUD may, at the applicant's option, be submitted for review to the Planning Commission prior to submission of an application for a PUD. The purpose of the meeting is to allow discussion between an applicant and the Planning Commission and to inform the applicant of the acceptability of proposed plans prior to incurring extensive engineering and other costs, which will be necessary for PUD review.
2. As part of the pre-application review, the applicant shall submit a copy of a sketch plan for the proposed PUD that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, the proposed number and arrangement of lots or units with building envelopes, proposed open spaces, location of proposed buildings, and proposed land use(s) for the entire site.
3. The Planning Commission shall advise the applicant in general terms whether the proposed sketch plan complies with the purpose of this Article and if it qualifies for PUD rezoning pursuant to the objectives and qualifying conditions of Section 9.01.
4. Formal action shall not be taken at a preliminary Planning Commission review. Statements made at the pre-application conference or review by the Planning Commission shall not be considered binding commitments or an approval (implied or otherwise) of the PUD.

Section 9.08 – Procedures for PUD Preliminary Plan and PUD Rezoning

1. Required Information. Following the conceptual review in Section 9.07 (if conducted), the applicant shall submit a completed application form for PUD rezoning, the required application fee, and 2 hard copies and a PDF of the PUD

Preliminary Plan to the Zoning Administrator at least 45 days prior to the next Planning Commission meeting.

2. The PUD Preliminary Plan shall be professionally prepared by a licensed engineer, surveyor, architect, and/or landscape architect and shall be drawn to a scale of not less than 1 inch = 100 feet. The PUD Preliminary Plan shall, at a minimum, contain the following information, unless specific items are determined to be not pertinent to the application by the Planning Commission or Zoning Administrator:

A. General Information.

- i. Name and firm address of the professional individual responsible for preparing the preliminary plan and their professional seal.
- ii. Name and address of the property owner or petitioner.
- iii. Scale, north arrow, and date.
- iv. Acreage (gross and net).
- v. Zoning of adjacent properties.
- vi. Legal property description.
- vii. Existing site conditions:
 - a. Boundary survey lines and setbacks.
 - b. Location sketch showing site, adjacent streets, and properties within 200 feet or as otherwise directed.
 - c. Location, width, and purpose of all existing easements and lease areas, including cross-access.
 - d. Abutting street right(s)-of-way and width.
 - e. Topography with contour intervals of no more than 2 feet.
 - f. Natural features such as wooded areas, surface water features, floodplains or floodways, wetlands, slopes exceeding 15%, lakes, rivers, creeks, county drains, and other significant site features, including the area of these features.
 - g. Existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
 - h. Size and location of existing utilities and status, where applicable.
- viii. Proposed Development:
 - a. Layout of proposed buildings, structures, driveways, parking lots, streets, landscaped areas, and other physical

infrastructure, as applicable, including the area and height of these improvements.

- b. Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
 - c. Layout of sidewalks and/or pathways, both internal to the development and along the main road frontage.
 - d. Layout and typical dimensions of building envelopes, proposed lots.
 - e. Parking, stacking, and loading calculations, if applicable.
 - f. Phasing plan, if applicable.
 - g. Preliminary plan for the provision of water and sanitary sewer services.
 - h. Preliminary grading plan.
 - i. Preliminary stormwater plan.
 - j. Proposed building types, including building elevations and footprints.
- ix. Additional Information:
- a. A written narrative shall be provided, which shall describe the proposed PUD, the proposed timeframe of development, the zoning district(s) in which it will be located, the overall residential density of the project (if applicable), and documentation indicating how the objectives and qualifying conditions in Section 9.01 and the standards of Section 9.09 are met. By way of example, the written narrative may address the following, along with other topics deemed relevant:
 - (1) How the proposed PUD is meeting a need in the marketplace.
 - (2) How the proposed PUD will benefit the Township.
 - (3) The overall vision for the property and the development
 - (4) Justification for any requested deviations from the underlying zoning district
 - b. A written list of all requested deviations as specified in Section 9.08(2)(A)(ix) shall be provided at the time of the application, but may be supplemented or modified at any time during the PUD approval process if the applicant or the Township determines that the proposed plans require additional deviations beyond those originally noted.

- c. The Planning Commission may require additional information from the applicant and may allow supplementation or modification of submitted materials as needed to better assist in the determination of PUD qualification. Additional information may include, but is not limited to, market studies, fiscal impact analysis, parking studies, traffic impact studies, and environmental reports.
- 3. Planning Commission Review.
 - A. The Planning Commission shall review the PUD Preliminary Plan at a regular or special meeting. A public hearing shall be held by the Planning Commission for an application for a new PUD. For an amendment to an existing PUD, a public hearing by the Planning Commission is not required, but may be held at the discretion of the Township. If a public hearing is held, notice shall be given pursuant to Section 16.04 of this Ordinance.
 - B. The Planning Commission shall review the PUD Preliminary Plan in consideration of public comments, technical reviews from Township staff and consultants (if requested), and other applicable standards and requirements. Within a reasonable timeframe, the Planning Commission shall recommend approval, approval with conditions, or denial of the PUD Preliminary Plan and PUD rezoning to the Township Board. The Planning Commission's recommendation shall be documented with findings to justify its recommendation.
 - C. In order to recommend approval of the PUD Preliminary Plan and PUD rezoning, the Planning Commission shall find that the standards of Section 9.09 are satisfied.
- 4. Township Board Review and Required Public Hearing.
 - A. Following receipt of a recommendation from the Planning Commission on the PUD Preliminary Plan and PUD rezoning, the Township Board shall hold a public hearing on the proposed PUD. Notice of the hearing shall be given pursuant to Section 16.04 of this Ordinance.
 - B. After the public hearing, the Township Board shall review the application in consideration of the Planning Commission's written recommendation, public hearing comments, technical reviews from Township staff and consultants, and other applicable standards and requirements. Within a reasonable time, the Township Board shall approve, approve with conditions, or deny the PUD Preliminary Plan and PUD rezoning. The Township Board's decision shall be documented with written findings to justify its decision.
 - C. In accordance with the Michigan Zoning Enabling Act, as amended, the Township Board may place reasonable conditions on the approval of a PUD Preliminary Plan. Conditions attached to the approval shall be

incorporated into the ordinance adopting the PUD Preliminary Plan and PUD rezoning.

- D. Approval of the PUD Preliminary Plan and PUD rezoning by the Township Board shall be incorporated into an ordinance amending the zoning ordinance and map. Such rezoning and PUD plan approval shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.
5. Development Agreements. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the Township Board may require the applicant to enter into a development agreement with the Township in recordable form acceptable to the Township Attorney, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final PUD site plan with all required revisions, other documents that comprise the PUD, and all conditions of approval imposed by the Township Board. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Ingham County Register of Deeds.

Section 9.09 – PUD Preliminary Plan and Rezoning Standards for Approval

In order to approve a PUD Preliminary Plan and PUD rezoning, the Planning Commission and Township Board shall find that all of the following standards are met:

1. The proposed PUD complies with the purpose, objectives, and qualifying conditions of Sections 9.00 and 9.01.
2. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the policies of the adopted Township Master Plan.
3. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.
4. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.
5. The proposed PUD shall not place demands on public services and facilities more than the current or anticipated future capacity.
6. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules, and regulations.

Section 9.10 – PUD Final Site Plan

1. Either concurrently with the submission of the PUD Preliminary Plan, or within one year of the approval of the PUD Preliminary Plan and PUD rezoning by the Township Board, a minimum of 1 copy and a PDF of the PUD final site plan for at least one phase of the PUD shall be submitted by the applicant in accordance with Section 9.05 of this Ordinance. After the first phase is granted PUD final site plan approval, subsequent phases need not be submitted within one year.
2. All PUD final site plans subsequently submitted shall conform to the approved PUD Preliminary Plan (subject to minor revisions) and all conditions attached to its approval, the ordinance adopting the PUD Preliminary Plan and PUD rezoning, and the requirements of this Article.
3. If the PUD final site plan substantially conforms to the approved PUD Preliminary Plan subject to minor revisions and all conditions attached to its approval, the PUD adoption ordinance, and the requirements of this Article, and if such PUD final site plan is otherwise compatible with the Master Plan, then the Planning Commission shall approve the PUD final site plan.
4. Unless otherwise required by Subsection 9.10(6) below, PUD final site plans shall be reviewed by the Planning Commission and any other applicable Township personnel.
5. For land uses within the PUD subject to additional special land use requirements, such uses shall comply with all such required conditions, unless deviations were approved pursuant to this Article.
6. For land uses within the PUD that require special land use approval, or for PUDs that contain private roads, subdivisions, or elements that require Planning Commission approval, such uses shall be reviewed and approved in accordance with all other applicable sections of the Zoning Ordinance and other adopted ordinances of the Township. These review processes may occur concurrently with the process for PUD plan review and PUD rezoning.

Section 9.11 – Approved PUDs

1. **Phased Projects.** Where a project is proposed for construction in phases, the project shall be designed so that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the PUD and residents of the Township. Each phase of a PUD shall require the submittal of a site plan as outlined in Section 9.05.
2. **Amendments to an Approved PUD.** An amendment to an approved PUD shall be reviewed and approved by the Planning Commission and Township Board pursuant to Section 9.10 except that the Zoning Administrator may review and approve minor amendments to the PUD or refer minor amendments to the Planning Commission for a decision. Minor amendments include, but are not limited to, the following:

- A. Reduction of the size of any building, building envelope, or sign.
- B. Movement of buildings or signs in a way that does not alter the overall layout, density, or other significant characteristics of the PUD.
- C. Changes requested by the Township for safety reasons.
- D. Changes that will preserve natural features of the land without changing the basic site layout.
- E. Changes in the boundary lines of lots or condominium units that do not change the overall density of the development or that do not change the average lot or unit width throughout the development.
- F. Modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan, provided that the amount of landscaping provided is not substantially decreased.
- G. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change in a manner that significantly alters the viability of the PUD.
- H. Other changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.

3. Expiration

- A. A PUD (or at least the first phase of a PUD) shall be under meaningful construction of proposed improvements consistent with the approved PUD final site plan within 1 year after the date of approval of the PUD final site plan, which shall proceed diligently to completion.
- B. Upon expiration of the time period for: (a) submitting a PUD final site plan as required by Section 9.10 or; (b) commencing meaningful construction as required by subsection A above, all PUD approvals previously granted shall automatically become null and void and all rights of development based on any approved plan shall terminate.
- C. The Township Board may approve extensions of up to 2 years at a time, if requested in writing by the applicant. In requesting an extension, the applicant shall provide the reason(s) it is requesting the proposed extension.
- D. Upon expiration of a PUD Preliminary Plan or PUD final site plan, the Planning Commission may conduct a public hearing and make a recommendation to rezone the property to its original designation or another district as deemed appropriate.
- E. If the Planning Commission does not rezone the property from PUD to another zoning district, the property shall remain in the PUD zoning

district, but no development in furtherance of the expired PUD, or a new PUD, shall occur on the property. Approval of a PUD Preliminary Plan and PUD Final Site Plan shall be required pursuant to Sections 9.09 and 9.10, except that rezoning to PUD shall not be required.

4. Appeals and Variances. Because an approved PUD has been reviewed and approved by the Planning Commission and Township Board, the Zoning Board of Appeals shall not have jurisdiction to consider variances from the requirements of this Article, nor may decisions related to a PUD be appealed to the Zoning Board of Appeals.
5. Performance Guarantees. The Planning Commission and/or Township Board may require the applicant for PUD rezoning to furnish a performance guarantee pursuant to Section 16.08 of this Ordinance.

Article 10 – General Provisions

Section 10.01 – Purpose

The purpose of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations, or standards in addition to the regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

Section 10.02 – Conditional Approvals

1. Conditions on Discretionary Decisions. The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance, or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:
 - A. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - B. Protect the natural environment and conserve natural resources and energy.
 - C. Ensure compatibility with adjacent uses of land.
 - D. Promote the use of land in a socially and economically desirable manner.
2. Requirements for Valid Conditions. Conditions imposed shall meet all the following requirements:
 - A. Be designed to protect natural resources, the health, safety, and welfare and 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.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or proposed activity.
 - C. Be necessary to meet the purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
3. Record of Conditions and Changes. Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.
4. Performance Guarantees. Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 16.08.

Section 10.03 – One Single-Family Dwelling Per Lot

No more than one (1) single family dwelling unit shall be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Section 10.04 – Moving Buildings

No existing building or structure within or outside of the Township shall be relocated upon any lot within the Township unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code.

Section 10.05 – Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the purpose is hereof to exempt such essential services from the application of this Ordinance. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services.

Section 10.06 – Earth Sheltered Homes

The bottom edge of an earth berm abutting a well or roof of a dwelling shall meet the setback requirements for the district in which it is located.

Section 10.07 – Accessory Dwelling Units (ADUs)

1. Not more than one (1) accessory dwelling unit (ADU) may be included within a detached single-family dwelling or accessory building, that exists and is separate from, but located on the same lot as a detached single-family dwelling unit (see Figure 10.01).
 - A. Minimum Lot Area. An ADU may be developed on a lot meeting the minimum lot size for the applicable zoning district.
 - B. Building Height. The portion of a detached single-family dwelling unit with an ADU, when newly constructed, shall not exceed the maximum height of the main home (principal building) of the zoning district. The maximum height permitted for a detached ADU is 25 feet where the applicable zoning district for principal buildings are met. Where zoning district setbacks requirements for a principal structure cannot be satisfied, the detached ADU shall be no higher than 20 feet (i.e., an existing detached accessory building that does not currently meet the principal building setback minimum requirements, etc.).
 - C. Front Yard Prohibited. If not part of the main building, the ADU shall not be located in the front yard.
 - D. Minimum/Maximum Size. The ADU shall not exceed forty percent (40%) of the gross floor area of the principal dwelling unit, and in any case, shall be at least 400 square feet and not larger than 850 square feet in gross floor area.

- E. Bedroom Maximum. A maximum of two (2) bedrooms are permitted within any ADU.
- F. Owner Occupancy. One (1) of the dwelling units on said lot shall be owner-occupied.
- G. Family Member Occupancy Only. The ADU shall only be occupied by a parent(s), grandparent(s), or other family member, and shall not be used for short-term or long-term rentals to the general public as defined by this ordinance.
- H. Leasing or Rental. No ADU shall be leased or rented for Short-term or Long-term by a nonfamily member.
- I. Alterations or New Construction. Any alteration to existing buildings or structures or the construction of a new structure to accommodate an ADU shall be designed to maintain the architectural design, style, appearance, and character of the principal dwelling unit on the property.
- J. Deed Restriction. A deed restriction enforceable by the Township shall be recorded prior to the issuance of a building permit stipulating that the ADU will not be conveyed separately from the primary dwelling unit. An alternative form of security may be substituted if it meets the purpose of this provision and is approved by the Township Attorney.

The bottom edge of an earth berm lying against a wall or roof of a dwelling shall meet the setback requirements for the district in which it is located.



note: these images are examples used to show the type of accessory dwelling units (ADU) only. Building style, orientation, and size are not dependent on ADU type but will need to conform to the standards of this ordinance.

ACCESSORY DWELLING TYPES. FIGURE 10.01

Section 10.08 – Frontage, Access, and Roads

1. Frontage/Access. All lots hereinafter created in the Township shall have frontage on a public road and take their access from such frontage to provide safe, convenient vehicular access to all buildings on such lot, including for fire protection, other emergency vehicles, and any required off-street parking. This subsection shall not apply to buildings and activities associated with a farm operation.
 - A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the sketch plan or site plan pursuant to Section 16.02. Driveways shall comply with the following standards:
 - i. Driveways shall be within ten (10) degrees of perpendicular to the abutting road, for a minimum distance of twenty (20) feet from the road right-of-way, and shall be no closer than ten (10) feet to a side lot line except when they are located within a platted or condominium subdivision.
 - ii. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two-family dwelling unless specifically approved otherwise.
 - iii. Non-residential driveway ingress and egress points shall not be closer than one hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to an adjacent driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on projected turning patterns and vehicle trips.
2. Roads.
 - A. All roads shall be subject to site plan approval according to Article 12. Review under Article 12 shall also address the appropriateness of the location, character, and extent of such roads in compliance with Section 61 of the Michigan Planning Enabling Act, PA 33 of 2008, as amended.
 - B. Public roads shall be designed and constructed according to the most current standards of the Ingham County Road Department or MDOT except where such agency approves exceptions to such standards according to a submitted site plan, and the Planning Commission affirms such exceptions.
 - C. No lot shall rely on a private easement for access to such lot. Such private easements for access, sometimes referred to as “private roads” and not accepted by the Ingham County Road Department for general public use, are prohibited. See Section 10.08(A) above.

Section 10.09 – Land Division and 4:1 Ratio (10 acres or less) and Lot Configuration

1. All lots shall conform to the following configuration requirements:
 - A. The depth of a lot shall not exceed 4 times its width.
 - B. In the case of corner lots and through lots that meet the minimum frontage requirement along both roads, the owner of the lot shall elect which lot line and yard shall serve as the front of the lot. The street address assigned to the lot pursuant to Locke Township Ordinance Number 3 of 1992, as amended, shall be based upon such selected front of the lot, and access to such lot, pursuant to Section 10.08, shall be from such selected front of the lot.
2. In addition to compliance with subsection (1) above, all lots not part of a platted or condominium subdivision shall conform to the following configuration requirements:
 - A. The minimum lot width dimension standard delineated by the Table of Dimensional Standards (Section 3.08) shall extend from the front lot line of the lot toward the rear lot line of the lot for at least the minimum distance necessary to meet the minimum lot area standard of the Table of Dimensional Standards (Section 3.08) See definition for “lot area” in Section 2.13.
 - B. Side lot lines shall extend from the front lot line at 90-degree (90°) angles for at least the minimum distance necessary to ensure compliance with subsection (1) above. However, in the case where a 90-degree (90°) angle would result in one (1) or more side lot lines not being parallel to the nearest section line or road that they face, such lot lines shall be either at a 90-degree (90°) angle to the front lot line or parallel to such section line or road, provided compliance with Subsection 10.09(1) above is maintained.
3. In addition to compliance with Subsection 10.09(2)(A) above, lots in a platted or condominium subdivision shall conform with the minimum lot width and frontage standards of Table of Dimensional Standards (Section 3.08) except that such frontage and width standards may be reduced where the front lot line abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area, or otherwise result in irregular or impractical configurations. However, such frontage reduction shall not exceed fifty percent (50%) nor result in frontage less than sixty-six (66) feet, and such lot shall comply with the minimum lot width requirement of Table of Dimensional Standards (Section 3.08) at the proposed building setback line and over at least seventy percent (70%) of the lot area.

Section 10.10 – Permitted Setback Encroachments for Principal Buildings

1. Architectural features part of a principal building other than an agricultural building, such as cornices, eaves, gutters, chimneys, pilasters and similar features, may project a maximum of two and one-half (2 1/2) feet into a required setback area but in no case shall such projection extend into a road right-of-way.
2. Balconies, fire escapes, and outside stairways of open construction, part of a principal building other than an agricultural building, may project a maximum of five (5) feet into a required setback area but in no case shall such projection extend into a road right-of-way.
3. Uncovered and unenclosed ramps that provide access to a principal building may project into a required setback provided such ramps comply with the following standards. The Zoning Administrator may grant a waiver to the standards of this subsection (3) where such a waiver is supported by the rules promulgated under the Americans with Disabilities Act of 1990 regarding ramps.
 - A. The portion of a ramp projecting into a required setback shall not exceed forty-eight inches (48") in width.
 - B. The portion of a ramp projecting into a required setback, where such portion exceeds twenty-four inches (24") above the ground surface below, shall not exceed a total of forty (40) square feet in area.
 - C. The ramp shall be designed and oriented, to the greatest extent practical, to minimize the extent to which the ramp extends away from the building that it serves, the purpose being for a ramp to be generally parallel to the building it serves.

Section 10.11 – Single Family Dwelling Standards

1. All single-family detached dwellings shall comply with the following standards, provided that the following standards shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state or federal law.
 - A. A single-family dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required by the building code for such dwelling.
 - i. In the event that the dwelling is a mobile home, as defined herein, in a manufactured housing community or where authorized as a temporary dwelling pursuant to Section 10.12, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from

perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Manufactured Housing Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

- ii. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- B. A single-family dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Ingham County Health Department.

Section 10.12 – Accessory Uses, Buildings, and Structures

- 1. Scope.
 - A. Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section.
 - B. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Section 2.02 pertaining to "accessory building" and "accessory use."
 - C. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor.
- 2. Permit Required. No accessory building or structure shall be erected prior to the issuance of a zoning permit for such structure or building, except that no permit is required in the case of agricultural fences and residential fences for single-family and two-family dwellings. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised sketch plan or site plan, depending upon the nature of the principal use of the lot and pursuant to Section 12.02.
- 3. Placement/Setbacks.
 - A. Accessory buildings and structures shall comply with the District setbacks applicable to the principal building or anticipated principal building on the lot, according to Section 3.08, and shall be set back a minimum distance of ten (10) feet from all other buildings. However, in no case shall an accessory building or structure be located in a front yard except in the case of a farm building, and on a residential lot in the A-1 – Agriculture District provided such building or structure on the residential lot is set back a minimum distance of one-hundred fifty (150) feet from the abutting road right-of-way and such building or structure does not obstruct the view of any portion of the dwelling as viewed along the road frontage directly

opposite the dwelling. This Subsection 10.11(1)(3)(A) shall not apply to farm buildings.

- B. In no case shall a detached residential garage be located in a front yard, nor be less than twenty-five (25) feet from a road right-of-way line.
 - C. In no case shall an accessory building or structure be located to interfere with the proper functioning of utilities, including existing and proposed back-up septic drain fields.
4. Height.
- A. In Agricultural and Residential Districts, accessory buildings shall not exceed twenty (20) feet in height except on lots of one (1) acre or greater.
 - B. Accessory buildings in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.
5. Area and Lot Coverage.
- A. On residential lots, accessory buildings shall not occupy more than a total ground floor area of 1,500 sq. ft. except on lots of two (2) or more acres, in which case accessory buildings shall not occupy more than a total ground floor area of 2,400 sq. ft.
 - B. Accessory structures and buildings shall not occupy more than a total cumulative area of thirty percent (30%) of the yard in which they are located.
 - C. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards in the Table of Dimensional Standards (Section 3.08).
6. Habitation of Accessory Structures. No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 10.13 (Temporary Dwellings).
7. Prior to a Principal Structure. Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a sketch plan or site plan to the Zoning Administrator pursuant to Section 12.02 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance.

Section 10.13 – Temporary Dwellings

- 1. Authorization/Application. Temporary dwellings are prohibited except as authorized by the Zoning Administrator pursuant to this Section. Temporary dwellings are authorized in the Agriculture District and Residential Districts only. Application for and authorization of temporary dwellings under this Section shall

follow all provisions of Section 12.02 and the required sketch plan shall clearly identify the proposed location of the permanent and temporary dwelling.

2. Basis for Temporary Dwelling. No temporary dwelling application shall be approved except for the following purposes:
 - A. Emergency Housing. To allow a temporary dwelling to be placed on the lot while the permanent dwelling on the same lot is under repair for which a zoning permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
 - B. New Home Under Construction. To allow a temporary dwelling to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a zoning permit and building permit has been issued.
 - C. Care for an Elderly or Ailing Relative. To allow a temporary dwelling to be placed on the lot to facilitate the care of a person related by blood, marriage, or adoption, to a resident of a lawful permanent dwelling on the same lot.
3. Standards. Excluding minimum floor area and dimension standards, temporary dwellings authorized by this Section shall comply with all provisions of this Ordinance including but not limited to.
 - A. Maximum lot coverage standards.
 - B. The district's requirements for principal building setbacks except that in the case of emergency housing; the minimum front yard setback shall equal the setback of the permanent dwelling prior to its damage or destruction.
 - C. Adequate provisions for potable water and sewage disposal, in compliance with county health department rules and regulations.
4. Permit Duration and Removal. No permit issued under this Section shall be issued for a duration exceeding twelve (12) months. The temporary dwelling shall be removed from the lot no later than the termination date of the permit. The Zoning Administrator may renew the permit for periods not to exceed twelve (12) months, but only in the case where the continued need for such temporary dwelling can be demonstrated and the dwelling is in compliance with all regulations of the Ordinance. However, in no case shall the total permit period for a temporary dwelling for emergency housing or new home construction exceed two (2) years.
5. Mobile Home or Recreational Vehicle as Temporary Dwelling. A temporary dwelling authorized pursuant to this Section shall consist of a mobile home or recreational vehicle except that in the case of care for elderly or ailing relative, a recreational vehicle shall not be used for more than ninety (90) days. See also Section 10.14(2) regarding the temporary occupancy of recreational vehicles.

Section 10.14 – Mobile Homes Outside of A Mobile Home Park and Recreational Vehicles

1. Mobile Homes.
 - A. Mobile Homes in Non-Conformance with Section 10.10. Mobile homes that do not conform to the standards for single-family dwellings in Section 10.10 shall not be used for any purpose, or erected, moved onto or stored upon any lot for any length of time, unless located in a manufactured housing community or authorized pursuant to Section 10.12. (Temporary Dwellings).
 - B. Use Limited to Single-Family Occupancy. Any use of a mobile home for other than a single-family dwelling in a manufactured housing community or otherwise authorized pursuant to Section 10.12 (Temporary Dwellings) is prohibited, including such prohibited uses as motels, row houses, apartments, for the sale or processing of farm products, housing of seasonal employees, dairying, kennels, greenhouses, nurseries, multiple and two-family dwellings, and similar non-single family residential uses.
2. Recreational Vehicles.
 - A. Storage. The storage of recreational vehicles on the same lot as a dwelling is prohibited except in the case of a lot in an Agricultural District, in which case no more than two (2) such vehicles may be stored on such lot and provided the vehicles are registered continuously to residents of the property.
 - B. Occupancy. In addition to the occupancy of a recreational vehicle as provided by Section 10.12, a recreational vehicle may be occupied according to the following:
 - i. Recreational vehicles may be temporarily occupied only as an accessory use to a lawful dwelling located on the same lot, in an A-1 – Agriculture District and Residential Districts only, and only to provide temporary shelter for visitors to residents of the Township.
 - ii. Such temporary occupancy shall not exceed sixty (60) days in any twelve (12) month period.
 - iii. Bathroom facilities in the dwelling shall be made available to occupants of the recreational vehicle.

Section 10.15 – Setbacks for Terraces, Patios, Decks, and Porches

1. Uncovered. Terraces, patios, decks and porches, which are uncovered or unroofed and of a wood, concrete, brick, stone, or similar surface, shall comply with the following:
 - A. The terrace, patio, deck, or porch shall comply with the front yard setback standard for the principal building except that in the case of a

nonconforming dwelling encroaching into a required front yard setback, such terrace, patio, deck or porch may encroach no more than five (5) feet into the required setback.

- B. The terrace, patio, deck or porch shall comply with the side and rear yard setback standard for the principal building except where the following standards are met:
 - i. The terrace, patio, deck or porch shall be without walls or other forms of enclosure except as follows:
 - a. an open railing or fence not over three (3) feet high; and/or
 - b. noncontinuous wind breaks or walls not over six (6) feet high and not enclosing more than one-half ($\frac{1}{2}$) the perimeter of the paved area.
 - ii. The highest finished elevation of the terrace, patio, deck or porch shall not exceed three (3) feet in height above the average surrounding finished grade area.
 - iii. No portion of any terrace, patio, deck or porch shall be closer than five (5) feet to any lot line.
- 2. Covered. Terraces, patios, decks and porches, which are covered or roofed, shall comply with the following:
 - A. The terrace, patio, deck or porch shall comply with the front yard setback standard for the principal building except that in the case of a nonconforming dwelling encroaching into a required front yard, such terrace, patio, deck or porch may encroach no more than five (5) feet into the required setback.
 - B. The terrace, patio, deck or porch shall comply with the side and rear yard setback standard for the principal building except where the following standards are met:
 - i. The projection shall not exceed eight (8) feet from the building.
 - ii. The porch does not exceed ten (10) feet in height.
 - iii. The terrace, patio, deck or porch shall not be closer than eight (8) feet to any side or rear lot line.
 - iv. The porch is erected on supporting piers.
 - C. Enclosed. Any terrace, patio, deck, or porch, which is enclosed and attached to a building, shall be considered an integral part of the building and shall be subject to all setback standards applicable to such building.

Section 10.16 – Temporary Non-Residential Buildings and Uses

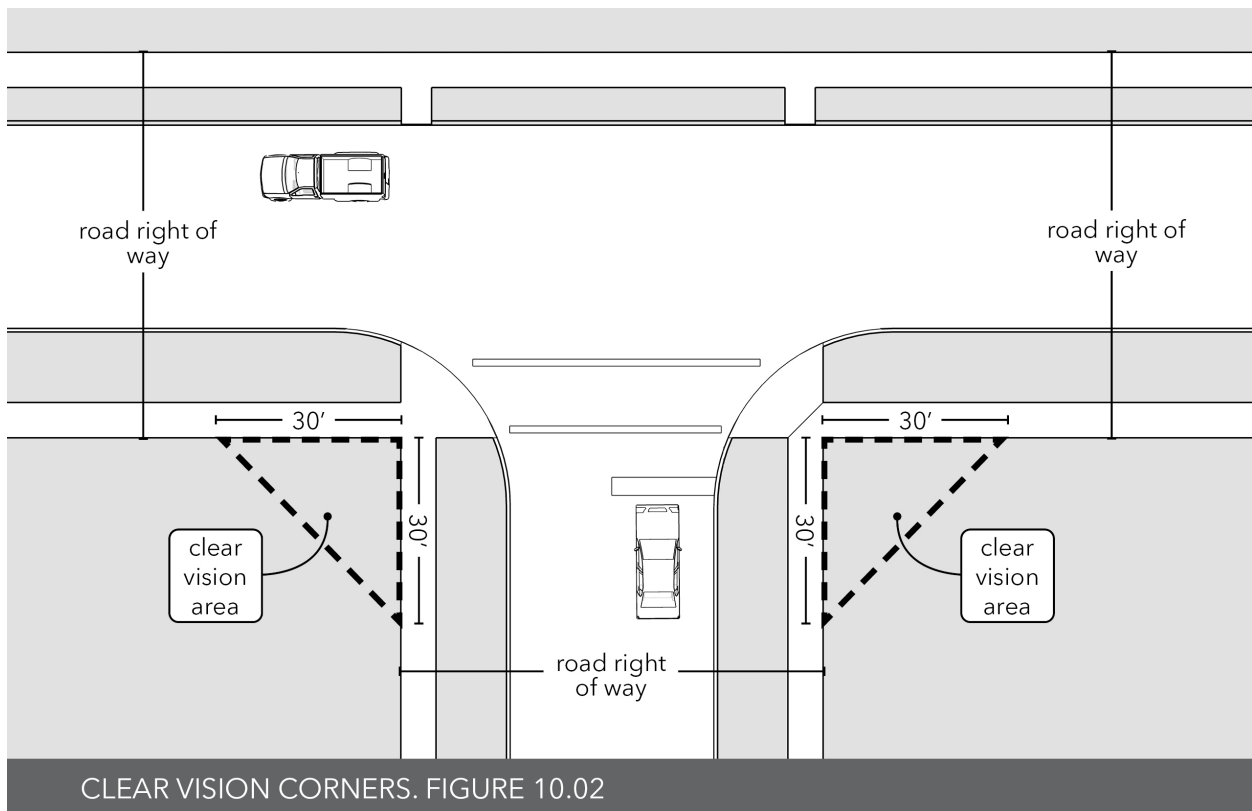
- 1. Authorization. Temporary non-residential uses and buildings are prohibited except as authorized by this Section. Such temporary buildings and uses may

include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; Christmas tree sales lots; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

2. Application. An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a sketch plan prepared according to Section 16.02. The sketch plan shall identify the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation.
3. Review and Action. The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses. The Zoning Administrator shall refer the application to the Planning Commission for action in a case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Planning Commission. The Planning Commission may require the submittal of a site plan prepared according to Article 12 to adequately evaluate the merits of the request.
 - A. In the case where the application is for an outdoor use, the Zoning Administrator shall notify neighboring property owners of such application. The notice shall identify the property subject to the application, describe the nature of the proposed temporary use, and where written comments can be received concerning the application. Notice shall be given a minimum of fifteen (15) days prior to the date when the application may be acted upon.
4. Approval Standards. No temporary building or use application shall be approved, or be permitted to continue, which does not comply with the site plan approval standards of Section 12.06, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare.
5. Permit Duration and Removal. No permit issued under this Section shall be authorized for a period exceeding thirty (30) days in any twelve (12) month period except in the case where the establishment of a permanent building or use, for which the temporary building or use is required, will exceed thirty (30) days. However, in no case shall such authorization exceed a twelve (12) month period except where the continued need for such temporary condition can be demonstrated and in no case shall each subsequent authorization period exceed twelve (12) months. The temporary condition shall be removed from the lot no later than the termination date of the permit.

Section 10.17 – Clear Vision Corners

1. Roads. No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two intersecting right-of-way lines at points which are thirty (30) feet from their point of intersection measured along the right-of-way lines (See Figure 10.02).
2. Driveways. No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a straight line joining the two intersecting lines at points which are twenty (20) feet from their point of intersection, measured along the right-of-way line and driveway edge.



Section 10.18 – Height Requirement Exceptions

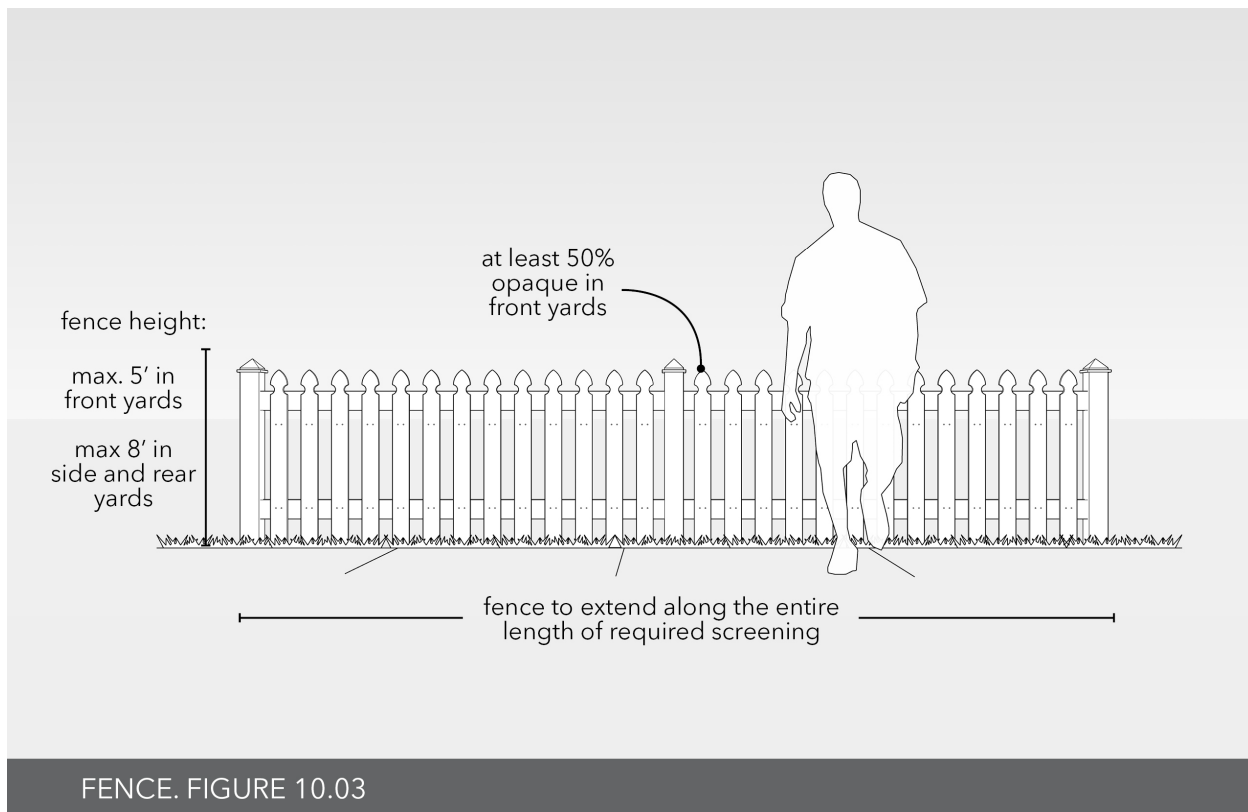
1. The following are exempted from the height limitations contained elsewhere in this Ordinance provided that no portion of the building or structure may be used for human occupancy, and the Planning Commission finds that the exemption shall not undermine the character and enjoyment of nearby properties:
 - A. Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and

monuments, and similar features, provided such features do not exceed more than twenty percent (20%) of the structure's gross roof area.

- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, bulkheads, masts and aerals, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height.

Section 10.19 – Fences and Walls

1. Residential and Agricultural Lots: Fences and walls on lots used principally for agricultural and/or residential purposes shall comply with the following standards (See Figure 2.06 in Section 2.07 – Definitions):
 - A. No fence or wall exceeding five feet (5 ft.) shall be erected in a residential front yard except for a fence erected to protect crops or confine livestock, in which case the fence or wall may be erected in a front yard provided it does not exceed five feet (5') in height, shall have at least fifty percent (50%) opacity and shall comply with clear vision corners (see Figure 10.03).
 - B. No fence or wall exceeding eight feet (8') shall be erected in a side or rear yard (see Figure 2.06, in Section 2.07 – Fence).
 - C. In the case where a proposed fence or wall is within sixty (60) feet of a dwelling on an abutting lot, the finished side of a fence shall face the abutting lot.
 - D. No fence or wall with barbs, spikes, nails, or other sharp or electrified devices shall be permitted.
 - E. All agricultural uses are permitted to keep barbed wire or electrified fencing for the keeping of livestock.
 - F. Fences and walls shall not be subject to any setback requirements.
2. Commercial, Industrial, Public, and Institutional Lots: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 12, shall be reviewed according to the site plan approval standards of Section 12.06.



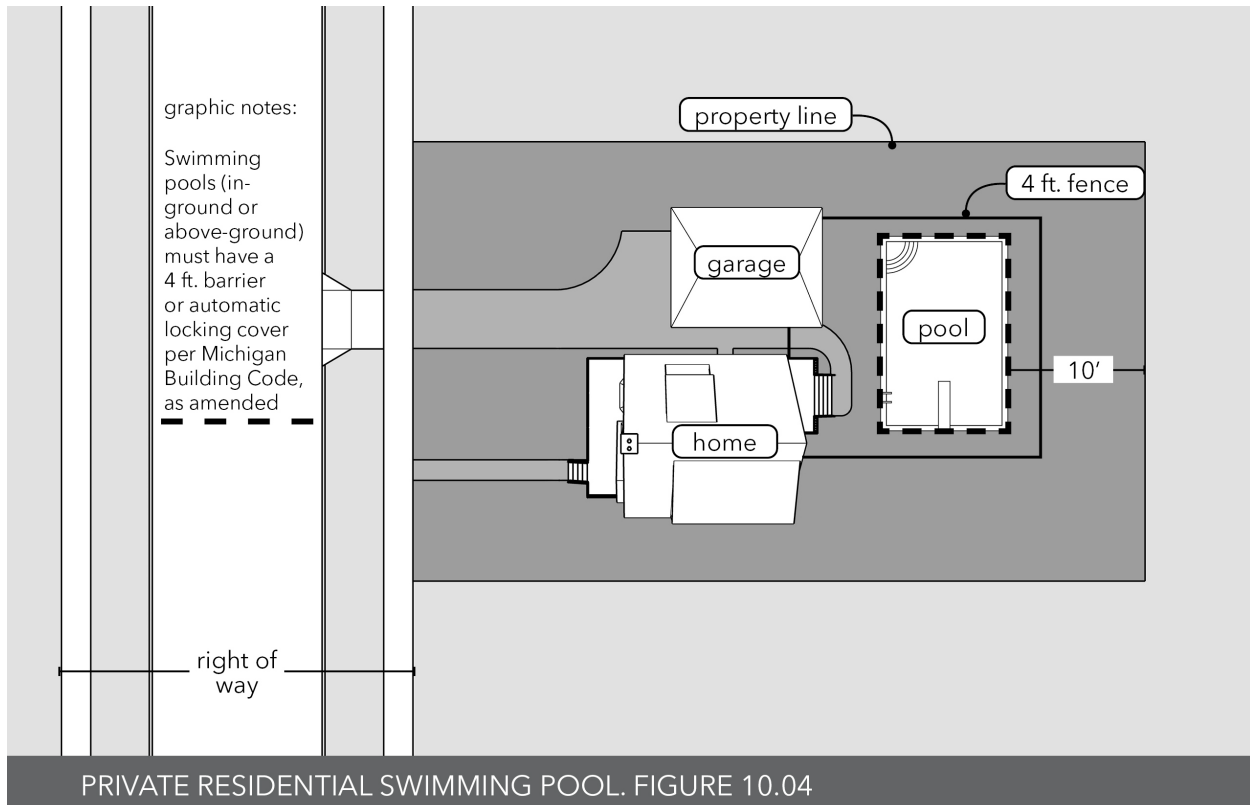
FENCE. FIGURE 10.03

Section 10.20 – Outdoor Residential Swimming Pools

1. Permit/Application. No outdoor swimming pool on a residentially used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a sketch plan (Section 12.03) that identifies the location of the pool, adjacent buildings, fencing, and gates.
2. Location and Setbacks.
 - A. No pool or pool fencing shall be located in the front yard.
 - B. No pool shall be located under a service drop conductor or other utility wires.
 - C. Pools shall comply with the minimum side yard setback for dwellings in the district.
 - D. No pool shall be located less than 10 feet from the rear property line, as measured from the outside wall of the pool.
3. Fencing. All swimming pools shall be completely enclosed by a fence not less than four (4) feet in height nor more than six (6) feet in height, and located not less than four (4) feet from the outside perimeter of any pool wall (see Figure 10.04). Such fencing may be omitted where building walls abutting the pool area, provided that the entire remaining perimeter of the pool area is fenced. All

openings in any such fence shall be equipped with a self-closing, self-latching gate.

- A. Where all parts of all sides of an above-ground pool exceed four (4) feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool.
4. Building and Health Codes. All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of the Michigan Building Code.



Section 10.21 – Flood Damage Prevention

1. Special Flood Hazard Area Defined. For the purpose of this Section, “special flood hazard area” shall be defined as the land in a flood plain subject to a one percent or greater chance of flooding in any given year as established by the Federal Insurance Administration report entitled “The National Flood Insurance Program for the Township of Locke” and the accompanying flood insurance rate and flood boundary- floodway maps, and any subsequent updates to such report and maps.
2. Building and Use Limitations. Except as may be expressly authorized elsewhere in this Ordinance, no use shall be established on land within a special flood hazard area, including the erection, conversion, or structural alteration of a building or structure, except for one (1) or more of the following:

- A. Agriculture, provided it is an authorized use in the district.
 - B. Parks, playgrounds, golf courses, preserves, trails, and similar outdoor recreation and conservation use, provided such uses are authorized in the district.
 - C. Required yard and setback areas.
3. Flow/Capacity Restrictions. No structures or alterations to grades within special flood hazard areas shall reduce the rate of flow of the water channel or otherwise reduce the special flood hazard area's water capacity.

Section 10.22 – Outdoor Display, Sales, and Storage

- 1. Commercial Display and Sales. Outdoor display or sales of merchandise is prohibited except where expressly authorized pursuant to an approved site plan, and such display or sales area shall not extend into a district's required setback for principal buildings according to Table of Dimensional Standards (Section 3.08). The maximum permitted outdoor display, or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area. This subsection (1) shall not apply to the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales.
- 2. Commercial and Industrial Storage. Excepting the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials, or other items customarily requiring outdoor display and sales, and unless specifically noted elsewhere in this Ordinance, all storage of materials or products in association with a commercial or industrial use that are not intended for display or sales, including lumber piles, crates, boxes, building materials, discarded materials, and junk shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area. Such enclosure or screen shall be subject to site plan approval. Subject to the setback requirements of the Table of Dimensional Standards (Section 3.08).

Section 10.23 – Keeping of Animals

- 1. Definitions. For the purpose of this Section, the following phrases shall have the following definitions:
 - A. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
 - B. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a similar or larger size upon reaching maturity.

- C. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to an approximately similar size upon reaching maturity.
 - D. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to an approximately similar size upon reaching maturity.
- 2. Keeping of Vicious Animals. No vicious animal shall be kept permanently or temporarily in any district.
 - 3. Keeping of Household Pets. The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in association with any residentially used lot provided such activities do not constitute a kennel as defined in this Ordinance unless approval for such kennel has been granted pursuant to this Ordinance.
 - 4. Keeping of Small, Medium and Large Livestock. The keeping of small, medium, and large livestock is prohibited in a Residential District. The keeping of small, medium, and large livestock as an accessory use to the principal residential use of a lot shall be permitted, according to the regulations and standards set forth below. This subsection (4) shall apply only to the keeping livestock as accessory to the principal residential use of a parcel, including private stables, and shall not apply to household pets as regulated by (3) above or a farm as protected by the Generally Accepted Agricultural Management Practices (GAAMPs) as published by the Michigan Department of Agriculture and Rural Development (MDARD).
 - A. Small Livestock.
 - i. The keeping of small livestock shall occur only on parcels of one acre or greater.
 - ii. At no time shall the density of such livestock exceed one (1) animal per one-tenth (1/10) acre comprising such parcel.
 - B. Medium Livestock.
 - i. The keeping of medium livestock shall occur only on parcels of three (3) acres or greater.
 - ii. A minimum of three (3) acres is necessary for the keeping of the first animal, and an additional one-half (1/2) acre shall be necessary, above and beyond the initial three (3) acres, for each additional animal.
 - C. Large Livestock.
 - i. The keeping of large livestock shall occur only on parcels of three (3) acres or greater.
 - ii. A minimum of three (3) acres is necessary for the keeping of the first animal, and an additional three-quarter (3/4) acres shall be necessary, above and beyond the initial three (3) acres, for each additional animal.

- D. Regulations Applicable to All Livestock.
- i. Livestock shall be managed by the occupants of the premises.
 - ii. Newly born horses, cows, donkeys, mules, and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months provided the maintenance of such animals on the premises does not increase the permitted number of animals beyond the limitations of subsection (C) above by more than fifty percent (50%). Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (A) or (B), as applicable.

Section 10.24 – Condominium Subdivisions

1. Purpose. The purpose of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects differently than projects developed under another form of ownership.
2. Applicability of District Regulations. A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including use, setback, height, coverage and area requirements, and all other provisions of this Ordinance. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width, and yard setbacks of the District within which it is located.
3. Review and Approval Procedures.
 - A. Zoning Permit Required. No grading or any other form of construction shall be initiated for a condominium subdivision prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of and illustrated on the final site plan, shall require an additional zoning permit prior to erection.
 - B. Site Plan Approval Required. The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 12, Sketch Plan and Site Plan Review, and master deed and bylaw documents. The Planning Commission shall be the approving body.
 - i. The Planning Commission shall hold a public hearing according to the Michigan Condominium Act (PA 59 of 1978), as amended, per Section 16.04.
 - ii. In addition to the preliminary and final site plan information required by Article 12, the applicant shall also submit information constituting

a condominium subdivision plan, including the size, location, area, width, 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 Michigan Condominium Act (PA 59 of 1978), as amended.

- C. Master Deed/Bylaws Approval Required. The applicant shall furnish the Planning Commission with fifteen (15) printed copies and one (1) digital copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
 - D. Issuance of Zoning Permit. Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Planning Commission a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Planning Commission shall direct the Zoning Administrator to issue a zoning permit.
 - E. Changes. Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.
- 4. Building Permit. No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.
 - 5. Utilities. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

6. Roads. All roads within a condominium subdivision shall be designed and constructed in conformance with the standards of the Ingham County Road Department.
7. As-Built Plan and Occupancy. Submission of as-built plans of a condominium subdivision is required. The Planning Commission may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is provided pursuant to Section 16.08.
8. Monuments. All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the Michigan Land Division Act, PA 288 of 1967, as amended, MCL 560.101 *et seq.*

Section 10.25 – Home Occupations (Class 1)

1. Definitions. For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:
 - A. Class 1 Home Occupation: An occupation or profession conducted entirely within a dwelling, excluding an attached garage, and which complies with the following standards:
 - i. All aspects of the occupation shall be carried on inside of the dwelling, except for a single sign as authorized by Section 13a.10.
 - ii. The home occupation shall not occupy an area greater than one-third (1/3) of the first floor of the dwelling.
 - iii. There shall be no structural additions or modifications to the dwelling to accommodate the home occupation.
 - iv. The home occupation shall employ no persons on the premises during the ordinary course of business, except residents of the dwelling on the premises.
 - v. There shall be no customers, salesmen, or other business visitors on the premises during the ordinary course of business.
 - vi. There shall be no receiving, storage, warehousing, or distribution of goods not produced personally by the owner on the premises.
 - vii. There shall be no display or sale of goods on the premises.
 - viii. There shall be no evidence of the home occupation outside of the dwelling including storage areas for supplies, trash, or other waste materials, or noise, odors, vibration, fumes, or other conditions detectable by normal sensory perception.
 - ix. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
 - x. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a

change to the essential character of the premises including both the dwelling and the surrounding yard areas.

- xi. The occupation shall comply with all applicable federal, state, and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, environment, labor protection, and taxation.
 - xii. The home occupation shall not generate any increased potential for electrical, fire or other hazards than what is typically associated with a single-family dwelling household.
- 2. Authorization. The operating or conducting of an occupation from or in a residence, or on a residentially- used lot, is permitted according to the regulations and standards of this Section.
 - A. Class 1 Home Occupation: A Class One Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit for such occupations is not required, but such occupation shall comply with the definitional standards of Subsection (1)(A) above.

Section 10.26 – Artificial Ponds

- 1. Artificial Pond Definition. For the purpose of this Section, “artificial pond” shall be defined as a body of water created other than by natural environmental conditions to cover, or be designed to cover, more than seven-hundred fifty (750) square feet of land area. The term “artificial pond” shall also include such land areas subsequently inundated as a result of the artificial or man-made extension of an existing natural water body or artificial pond.
- 2. Authorization/Application. No artificial pond shall be constructed prior to the receipt of a zoning permit for the same. Application for an artificial pond shall be made to the Zoning Administrator who shall forward the application to the Planning Commission for action. Upon approval by the Planning Commission, the Zoning Administrator shall issue the zoning permit for the pond. A zoning permit application for an artificial pond shall include the information required by Section 12.03 for the sketch plan, in addition to clear and, where applicable, graphic illustration of the pond’s features including shape, size, depth, location, setbacks, and typical cross-section. The Planning Commission may require additional information about the proposed pond where aspects of the proposed pond, such as size, depth, surrounding drainage patterns and/or other surrounding conditions, raise matters of public concern and/or complexity that the Planning Commission determines such additional information is necessary prior to acting on the application. Such additional information may include, but need not be limited to, soil conditions, detailed grading plans, construction details for points of discharge, and documentation of the soundness of the pond design by an applicable licensed engineer.
- 3. Design and Location Standards.

- A. An artificial pond shall be set back a minimum of fifty (50) feet from side and rear lot lines and one hundred (100) feet from a front lot line or other right-of-way.
 - B. Soils excavated to create the pond shall not be stockpiled within fifty (50) feet of a lot line.
 - C. No artificial pond shall be located within twenty (20) feet of a dwelling, but in no case shall the location of a pond undermine reasonable emergency access to all sides of the dwelling.
 - D. No artificial pond shall be created within (50) feet of ecologically sensitive areas, including wetlands, streams, and high erosion areas unless all applicable county, state and federal permits are obtained and no other reasonable alternatives exist. This limitation may be waived by the Planning Commission in the case where the artificial pond is to be fed by an existing stream or other water body.
 - E. No less than ten (10) feet shall exist between the artificial pond and the toe of any berm near the pond where the berm exceeds a slope of 4:1.
 - F. An artificial pond shall have a minimum depth of (6) feet over a minimum fifty percent (50%) of its maximum design surface area, and no portion of an artificial pond shall be less than two (2) feet deep except along its banks.
 - G. Artificial pond banks intended to be submerged shall be at a minimum grade of 1:10 but no greater than 1:1.
 - H. No artificial pond shall cover more than twenty percent (20%) of the area of the lot.
 - I. In no case shall an artificial pond extend to within twenty (20) feet of a potable well or fifty (50) feet of a septic drain field.
4. Erosion, Drainage and Runoff Standards.
- A. Erosion control shall be provided for all filled or disturbed surface areas including the water body margin and locations where water is discharged into or out of the artificial pond. These areas shall be covered or treated during all phases of construction to prevent material from being windblown onto neighboring properties or eroded by runoff. The applicant shall meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Ingham Conservation District and Ingham County Drain Commissioner.
 - B. Artificial ponds shall be located and designed to reduce the potential of pollution from nearby sources such as septic fields and farm field runoff. The approving body may require the submittal of existing and proposed grading and topographic data documenting the existing and proposed runoff flow patterns.

- C. The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.
- 5. Landform and Landscaping Standards.
 - A. All excavated material shall be deposited on the property and suitably landscaped to assure the appearance of natural landforms and compatibility with surrounding properties. No berms created by the excavated material shall exceed slopes of 4:1 and a maximum height of eight (8) feet above the original surface.
 - B. Should the construction of the pond or continued maintenance of the pond be abandoned, all pond excavation areas shall be graded and filled to blend with surrounding topographic conditions and to discourage the ponding of water.
 - C. The Planning Commission may require screening around the pond, in the form of plant material or fencing, if it finds that such measures, because of the pond's location and character in relation to surrounding land uses or circulation systems, are necessary to assure compatibility between land uses or otherwise protect the public health, safety or welfare. No fence shall be located within ten (10) feet of the edge of the pond.
- 6. Other Standards/Regulations.
 - A. No excavated material shall be removed from the lot on which the pond is to be established except where expressly authorized by the Planning Commission. In such a case, the approving body may require the applicant to seek special land use approval for an extraction operation.
 - B. As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless the Township, its officials, agents and employees, from all manner of liability, whatsoever, that may arise as a result of such pond construction.
 - C. The applicant shall demonstrate to the satisfaction of the Planning Commission that the proposed design of the pond will not result in stagnation, odors, mosquito infestation, flooding, wind-born dust or other nuisance-causing conditions.

Section 10.27 – Biofuel Production Facilities

- 1. Definitions. For the purpose of this Section, the following terms and phrases shall have the following meanings:
 - A. Biofuel. Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.

- B. Ethanol. A substance that meets the American Society of Testing and Materials (ASTM) international standard in effect on July 19, 2011, as the D- 4806 specification for denatured fuel grade ethanol for blending with gasoline.
 - C. Farm. That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 166.472.
 - D. Proof gallon. That term as defined in 27 Code of Federal Regulation (CFR) 19.907.
2. Production Facilities Classified as “Accessory Uses”. A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel, is classified as an “accessory use” and is not subject to special land use approval, provided all the following requirements are met:
- A. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all other applicable setback requirements of this Ordinance.
 - B. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
3. Production Facilities Classified as “Special Land Uses”
- A. A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel is classified as a “special land use” if the facility meets the requirements of subsection (2)(A) but that does not meet the requirements of subsection (2)(B).
 - B. A biofuel production facility located on a farm with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel, is classified as a “special land use” if the facility meets the requirements of subsection (2)(A).
4. Application Requirements. An application for special land use approval for a biofuel production facility described in Subsection (3) shall include the required information according to Article 11 in addition to the following:
- A. A description of the process to be used to produce biofuel.
 - B. The number of gallons of biofuel anticipated to be produced annually.
 - C. An emergency access and fire protection plan that has been reviewed and approved by NIESA and any other responding emergency service provider.
 - D. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29

(environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.

- E. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (3) and (6).
 - F. Any additional information requested by the Planning Commission and relevant to compliance with this Ordinance.
5. Special Land Use Public Hearing. The Township shall hold a hearing on a special land use application for a biofuel production facility per Section 16.04 not more than 60 days after the application is filed.
6. Special Land Use Conditional Approval. Special land use approval of a biofuel production facility described in Subsection (3) shall be made expressly conditional on the facility meeting all the following requirements before the facility begins operation and no additional requirements:
- A. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - B. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - i. Air pollution emissions.
 - ii. Transportation of biofuel or additional products resulting from biofuel production.
 - iii. Use or reuse of additional products resulting from biofuel production.
 - iv. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - C. The biofuel production facility includes sufficient storage for both of the following:
 - i. Raw materials and fuel.
 - ii. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Section 10.28 – Automobile or Vehicle Sales

1. A site plan for a vehicle sales facility shall designate areas for required off-street parking and vehicle display. All display vehicles shall be positioned to avoid interference with off-street parking, loading, maneuvering, sidewalks, or other pedestrian areas.
2. Any outdoor vehicle displays or parking areas shall have a 10-foot setback from the right-of-way and adjacent properties.
3. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained to dispose of all surface water.
4. An opaque fence or wall and/or an evergreen landscape buffer not less than 6 feet in height at the time of planting shall be required along any side and rear lot line shared with a residential district or use.
5. Outdoor storage of parts, materials, or equipment shall not be permitted, except licensed vehicles for sale.
6. No inoperative vehicles shall be stored on the premises for more than 2 weeks.
7. For facilities with new underground storage tanks, the site shall be 300 feet from any residential well, 800 feet from a non-community public water well and 2,000 feet from any public water well.
8. A vehicle sales facility with a vehicle service and repair facility shall comply with the special land use standards for a vehicle service and repair facility set forth in Section 11.03.06.

Article 11 – Special Land Uses

Section 11.00 – Purpose

This Ordinance contemplates the development of a variety of land uses within the Township's zoning districts. It is recognized that there are some land uses which, because of their unique characteristics, may only be appropriate in particular locations and under certain circumstances, which are deemed special land uses. Therefore, this Article provides a set of procedures and standards for these special land uses that require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards in this Article are designed to allow reasonable use of land while maintaining adequate protection of the health, safety, convenience, and general welfare of Locke Township. For purposes of this Ordinance, all land uses or situations that are referred to as special land uses or are deemed to require special land use approval are subject to the standards of this Article.

Section 11.01 – Application Procedures

A special land use permit is required prior to the commencement of any special land use in Locke Township. The application for a special land use permit shall be processed under the following procedures:

1. Application. An application for a special land use permit shall be submitted to the Zoning Administrator not less than 45 days prior to the next scheduled Planning Commission meeting. Upon receipt of an application, the Zoning Administrator shall review the application for completeness, and when complete, transmit it to the Planning Commission.
2. Required Information. An application for special land use approval shall be accompanied by the following documents and information:
 - A. An application form that has been completed in full by the applicant.
 - B. The payment of application and escrow fees as established by resolution of the Township Board.
 - C. A site plan as specified in Article 12, Site Plan Review.
 - D. A written narrative outlining compliance with Section 12.04(1)(F) and any other requirements of this Ordinance relating to the proposed special land use.
 - E. Any additional information deemed necessary by the Zoning Administrator or Planning Commission that will enable the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may include, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county, or local departments of public safety (police and fire), health, highways or roads, and/or environment.

3. Public Hearing Required. Upon receipt of the materials required above, the Planning Commission shall hold a public hearing on the application, providing notice of such hearing in accordance with Section 16.04 – Public Hearings and Notices of this Ordinance.
4. Planning Commission Review. After the public hearing, the Planning Commission shall review the application for special land use, comments received at the public hearing, the site plan, and any other materials submitted in relation to the application. Within a reasonable time following the receipt of all materials, the Planning Commission shall approve, approve with conditions, or deny the special land use application, and incorporate the basis for the decision into the meeting minutes. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article and any other standards in this Ordinance applicable to the proposed special land use. A special land use shall be approved if it meets all applicable requirements of this Ordinance.
5. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon the approval of the special land use by the Planning Commission and upon the fulfillment of any required conditions of approval. The special land use permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward copies of the special land use permit to the applicant and shall retain one copy for the Township's records.
6. Performance Guarantee. In authorizing a special land use permit, the Planning Commission may require a performance guarantee pursuant to Section 16.08 – Performance Guarantee of this Ordinance.
7. Appeals. Appeals from any decision or condition related to a special land use application shall only be taken to Circuit Court; at no time shall the decision be appealed to the Zoning Board of Appeals.
8. Amendments. Amendments to special land use permits shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a special land use, as determined by the Zoning Administrator, may be made to an existing special land use permit with the approval of the Zoning Administrator.
9. Transfers. Unless specifically provided for in this Ordinance or by a condition of special land use approval, a special land use shall run with the land, and any and all associated benefits, conditions, and required security, shall transfer to a new owner upon the sale or transfer of the property in question, unless otherwise voluntarily withdrawn or abandoned by the new owner. Upon transfer, a special land use permit may continue to be exercised, provided that the new owner complies with the terms of the original permit, including all associated conditions of approval and applicable provisions of this Ordinance.
10. Re-Submission. No petition for special land use approval which has been disapproved may be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Zoning Administrator after

learning of new and significant facts or conditions that may result in favorable action upon resubmission.

11. Construction. A special land use approved pursuant to this Article shall either be under substantial construction, or operations exercising the permit shall have commenced, within one year after the date of approval.
12. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with all terms and conditions of the permit. The special land use permit will expire on the occurrence of one or more of the following conditions:
 - A. If replaced or superseded by a subsequent permitted use or special land use.
 - B. If the applicant or current owner of the property requests that the special land use permit be rescinded.
 - C. If the special use is considered abandoned pursuant to Section 11.01(13).
 - D. If a building permit has not been obtained or if on-site development has not commenced within one year of approval of the special land use.
13. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:
 - A. The owner declares or otherwise makes evident his/her purpose to discontinue such use.
 - B. When the use has been replaced by a different use.
 - C. The cessation of the permitted special land use for a period of one year or more.
14. Violations. A violation of the terms, conditions, or limitations of a special land use permit shall be a violation of this Ordinance and shall be cause for revocation or suspension of the permit.
 - A. Upon identifying a violation(s) of the special land use permit, the Zoning Administrator shall inform the property owner and/or permit holder in writing of such violation(s). The permit holder shall be given a reasonable opportunity to correct the violation(s).
 - B. If, after a reasonable time, the violations have not been cured, the Zoning Administrator shall refer the matter in writing to the Planning Commission.
 - C. Upon referral, the Planning Commission shall review the matter and if it determines that a violation exists, it shall provide notice to the permit holder, and all alleged violations shall be specified in such notice. Before suspending or revoking the permit, the Planning Commission shall hold a public hearing on the matter pursuant to Section 16.04 – Public Hearings and Notices.

- D. Following a public hearing, and after providing a reasonable opportunity for the permit holder to cure the violation(s), the Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit. In revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists.
 - E. A special land use permit that has been revoked may not be reinstated until a new special land use permit is granted pursuant to this Article. A special land use permit that has been suspended may be reinstated by the Planning Commission upon finding that all violations have been cured.
15. Previously Approved Special Land Uses. Land uses that were granted zoning approval by the Township prior to the adoption of this Ordinance may continue and shall be considered permitted uses, provided that the requirements and conditions of the original permit are met. If changes are proposed to a previously approved use that is considered to be a special land use by this Ordinance, the application shall be processed according to the procedures and standards of this Article.

Section 11.02 – Special Land Use Review Standards

- 1. In addition to standards for specific standards contained in Section 11.03 – Specific Standards for Certain Special Land Uses, the Planning Commission must find that the following general standards are met in order to approve a special land use:
 - A. The proposed special land use shall be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
 - B. The proposed special land use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental or hazardous to existing or future uses, or to any persons, property, or the general welfare by reason of excessive production of traffic, lighting, noise, smoke, vibration, water runoff, fumes, glare, or odors.
 - C. The proposed special land use shall be consistent with the policies of the Locke Township Master Plan.
 - D. The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, public or private water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.

- E. The proposed special land use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and minimizing topographic modifications.
 - F. The proposed special land use shall comply with all applicable local, state, and federal regulations and requirements.
2. In approving a special land use, the Planning Commission may require additional conditions and safeguards. Failure to comply with such conditions may result in the suspension or revocation of the special land use approval pursuant to Section 11.01(14). Conditions imposed on a special land use shall be designed to:
- A. Meet the purpose of the Zoning Ordinance.
 - B. Relate to the standards established in the Ordinance for the land use or activity under consideration with the subject application.
 - C. Ensure compliance with those standards.
 - D. Protect the general welfare.
 - E. Protect individual property rights.

Section 11.03 – Specific Standards for Special Land Uses

Uses designated in this Ordinance as special land uses shall be subject to the requirements outlined below, along with the general standards of Section 11.02(1) and all other requirements of this Ordinance.

Section 11.03.01 – Adult Oriented Facilities

1. Purpose. Adult entertainment facilities are recognized as having a deleterious effect on adjacent areas, causing blight, a chilling effect on other businesses and occupants, and a disruption in neighborhood development. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood.

It is the purpose of the Township to adopt reasonable regulations for adult entertainment facilities to minimize the adverse effects caused by this activity on the public health, safety, and welfare of persons and property within the Township. Further, the purpose of the locational requirements is to prevent crime, protect and preserve the quality of life in the Township, maintain property values, preserve areas frequented by children from increased criminal activity, blight, or other neighborhood deterioration, and prevent the blighting, downgrading, and deterioration of land within the Township.

2. Regulations. Adult Entertainment Facilities are subject to the following regulations:
- A. Adult entertainment businesses are permitted as a special land use in the I-1 – Light Industrial zoning district only, provided that all other standards of this Ordinance are met. Adult entertainment facilities shall not be located within 1,000 feet of another adult entertainment facility and not

within 300 feet of any Township-owned property as measured along a line forming the shortest distance between any portion of the properties.

- B. All adult entertainment facilities shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multiple uses within the same structure do not constitute a freestanding building.
- C. No betting or gambling shall be allowed on the premises.
- D. Children under 18 years of age shall not be permitted on the premises at any time
- E. No adult entertainment facility shall be conducted in any manner that permits the observation of any material depicting, describing, or related to specified sexual activities or specified anatomical areas from any public way or any property not regulated as an adult entertainment facility. This provision shall apply to any display, decoration, sign, show window, or another opening.
- F. The proposed adult entertainment facility owner/operator shall have provided an exterior maintenance program to the Zoning Administrator, together with its special land use application, which shall provide for routine reasonable and necessary grounds maintenance and shall include, at a minimum, the clearing of trash and rubbish from all parking areas and other portions of the premises not less than daily. Continued adherence to such exterior maintenance program shall be a condition for the issuance of any special land use permit pursuant to this Section.
- G. The interior of the building shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Enclosed viewing booths shall not be permitted. Restrooms shall not contain video reproduction equipment. If the building has two or more manager's stations designated, then the interior of the building shall be configured in such a manner that there is an unobstructed view of each area of the building to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this subsection must be by direct line of sight from the manager's station.
- H. Any booth, room, cubicle, or similar area available in any adult entertainment facilities used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall meet the following standards:
 - i. It shall be constructed in accordance with the Michigan Building Code, as may be amended.
 - ii. It shall be unobstructed by any door, lock, or other entrance and exit control device.

- iii. It shall have at least one side totally open to a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
- iv. It shall be illuminated by a light bulb of not less than 1,600 lumens.
- v. It shall contain no holes or openings, other than doorways, in walls.
- I. The number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed the maximum occupancy permitted by applicable codes.
- J. The applicant shall provide an overall management plan for the facility including explicit rules that prohibit total nudity and prevent any physical contact between or among performers, dancers, or entertainers and the establishment patrons. Other rules shall include, but not be limited to, hours of operation which shall conform to the requirements of this Section, the prohibition of alcoholic beverages, and other rules that may be imposed by the Planning Commission.
- K. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from adult entertainment facilities for the protection of the general welfare and individual property rights of affected property owners, and for ensuring that the purpose and objectives of this Section will be observed.

Section 11.03.02 – Assisted Living Facilities

- 1. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.
- 2. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the Planning Commission finds that such requirements may be modified due to varying hours of operation, shared parking, or other factors.
- 3. All dwelling units shall consist of at least 450 square feet of floor area per dwelling unit.
- 4. The owner shall file with the Township a covenant, reviewed as to form by the Township attorney that the owner's heirs, personal representatives, successors, and assigns that occupancy of the development shall be limited to the "aged" as defined in Section 20106 of the Michigan Public Health Code, PA 368 of 1978, as amended or as superseded and replaced. The covenant shall be executed and recorded with the county register of deeds prior to the issuance of a building permit.

Section 11.03.03 – Automotive Proving Grounds, Testing, and Research Facility

- 1. The following site and development requirements shall apply:

- A. Minimum parcel size shall be eighty (80) acres.
 - B. Maximum building coverage shall not exceed five percent (5%), but in no case shall any one (1) acre of land area within two hundred (200) feet a public road or existing residence be characterized by more than twenty-five percent (25%) of impervious surface area including buildings, parking lots, and similar surfaces, except where the Planning Commission determines that, due to the siting and/or screening of such increased impervious areas, such areas shall not have an adverse visual impact on nearby roads and residences and the intended character of the District.
 - C. No building shall be located within one hundred (100) feet of a lot line.
 - D. No building shall exceed twenty-five (25) feet in height if located within two-hundred (200) feet of a lot line.
 - E. The site plan shall include a screening plan that shall identify berm and/or vegetative screens to effectively minimize negative visual and audible impacts upon abutting properties.
 - F. No outdoor light fixtures shall exceed a height of twelve (12) feet, and such fixtures shall be designed to direct light downwards only and prohibit direct illumination in an upward direction. Lighting shall be the minimum necessary to ensure safe operating conditions and, when the facility is not in use, such lighting shall be the minimum necessary for security purposes, if necessary.
2. Performance Standards:
- A. No activities or operational characteristics of the facility shall result in the following conditions beyond the property lines of such facility, as observed by the human senses: glare, heat, vibration, light levels greater than one (1) foot candle, fumes, odors, smoke, dust, and noise levels and durations beyond that typically associated with residential neighborhoods or agricultural operations.
 - B. The Planning Commission may modify the standards of this Section upon a showing by the applicant, to the satisfaction of the Planning Commission, that more lenient standards will not undermine the public health, safety and welfare of nearby properties and the Township as a whole.

Section 11.03.04 – Reserved

Section 11.03.05 – Automobile or Vehicle Wash

- 1. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site. Stacking shall be planned to minimize conflicts with entering and exiting traffic, pedestrians, and parking areas.

2. All washing activities shall be conducted within a building, however, drying and waxing activities associated with manual and coin-operated automobile washes may occur outdoors.
3. Vacuum equipment shall be considered an accessory structure and shall meet accessory structure setback requirements.
4. Where adjoining a residential zoning district or use, a solid fence or wall shall be erected along the common rear and side lot line. Such fence or wall shall be continuously maintained in good condition.
5. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.

Section 11.03.06 – Automobile or Vehicle Service or Repair Facilities

1. Access shall be only from a major thoroughfare, or from a shared access drive to a major thoroughfare.
2. The lot width and frontage shall be a minimum of 150 feet.
3. No buildings associated with a vehicle service and repair facility shall be erected within 25 feet of any residential zoning district or use.
4. The site shall be no less than 200 feet from any place of worship, place of public assembly, hospital, school, or other institution, measured from the closest lot lines.
5. All equipment including hydraulic hoists, pits, and lubrication and repair facilities shall be entirely enclosed within a building.
6. All repair work and maintenance activities shall be conducted completely within an enclosed building.
7. The entire lot used for vehicular activities, excluding the area occupied by a building, shall be hard surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
8. There shall be no above-ground outdoor storage/dispensing tanks on the site without leakproof secondary containment sufficient to accommodate 120% of the volume of the tank.
9. Not more than 4 dismantled, wrecked, or inoperable vehicles of any kind shall be parked or stored where visible from any adjoining property or right-of-way, and shall not be stored in the front yard. Regardless of any screening, no dismantled, wrecked, or inoperable vehicle or vehicle parts may be stored outdoors for longer than 90 days.
10. The Planning Commission may require an opaque fence or wall and/or an evergreen landscape buffer not less than 6 feet in height at the time of planting to screen any vehicles from neighboring uses or adjacent rights-of-way.
11. The view of all restroom doors shall be shielded from adjacent roads and residential districts.

12. Any wrecked vehicles stored outside shall be stored within or upon containment equipment intended to capture any fluids that may leak from the motor vehicles.
13. All floor drains shall be connected to a public sanitary sewer system, subject to appropriate approvals.
14. All gasoline pumps shall be located not less than 15 feet from any lot line or within 30 feet from the street right-of-way and shall be arranged so that vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
15. All flammable liquids, solvents, cleaners, and other hazardous substances shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
16. No public address system shall be audible from any abutting residential lot.
17. All handling of flammable or hazardous substances shall be in accordance with state and federal laws, and all required state and federal permits shall be obtained.
18. The premises shall not be used for the sale or rental of vehicles unless approved for such use as part of the special land use review.
19. A vehicle service and repair facility with any portion of the site used for vehicle sales shall also comply with the special land use standards for a vehicle sales facility set forth in Section 10.28.

Section 11.03.07 – Adult Foster Care Group Homes

1. The following site and developmental requirements shall apply:
 - A. At least one (1) off-street parking space shall be provided for each employee. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for employees.
 - B. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
2. Performance Standards:
 - A. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
 - B. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
 - C. One identification sign shall be permitted. In Conservation and Residential Districts, such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the exterior of the wall, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.

- D. No approval shall be granted prior to the applicant's receipt of a license from the Bureau of Community and Health Systems within the Michigan Department of Licensing and Regulatory Affairs (LARA).

Section 11.03.08 – Battery Energy Storage Systems (BESS) Principal Use

See – Section 7a - Renewable Energy Overlay District Ordinance, Section 7a.03 Battery Energy Storage Systems (BESS) for applicable special use submittal items, review procedure, and standards.

Section 11.03.09 – Bed and Breakfast Establishments

1. The operator of the bed and breakfast establishment shall occupy the dwelling as their principal residence.
2. The applicant shall provide a scaled floor plan of the premise as part of the special use application.
3. The primary use of a bed and breakfast must be as a residence for the owner or manager, who operates and occupies said structure. The bed and breakfast establishment may have up to 6 bedrooms used for transient guests for compensation. The exterior appearance of the bed and breakfast shall be maintained in a residential character.
4. 1 parking space per room to be rented shall be provided on-site, in addition to the parking required for a single-family dwelling. Parking shall not negatively impact adjacent properties or require on-street parking.
5. Meals may be served only to the operator's family, employees, and overnight guests.
6. Any accessory use(s) must comply with the zoning district in which the property is located.
7. Guest stays shall not exceed 100 days in any 120-day continuous interval.
8. A fire escape plan shall be developed and graphically displayed in each guest room. A minimum of 1 fire extinguisher, in proper working order, shall be located on each floor. The establishment shall have at least two exits to the outdoors. No guest room shall be located in a basement.
9. The rental sleeping rooms shall have a minimum size of 100 square feet for each 2 occupants, excluding bathrooms, with an additional 30 square feet for each occupant, to a maximum of 4 occupants per room.
10. Each sleeping room shall be equipped with a smoke detector.
11. No receptions, private parties, or activities for which a fee is paid shall be permitted except for those which involve only registered guests.
12. Lavatories and bathing facilities shall be available to all persons using the premises.
13. No separate or additional kitchen facilities shall be provided for the guests.

14. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
15. The driveway and parking areas shall be paved.

Section 11.03.10 – Reserved

Section 11.03.11 – Camps or Campgrounds

1. The application for a recreational camp shall include a clear definition of the sponsoring agency or organization, if applicable, including names of owners/operators and/or officers of the camp. Any affiliation with regional or national organizations shall be disclosed.
2. The applicant shall provide a detailed description of the proposed camping program to be carried out at the facility. Such description shall include the times of the year when the camp is proposed to be occupied, the nature of any instruction or educational program that may be provided, the numbers, ages, and gender of campers to be accommodated, the ratio of camp staff to campers, and other information which the Township determines is necessary to provide a complete presentation of the proposed facility.
3. Campsites shall not be located within 100 feet of any property line.
4. No more than 1 permanent dwelling per campground which shall be occupied by the owner, caretaker, manager, or employee.
5. No permanent storage of tents, recreational vehicles, or trailers.
6. Commercial campsites shall be subject to the following requirements:
 - A. Each campsite shall have a minimum area of 1,500 square feet.
 - B. A common area shall be provided at the ratio of 1,000 square feet for each campsite.
 - C. Driveways and parking areas shall be at least 50 feet from any adjacent property line.
 - D. The applicant shall provide a detailed plan for refuse disposal, restrooms, potable water, and similar facilities.
 - E. The applicant shall secure all necessary permits from township, county, state, and federal authorities.
 - F. Entrance and exit driveway must be illuminated per Section 13c.

Section 11.03.12 – Child Care Homes, Group

1. An outdoor recreation area shall be provided in accordance with the requirements of the State of Michigan shall be enclosed with fencing having a minimum height of four feet. Such areas shall be located in the rear yard.
2. Off-street parking shall be provided for family members and employees of the facility. Client pick-up and drop-off areas shall be located in such a manner that

vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.

3. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
4. The facility shall comply with all applicable state licensing requirements.

Section 11.03.13 – Convalescent Homes (Nursing Homes)

1. The minimum lot size shall be 3 acres.
2. The main and accessory buildings shall be set back at least 75 feet from all property lines.
3. The facility shall be designed to provide a minimum of 500 square feet of open space for every bed used or intended to be used. This open space shall include landscaping but may not include off-street parking, driveways, required yard setbacks, and accessory use areas.

Section 11.03.14 – Junk and Salvage Yards

1. The following site and development regulations shall apply:
 - A. The minimum lot size shall be five (5) acres.
 - B. A solid fence or wall at least eight (8) feet in height shall be provided around all sides of the area used to store junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
 - C. All enclosed areas shall be set back at least one hundred (100) feet from any lot line, but in no case shall such enclosed area be less than two hundred (200) feet from an Agricultural or Residential District. A landscaped buffer area shall be provided adjacent to such enclosed areas.
2. Performance Standards:
 - A. All activities shall be confined to within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed that height.
 - B. No open burning shall be permitted, and between the hours of 5:00 p.m. and 8:00 a.m., all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 - C. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

- D. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
- E. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- F. No inoperable vehicle shall be maintained on the site for more than forty-eight (48) hours except where all fluids in such vehicle, including but not limited to fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state, and federal regulations.
- G. No storage, staging, disposing, etc. of renewable energy waste, such as damaged or inoperable solar facility components, battery storage facility components, or wind energy facility components on any parcel within Locke Township. Staging and short-term storage of the components during assembly and decommissioning must comply with the provisions of the Renewable Energy Overlay District Ordinances per Article 7.

Section 11.03.15 – Educational Facilities, Private

- 1. The minimum lot area shall be 40,000 square feet.
- 2. Not more than 60% of the lot shall be covered by impervious surfaces.
- 3. Student drop-off and vehicle-turnaround facilities shall be provided on the site so that vehicles will not interfere with traffic.
- 4. No parking shall be allowed within 50 feet of the front lot line, and the principal building shall be set back at least 75 feet from any lot line or right-of-way.
- 5. If proposed, all outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence 6 feet in height, or 4 feet in height if adjoining a right-of-way. Provided, however, the planning commission may permit a wrought iron fence up to 6 feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
- 6. All required state and local licenses, charters, permits, and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- 7. Off-street parking and circulation areas shall be arranged so that areas for bus loading and unloading of students will not be in the path of vehicular traffic.
- 8. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
- 9. An educational facility with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in Section 11.03.25

10. Public schools under the jurisdiction of the Michigan Superintendent of public instruction are not subject to the requirements of this ordinance in accordance with the Revised School Code, MCL 380.1263(3)

Section 11.03.16 – Funeral Homes, Mortuaries, Crematoria

1. A proposed mortuary/funeral home shall be located on a lot of land with a minimum area of one-half ($\frac{1}{2}$) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.
2. An off-street vehicle staging area shall be provided to be used in support of funeral procession activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. A caretaker's residence may be provided within the principal building.
4. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall 6 feet in height. Evergreen landscaping may also be required by the planning commission.
5. A mortuary that includes a crematorium shall locate any cremating facilities at least 100 feet from any residential use.

Section 11.03.17 – Kennels, Commercial

1. The following site and developmental requirements shall apply:
 - A. The lot shall be at least five (5) acres in size.
 - B. Buildings where animals are kept, runs, and exercise areas shall not be located closer than 200 feet to any lot line.
 - C. Outdoor runs and exercise yards shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
 - D. During the hours of 7:00 a.m. until 10:00 p.m. animals shall be permitted in outdoor runs or exercise areas. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
2. Performance Standards:
 - A. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against environmental contamination, odors, fleas, and the spread of disease.
 - B. All animals must be licensed and maintained in a healthful and careful manner.
 - C. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.

- D. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.

Section 11.03.18 – Landscaping Materials or Supply

1. The minimum frontage shall be 150 feet.
2. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
3. No loading activities shall be permitted 35 feet of any lot line abutting a residential land use.
4. Not more than 70% of the lot shall be covered by buildings and outdoor storage of materials and goods.
5. Storage yards shall be completely obscured from view from public streets and adjacent residential properties
6. The site shall be maintained in a neat and orderly fashion at all times.
7. No public address system shall be audible from any abutting residential lot.
8. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.

Section 11.03.19 – Medical Marihuana

1. Definitions. For the purpose of this Section, the following terms and phrases shall have the following meanings:
 - A. Marihuana. All parts of the plant *Cannabis sativa* L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
 - B. Primary caregiver. A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, who has been issued and possesses a registry identification card to do so according to the Medical Marihuana Act, (PA 1 of 2009) MCL 333.26421 *et seq*, and who otherwise meets the definition of a primary caregiver under the Act.
 - C. Qualifying patient. A person who has been diagnosed by a physician as having a debilitating medical condition, as defined by the Medical Marihuana Act, (PA 1 of 2009) MCL 333.26421 *et seq*, and who has been issued and possesses a registry identification card according to the Act.
2. Authorization. The growing, distribution and use of marihuana is prohibited except as provided in this Section. The growing, possession and medical use of

marihuana in accordance with the Michigan Medical Marihuana Act, (PA 1 of 2009) MCL 333.26421 *et seq*, is permitted only as a Class 1 home occupation. Such home occupation may operate within a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient, and which may be located within the associated dwelling.

- A. Nothing in this Section shall be construed as authorizing any retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, stores, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis, or any facility used to cultivate marihuana, except as a Class 1 home occupation according to the requirements of this Section.
 - B. Nothing in this Section shall be construed as authorizing any use of a parcel for a club or other entity whose purpose includes the gathering of qualified patients to smoke or otherwise ingest marihuana.
3. Standards and Conditions. The following standards and conditions shall apply in addition to the standards of Section 10.25(1)(A), except where expressly provided otherwise. Where the following standards and conditions are more stringent than those of Section 10.25(1)(A), the more stringent standards and conditions shall apply.
- A. No medical marihuana Class 1 home occupation shall be operated except in a single-family dwelling or accessory structure thereto.
 - B. No medical marihuana Class 1 home occupation shall be operated by anyone other than a primary caregiver. Such primary caregiver shall reside in the dwelling on the parcel where the home occupation is occurring.
 - C. No more than one (1) primary caregiver residing in a dwelling shall operate a medical marihuana Class 1 home occupation.
 - D. The growing of marihuana shall be contained in a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver according to the Medical Marihuana Act, (PA 1 of 2009) MCL 333.26421 *et seq.*, and such containment area shall not exceed 600 square feet in floor area.
 - E. No more than seventy-two (72) marihuana plants shall be grown on the parcel at any one time.
 - F. In accordance with Section 10.25(1)(A)(v), no patients shall call or be present on the premises during the ordinary course of business other than qualifying patients residing on the premises and no marihuana suppliers shall call at or be present on the premises except primary caregivers who either reside on the premises or who are connected through the medical marihuana registration process with a qualifying patient residing on the premises.

- G. There shall be no sign erected pertaining to the home occupation.
- H. The provisions of Section 10.25(1)(A)(vi) shall not be applied to preclude the storage of an amount of marihuana that does not exceed the amount allowed under the Act, if lawfully obtained under the Act, notwithstanding that such marihuana may not have been produced personally by the owner on the premises.
- I. All aspects of a medical marihuana Class 1 home occupation shall comply at all times with the provisions of the Michigan Department of Health and Human Services per the Michigan Medical Marihuana Act, (PA 1 of 2009) MCL 333.26421 *et seq.*

Section 11.03.20 – Mineral Mining and Extraction

Prior to approval by the Planning Commission of a special land use for mining and related mineral mining and extraction commercial operations, the Planning Commission shall be certain the following conditions and limitations shall be strictly complied with. These conditions and limitations are required because such operations can have very serious consequences for the environment, for adjoining properties and for the community as a whole. The following conditions are in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations:

- 1. Location
 - A. All such operations shall be located on a primary road, as defined by Ingham County Road Department, for ingress and egress. Truck traffic routes to and from the operation should generally be designed to avoid residentially planned and zoned areas and prevent the breaking up of existing roads that are not "all-weather" roads. Specific routes of ingress and egress for all such truck traffic may be specified by the Planning Commission. Under no circumstances shall trucks use private drives or private access routes from applicant's property which are within three hundred (300) feet of any residence.
 - B. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such business shall be permitted closer than 200 feet from interior boundary lines of property, unless such operation is being conducted on the adjoining property or the adjoining property owner consents in writing thereto and further providing that all setback provisions contained in this ordinance are complied with as applied to other properties. In addition, no such business shall be permitted closer than 400 feet of any properties used for residential purposes or within 400 feet of any residential district.
 - C. No such business shall be permitted within 150 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. However, if the authority having jurisdiction over any particular road consents in writing to a reduced

setback, then the Planning Commission may allow for such use within said setback area up to 50 feet of any road right-of-way line, if adequate screening and all other provisions of the ordinance including other setback regulations are complied with. Such businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

- D. The permanent processing plant and its accessory structures, or any temporary processing facilities, shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from residential districts, and shall, where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stock piling or loading and transportation equipment. No earth, gravel or other mineral material may be imported to the site for processing or storage.
- E. No such businesses shall be located within 300 feet of the margin of any stream, wetland, or waterway unless previously approved, in writing, by the state commission or department having jurisdiction thereof. No such operation shall interfere with the naturally established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that any sediment may be carried into any nearby water course.

2. Site Barriers and Fencing

- A. Site barriers shall be provided around those portions of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - i. Earth berms constructed to a height of 10 feet above the mean elevation in the center line of the adjacent public highway or 10 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass and trees or shrubs.
 - ii. Plantings of evergreen trees not more than 10 feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property, which shall provide screening at the time of installation to an average height of six (6) feet and which shall grow to not less than 10 feet in height and be sufficiently spaced to provide effective site barriers for the duration of the mining operation. Trees which die must be replaced during the current planting season.
 - iii. Earth berms planted with grass and evergreen trees or shrubbery as specified in (ii) above, provided that the total height of the berm

and the trees or the shrubbery at maturity will be at least 10 feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.

- B. The 10-foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate sight barriers. In addition, the Planning Commission may allow for less than complete screening of the site in perimeter locations where such screening is determined to not be needed to mitigate the visual impact of the mining operation.

3. Abatement of Adverse Impacts/Environmental Impact Analysis

- A. The applicant shall provide information related to the identification and abatement of any adverse impacts created by the mining operation. Toward this end, an environmental impact analysis shall be submitted at the time of application that includes both base information on the site prior to such activity and the anticipated impact of such operations on the site, surrounding area and the community as a whole. Upon request, the Planning Commission may waive any informational requirement set forth below if the Planning Commission determines in its sole reasonable discretion that the nature of the proposed operation is such that the information is not needed to assure compliance with the standards for special land use permit approval. The required studies, which shall be undertaken by professionals whose education, certification and experience are consistent with the credentials needed to conduct the studies and analyze the results, are as follows:
 - i. Hydrogeological Study: This shall include a complete assessment of the potential impacts on any water resources both on-site and off-site. It shall identify the location in relation to watersheds and floodplain areas and identify natural site drainage and impact on wetlands within the area. It shall also identify the depth of groundwater and aquifers within the area of the operation and provide data on water quality for all such resources. Where the applicant proposes the development of a lake or where ponds or basins may exceed five (5) or more acres, such studies shall include the use of monitoring wells in order to estimate the impact on other surface water or ground water resources in the area. The studies shall also include the applicant's approach to spill containment (containment and spill response plans) from any vehicles and equipment utilizing or located on the site.
 - ii. Topographic and Geological Analysis: This shall include the existing contours and proposed contours consistent with site plan review standards under Section 12.06. Earth changes proposed throughout the term of the operation shall be presented with

estimates of the type, quantity and quality of the material to be extracted, including overburden. Soil borings shall be taken to a depth equal to the depth of the proposed extraction, with frequency of spacing sufficient to allow for reasonable interpretation and verification of such quantity and quality of the material. The Planning Commission may request that additional borings be taken where additional interpretation or verification is needed. Final contours shall be included within the required Reclamation Plan, but interim earth change data will also be required as part of the annual review in order to evaluate the consistency of the activity with this initial analysis. This analysis shall include mitigation related to erosion, filling and potential sedimentation of any basins created by such activities.

- iii. Noise/Vibration Study: This shall include data on existing noise levels and sources of vibration in and around the site prior to any such operation and the anticipated impacts of such activity on any properties and roadways within the area of the operation. A complete listing of all proposed equipment to be utilized within the operation shall be submitted with information on the proposed location and noise/vibration impacts of the equipment. The Planning Commission may require that equipment, such as crushers, be located in an enclosed building to further reduce such noise and vibration impacts.
- iv. Traffic Impact Study: This shall include a complete analysis of the existing road system and the proposed truck haul routes for the operation. This shall include all state and local roads and the efforts made by the applicant to control use of such roadways that are not designated as part of the haul route. Information shall include traffic counts and level of service capabilities of the roadways to support such increased loads. Noise and vibration impacts related to such hauling shall also be included within the study.
- v. Air Quality Analysis/Dust Control: This shall include a complete analysis of the impacts associated with particulate matter generated by the operation and the techniques utilized to mitigate such release.
- vi. Endangered Species Impact: This shall include a complete listing of all threatened and endangered wildlife (plants and animals) that may be impacted by the mining operation.
- vii. Economic Studies: This shall include economic studies related to impacts upon the adjoining properties and the community as a whole, including residential property valuation and the compatibility with, or negative impacts to, other land uses, including agriculture.
- viii. Other Studies: The Planning Commission may require the submission of additional studies or information as it determines, in

its sole reasonable discretion, is needed to properly evaluate whether the proposed operation satisfies the standards for Special Land Use approval.

4. Time Limit

- A. The Planning Commission may limit the days and hours of operation based upon specific characteristics of the site and the relationship to surrounding land use. The Planning Commission may also establish a termination date for the mining or excavating of any area due to its proximity or visibility from residential districts or property used for residential purposes. The applicant shall provide an estimated time duration for operating the mine and, as part of the annual review, provide an update to such estimate.

5. Fencing

- A. Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks, or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible.

6. Public Address/Loudspeakers

- A. No public address or loudspeaker system shall be audible from any abutting residential lot.

7. Liability Insurance

- A. Unless otherwise provided for under stated insurance specifications imposed by the Planning Commission under Special Land Use approval, all applicants shall be required to carry both general liability and project specific personal injury and property damage insurance policies while any un-reclaimed or unrehabilitated area exists, in the amount of not less than one million dollars for each person injured or property damaged and not less than three million dollars for injury or damage to more than one person or more than one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.

8. Reclamation of Mined Areas

- A. Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation rehabilitation shall be affected within two years after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining

activity, unless an extension is granted by the Planning Commission upon a showing of good cause and that the extension will not have a material adverse impact upon the surrounding area.

- B. The following standards shall control reclamation rehabilitation:
- i. All excavations shall be either to a water producing depth of not less than three feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-flammable and non-combustible solids.
 - ii. Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - iii. Surface that is not permanently submerged shall be graded and back-filled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - iv. The banks of all excavations shall be sloped to the water line in a water producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three foot horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - v. Topsoil of a quality equal to that occurring naturally in the area shall be replaced onto the excavated areas not covered by water, except where streets, beaches or other planned improvements shall be completed within two years of termination of mining or excavation operations. When used, topsoil shall be applied to a minimum depth of four inches sufficient to support vegetation.
 - vi. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The Planning Commission may require the seeding and plantings to conform with the standards and specifications adopted by the Ingham Conservation District and as may be amended hereafter.
 - vii. Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.
- C. Financial guarantee shall be furnished the Township ensuring the proper rehabilitation reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre, proposed to be mined or excavated in the following 12-month period and which has

previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this ordinance in the applicant's filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one foot vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Zoning Administrator of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in the form of cash, certified check, or an irrevocable bank letter of credit, in a form acceptable to the Township.

9. Submission of Operational and Reclamation Plans

- A. No earth removal, quarrying, gravel processing, mining, and related mineral mining and extraction businesses shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission, disclosing compliance with all the provisions of the ordinance or the manner of which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - i. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are on all-weather roads, additional roads, if any to be constructed and the location and nature of abutting improvements on adjoining property.
 - ii. The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations. No more than 25 acres shall be cleared and actively mined at any one time. The area used for stockpiling and processing excavated material shall not be counted for purposes of this limitation. The Planning Commission shall have the ability to waive this acreage limitation upon a showing of good cause and that the waiver will not have a material adverse impact upon the surrounding area. The Planning Commission may consider the relationship of this acreage limitation to the volume (tonnage) of material represented in the monthly volume reports submitted to the Township.
- B. Type of mining or processing proposed is to be conducted and the nature of the equipment to be used.
- C. Location of the principal processing plant and the distance of any proposed excavation or mining and the boundaries of the site.
- D. A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including

the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bona fide nature of the reclamation rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

10. Hearing

- A. After receiving an application for a permit for an earth removal, quarrying, gravel processing, mining or related mineral mining and extraction business accompanied by the required plans and specifications and permit fee, the Planning Commission shall hold a public hearing upon such application in accordance with the applicable statutory requirements, except that notice by first-class mail required thereunder shall include all persons to whom real property is assessed within 1,000 feet of the subject property and the occupants of all structures within 1,000 feet of the subject property.
- B. Following such hearing, said board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:
 - i. The most advantageous use of the land, resources and property.
 - ii. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - iii. Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area.
 - iv. The protection and preservation of the general health, safety and welfare of the Township.
 - v. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - vi. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the adjoining residents and property owners, the neighborhood surrounding such areas and the community as a whole.

11. Monitoring

- A. The developer/operator shall submit to the Zoning Administrator monthly reports accurately setting forth the volume (i.e., tonnage) of extracted material hauled from the site. Each report shall be submitted within 30 days after the month to which it pertains.

- B. The developer/operator shall submit ten copies of an annual report to the Zoning Administrator. The developer/operator shall include in the report a progress report on the location and number of acres mined in the past year and the location and number of acres reclaimed in the past year. The report shall also identify the location and number of acres projected to be mined and to be reclaimed in the following year. The developer/operator shall incorporate the totals from all monthly volume (tonnage) reports submitted to the Township Zoning Administrator. The developer/operator shall also include in its annual report copies of any reports required by any other review agency at the county, state, or federal level. The Zoning Administrator shall forward copies of the annual report to the members of the Planning Commission, along with a listing of any complaints, violations or citations given to the developer/operator by the Zoning Administrator or any other Township official and a description of how each such incident was resolved.
 - C. The Zoning Administrator shall monitor the operation to assure compliance with the terms of this ordinance and any conditions imposed thereunder. The operator/developer shall allow the Zoning Administrator such access to the site as the Zoning Administrator reasonably determines is needed in order to perform this monitoring function. The Zoning Administrator may refer to the Planning Commission any questions or disputes that arise regarding interpretation of the terms of the Special Land Use approval granted by the Planning Commission.
 - D. The operator/developer shall pay an annual review fee to defray all or a portion of the cost incurred by the Township by reviewing the annual report and by monitoring the operation. The annual review fee, and timeframe for collection and disbursement, shall be established by resolution of the Township Board.
12. Existing Excavations and Mining Operations
- A. All commercial excavations, mining operations, gravel processing operations, or quarrying operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations.
13. Site Plan Review
- A. Planning Commission approval of the Special Land Use for a mining operation shall satisfy the site plan submission and approval requirements under Chapter 12 of this ordinance.
14. Compliance with the Michigan Zoning Enabling Act, as amended (MCL 125.3205) Section 205, determination of valuable natural resources, and determination of very serious consequences.
- A. An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural

resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

- B. In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
- i. The relationship of extraction and associated activities with existing land uses.
 - ii. The impact on existing land uses in the vicinity of the property.
 - iii. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - iv. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - v. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - vi. The overall public interest in the extraction of the specific natural resources on the property.
15. This Ordinance is enacted pursuant to the authorities granted under the Michigan Zoning Enabling Act (MCL 125.3101 et seq.) and the Michigan Township Ordinance Act (MCL 41.181 et seq.). It is the express intent of the Township that no provision of this Ordinance shall be interpreted, construed, applied, or enforced in a manner that supersedes, duplicates, contradicts, conflicts with, or infringes upon the regulatory authority or rules promulgated by the State of Michigan under the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended (MCL 324.101 et seq.), including but not limited to Part 632 governing Nonferrous Metallic Mineral Mining (MCL 324.63201 et seq.). In no way shall this ordinance contradict or supersede the rules and regulations promulgated by Section 63203 the Michigan Natural Resources and Environmental Protection Act (NREPA), of 1994, as amended (MCL 324.63203).
16. The Township acknowledges that the Michigan Department of Environment, Great Lakes, and Energy (EGLE) maintains exclusive or primary jurisdiction over the technical, environmental, operational, monitoring, and reclamation aspects of nonferrous metallic mineral mining. Accordingly, all requirements, standards, and procedures established under NREPA and any permits issued thereunder shall control in the event of any perceived or actual conflict. This Ordinance shall be construed strictly to regulate only those local land use impacts, zoning matters, and police power regulations that are legally permissible and not preempted by state law.

17. Any local permit, special land use approval, or site plan approval granted by the Township under this Ordinance is expressly conditioned upon the applicant obtaining, maintaining, and complying with all required state and federal permits, including a valid nonferrous metallic mineral mining permit issued under Part 632 of NREPA. The revocation, suspension, or expiration of a state-issued mining permit shall automatically result in the immediate suspension or revocation of any local land use approvals granted hereunder.
18. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, clause, phrase, or provision of this Ordinance—or its application to any person, property, or circumstance—is declared by a court of competent jurisdiction to be invalid, unenforceable, or preempted by NREPA or any other state or federal law, such decision shall not affect the validity, enforceability, or application of the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 11.03.21 – Self-Storage/Mini-Storage Facilities

1. The following site and developmental requirements shall apply:
 - A. One parking space shall be provided for each twenty (20) rental units within the buildings, and one parking space shall be provided for each employee.
 - B. Traffic direction and parking shall be designated by signaling or painting.
2. Performance Standards:
 - A. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
 - B. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high wall or fence.
 - C. Storage spaces shall not contain more than 500 square feet each.
 - D. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from the side and rear lot lines.
 - E. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
 - F. There shall be no storage of hazardous, toxic, or explosive materials. Signs shall be posted at the facility describing such limitations.

Section 11.03.22 – Open Air Businesses

1. The minimum lot area shall be two (2) acres.
2. The minimum lot width shall be one hundred fifty (150) feet.

3. The applicant shall demonstrate that adequate measures will be taken to keep trash, paper, and other debris from blowing off the premises.
4. The lot area used for parking and the display or storage areas shall be provided with a permanent, paved surface, and shall be graded and drained to dispose of all surface water.
5. The site shall be maintained in a neat and orderly fashion at all times.
6. No public address or loudspeaker system shall be audible from any abutting residential lot.
7. The site shall maintain adequate drive aisles to ensure emergency access.

Section 11.03.23 – Drive-through Businesses

1. A minimum of five (5) stacking spaces shall be provided. Stacking spaces shall be arranged to not interfere with pedestrian or vehicular circulation on the site and obstruct adjacent properties or extend into any street right of way.
2. Minimum lot area shall be one (1) acre (43,560 sq. ft.).
3. The minimum lot width shall be 100 feet.
4. The site shall have at least 1 frontage on a major thoroughfare.
5. Drive-through speaker boxes shall be arranged and directed to prevent sound from being audible beyond the boundaries of the site.
6. There shall be at least two (2) temporary vehicle waiting spaces after the delivery window.

Section 11.03.24 – Home Occupations (Class 2)

1. Definitions. For the purpose of this Section and Ordinance, the following phrases and definitions shall apply:
 - A. Class 2 Home Occupation: An occupation or profession conducted in association with the principal residential use of the lot which does not conform with the standards of Section 10.25(1), Subsection (A)(I)-(viii) above for Class 1 Home Occupations.
2. Authorization. The operating or conducting of an occupation from or in a residence, or on a residentially used lot, is permitted according to the regulations and standards of this Section.
 - A. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use, and shall be subject to the application and review provisions of Article 11, and the regulations and standards of Section 11.02, except as follows:
 - i. An application for a Class 2 Home Occupation shall include a site plan meeting the requirements of Section 12.04, except that the Planning Commission may waive portions of the required submittal information upon a finding that, given the character of the site and surrounding area, and the character of the proposed home

occupation, such information is not pertinent to the application or the lack of such information shall not undermine the Planning Commission's ability to render a sound decision on the application.

- ii. In addition to the information required by Section 11.01, the applicant shall submit a detailed description of the nature of the occupation, which shall clearly specify the following:
 - a. A detailed description of the character of the business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
 - b. The type and frequency of vehicular traffic to be generated by the home occupation and the location of all outdoor parking, delivery, and storage areas, if proposed.
 - c. Proposed landscaping/screening in association with any parking and outdoor storage areas to minimize negative impacts on nearby properties.
 - d. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
 - e. The location(s) and square footages to be occupied by the home occupation, including within both the dwelling and any accessory building.
 - f. The maximum number of vehicles to be parked or otherwise located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business.
3. Any approval of a Class 2 Home Occupation, and any permit issued for such occupation, shall delineate the standards that the home occupation shall comply with in regard to Section 10.25(2)(B)(ii)(a – f) above.
4. The following site development requirements apply:
 - A. No more than one-third (1/3) of the floor area of the dwelling shall be occupied by the occupation. The occupation may occupy no more than 2,500 square feet of a permitted accessory building.
 - B. Buildings used in the occupation shall meet minimum yard and setback restrictions for the district in which it is located, except as provided in (1) above.
 - C. There shall be no structural additions nor modifications to buildings on the property or permanent installation of any equipment not readily suitable for residential or agricultural use, except to accommodate the physically handicapped.
5. Performance Standards:

- A. The principal person engaged in and responsible for the occupation shall reside on the same premises where the occupation is conducted and shall be actively and personally engaged in the occupation.
- B. The home occupation shall not employ more than three (3) persons on the premises during the ordinary course of business, including the owner and others residing in the dwelling but excluding employees who do not physically report to the site or perform occupation duties on the site. The Planning Commission may decrease the above standard to one (1) person in the case where the Planning Commission determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
- C. Visitors, customers, and deliveries shall not exceed an average rate of two (2) per hour during any given day, and in no case shall exceed a total of eight (8) during a single day. The Planning Commission may decrease the above standards by as much as fifty percent (50%) in the case where the Planning Commission determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
- D. There shall be no on-street parking and in no case shall more than eight (8) motor vehicles be parked or otherwise located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Planning Commission may decrease the above standard to one (1) motor vehicle in the case where the Planning Commission determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
- E. All of the activities on the property related to the occupation shall be carried on indoors.
- F. There shall be no outdoor storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation. Refuse generated by the occupation shall be safely and properly disposed of.
- G. The use of the property for the occupation shall be clearly secondary and incidental to the use of the property for dwelling or agricultural purposes.
- H. There shall be no construction features or equipment used that would change the fire rating of any structure.
- I. The occupation, including associated equipment, shall not produce any noise, odors, vibration, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or

communication receivers off the premises, or cause fluctuations in line voltage off the premises.

- J. The property and buildings utilized for the home occupation shall be of a size and configuration sufficient to accommodate the occupation and provide adequate buffering for adjacent properties from noise, odors, vibration, fumes, smoke, traffic, light emissions and other conditions resulting from the occupation.
 - K. The occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, environment, labor protection and taxation.
6. Duration of Permit. A zoning permit issued for a Class 2 home occupation shall expire two (2) years after the home occupation has been abandoned.

Section 11.03.25 – Places of Public Assembly

- 1. Except for those already in existence on the effective date of this Ordinance, all places of public assembly shall have frontage and take access from a major thoroughfare.
- 2. The site shall be at least one (1) acre in size.
- 3. No more than 25% of the site area shall be covered by buildings, and no more than 60% of the site shall be covered by impervious surfaces.
- 4. No day care center, private school, or other use requiring zoning approval shall be permitted without obtaining zoning approval for each use.

Section 11.03.26 – Private Airports and Landing Strips

- 1. The following site and developmental requirements shall apply:
 - A. Runways shall be one thousand two hundred (1,200) feet in land length and fifty (50) feet in useable width, with a clear approach in each direction of 10:1 for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of “ultra-light” aircraft.
- 2. Performance Standards:
 - A. Approval of landing strips shall not be made prior to the receipt, provided by the property owner or developer, of the Federal Aviation Authority's review of the proposed landing strip.

Section 11.03.27 – Private Recreation Facilities, Outdoor

- 1. The facility shall have direct access to a public street.
- 2. The site shall be at least one (1) acre in area.
- 3. Off-street parking shall be located at least twenty-five (25) feet from residential lot lines.

4. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
5. Not more than 65% of the land area shall be covered by recreational structures.
6. All buildings shall be of a residential character, and exterior materials are to be primarily wood or brick.
7. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
8. All sports fields shall be a minimum of 100 feet from any lot line and 200 feet from any dwelling.
9. Accessory commercial activities such as concessions shall be limited to those necessary to serve only the seasonal patrons of the facility.
10. Central loudspeakers/paging systems are prohibited within 100 feet of residentially zoned property.
11. Whenever a swimming pool is to be provided, said pool shall conform with the requirements of Section 10.20 – Outdoor Residential Swimming Pools.
12. Facilities with a capacity greater than 500 people shall provide letters of review from the County Sheriff and County Road Department.
13. Any outdoor storage areas shall be screened.
14. Security fencing shall be provided adjacent to residential districts or uses.
15. Operating hours may be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners, however, the maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m.

Section 11.03.28 – Shooting Ranges

1. The following site and developmental requirements shall apply:
 - A. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be twenty (20) acres for outdoor archery-only shooting activities.
 - B. Minimum front, side, and rear yard setbacks for outdoor shooting ranges, including buildings and shooting areas, shall be two hundred fifty (250) feet.
 - C. An outdoor shooting range shall be fenced around its boundaries with a fence at least four (4) feet high, to clearly identify the boundaries of the shooting range. The range shall be clearly posted with warning signs around its perimeter. All vehicular access shall be controlled by locked gates.
2. Performance Standards:

- A. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any projectile discharged within the confines of a shooting range shall not exit the range.
- B. The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment.
- C. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and National Field Archery Association, as applicable.
- D. Hours of outdoor operation shall be between sunrise and sundown, according to such times as published by the National Weather Service, unless expressly authorized otherwise by the Planning Commission.

Section 11.03.29 – Resort or Retreat Centers

- 1. Ingress and egress to reach the resort shall be only from a major thoroughfare.
- 2. The minimum lot size shall be 10 acres with a minimum width of 330 feet.
- 3. The minimum floor area of each guest unit shall be 250 square feet.
- 4. No guest shall establish permanent residence at the resort.

Section 11.03.30 – Senior Housing

- 1. There shall be a 20-foot setback from structures to any property line adjacent to a single-family residential use or district.
- 2. There shall be provided easily accessible and useable open space in the development in an amount of 10% of the site area or 2,000 square feet per 4 dwelling units, whichever is greater.
- 3. A minimum of 25% of units shall be fully ADA-accessible.
- 4. Each unit shall have a minimum gross floor area of 800 square feet.

Section 11.03.31 – Storage, Transfer Warehouses, or Shipping Facilities

- 1. The facility shall have direct access to a major thoroughfare.
- 2. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used, or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
- 3. Federal, state, and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge into the groundwater, including direct and indirect discharges, shall be allowed without appropriate state, county, and Township permits and approvals.
- 4. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.

5. Outdoor storage of materials, substances, products, or component parts is not permitted.
6. Vehicles and equipment that are actively used as an integrated component of the establishment, such as semi-trucks and trailers, may be temporarily parked on the site from time to time for a time not to exceed 60 days, provided such parking is located in the side or rear yard, and screened from public view. Screening shall consist of fencing or landscape materials approved by the Planning Commission during the site plan review process.
7. The Planning Commission reserves the right to require buffering, screening, setbacks, and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and purpose of this Ordinance to protect the public health, safety, and welfare.

Section 11.03.32 – Stables for Riding and Boarding, Commercial

1. The following site and developmental requirements shall apply:
 - A. A commercial stable shall not be established on any lot less than ten (10) acres in area.
 - B. Stables, buildings housing horses, and off-street parking areas shall be set back a minimum of one- hundred (100) feet from all lot lines.
 - C. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically designed as an equestrian community and located in an A-1 District.
 - D. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, manure application area or any surface water. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.
 - E. No special events such as shows, exhibitions, and contests, including viewing areas, shall be permitted within one hundred (100) feet of all lot lines.
2. Special Performance Standards:
 - A. The facility shall be constructed and maintained so that dust and drainage from the stable shall not create a nuisance or hazard to adjoining property or uses.
 - B. Manure shall be removed and/or applied to prevent a nuisance.

Section 11.03.33 – Utility-Scale Solar Energy Systems (SES)

1. See Section 7a – Renewable Energy Overlay District, Section 7a.01 Solar Energy Systems for applicable special use submittal items, review procedure, and standards.

Section 11.03.35 – Utility-Scale Wind Energy Systems (WES)

1. See Section 7a – Renewable Energy Overlay District, Section 7a.02 Wind Energy Systems for applicable special use submittal items, review procedure, and standards.

Section 11.03.36 – Events Center (Wedding Barns)

1. Definitions: For the purposes of this Section, the following definitions shall apply:
 - A. Attendees: Those persons attending an event including persons delivering attendees to the event, but who may not remain for the event themselves. “Attendees” shall not include persons providing support services for an event, such as catering services and parking area attendants.
 - B. Event: A planned occasion at an event center or wedding barn.
2. The following site and developmental requirements shall apply:
 - A. The minimum lot area for an event center or wedding barn shall be twenty (20) acres, and the minimum lot width shall be six hundred (600) feet.
 - B. The lot on which an event center or wedding barn is located shall have a minimum of six hundred (600) feet of continuous frontage and shall take principal access from such frontage, except where the Planning Commission finds that an alternative access means is suitable, taking into consideration public safety and impacts upon adjacent properties.
 - C. All outdoor areas of an event center or wedding barn including, temporary restroom facilities, parking, eating areas, entertainment areas, and other places where event attendees may gather, shall be set back a minimum of one-hundred fifty (150) feet from a lot line and shall comply with the separation distance standards of subsection (D)(v) below. Access drives shall be set back a minimum distance of one hundred (100) feet from side and rear lot lines.
 - i. The Planning Commission may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited, and the specified setback distances would result in considerable practical difficulties maintaining a logical relationship between such buildings and outdoor use areas, provided the Planning Commission finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.
 - D. Parking shall be provided as follows:
 - i. Parking areas shall be of a grass and/or gravel surface, except that a maximum of fifty (50) spaces may be of a paved surface. The Planning Commission may waive this limitation upon finding that the additional paved parking area will be adequately screened from neighboring properties and public roads.
 - ii. The minimum number of parking spaces to be provided for the event center or wedding barn shall be equal to seventy- five percent (75%) of the approved maximum capacity of the event

center or wedding barn, in addition to any additional spaces required for employees, catering services and other support service providers.

- iii. All parking areas shall be clearly defined by gravel, cut lawn, sand, roped boundaries, or other visible markings.
- iv. No parking shall occur within seventy-five (75) feet of a public road right-of-way. "No-parking" signs shall be posted as necessary to ensure compliance with this requirement. The "no-parking" signs shall not be erected prior to four (4) hours before the event's beginning start time and shall be removed within 4 (four) hours of the end of the event.
- v. Access drives and parking areas shall be designed and sited to mitigate potential nuisance effects on adjacent property owners including dust conditions. Access drives shall be set back a minimum distance of one hundred (100) feet from side and rear lot lines, except that where the facility is to accommodate events where attendees may exceed one-hundred fifty (150), the access drive setback shall be increased to one-hundred fifty (150) feet.

Table 11.01

Maximum Number of Event Attendees	Maximum Frequency of Events Based on Number of Event Attendees	Separation Distance Between an Events Center or Wedding Barn and a Dwelling on Another Lot Not Owned by the Applicant
No more than 75	2 events per 1 calendar week	Minimum 150'
More than 75 but no more than 150	2 events per 1 calendar weeks	Minimum 250'
More than 150 but no more than 300	1 event per 1 calendar week	Minimum 350'

3. Special Provisions:

- A. No event shall exceed three hundred (300) attendees.
- B. In no case shall more than ten (10) events be held during any calendar month, irrespective of the number of attendees at each event.
- C. The separation distance standards of the above table shall apply to all buildings and outdoor areas used in association with the holding of events including temporary restroom facilities, parking areas, eating areas, entertainment areas, and other places where event attendees may gather. The Planning Commission may lessen these standards in the case where the proximity between lot lines and existing building(s) to house indoor events is limited, and the specified separation distances would result in considerable practical difficulties maintaining a logical relationship

between such existing buildings and outdoor use areas, provided the Planning Commission finds adequate measures are to be in place to mitigate negative impacts upon surrounding properties and the visual character of nearby public road corridors.

- D. The following time restrictions shall apply:
 - i. No event shall begin prior to 9:00 a.m. and no event shall continue past 11:00 p.m. This limitation shall not apply to set-up and take-down activities associated with an event and the arrival and departure of attendees.
 - ii. No temporary toilet facilities shall be maintained within view of a public road or adjacent lot except during the twenty-four (24) hour period prior to an event during which they are to be used and the twenty-four (24) hour period after the event.
- E. There shall be no sound amplification devices in association with outdoor areas used for an event.
- F. An event center or wedding barn shall not provide for or otherwise permit overnight sleeping of event attendees.
- G. A building to be used for event activities shall undergo no exterior modifications, excluding general maintenance, except upon the Planning Commission finding that such modifications shall not undermine the fundamental character of the building or shall enhance the character of the building according to local agricultural building architecture. The floor area of an existing building to be used for event activities may be expanded by no more than ten percent (10%).
- H. Exterior lighting to be used in association with events shall comply with Section 13c.01, except in no case shall such lighting, whether proposed or existing, exceed fifteen (15) feet in height above the ground below and shall not have light sources visible from the lot lines measured five (5) feet above the lot line.
- I. In addition to the information required by Articles 11 and 12 for a special land use application and accompanying site plan, the following additional information shall be included with an event center or wedding barn application:
 - i. The permitted maximum capacity of all buildings to comprise the event center or wedding barn, according to the building code or Fire Marshall and the basis for such calculations.
 - ii. Proposed location of temporary toilet facilities as may be needed.
 - iii. The planned frequency of events and the maximum number of attendees to be accommodated at any single event.
 - iv. Months or seasons of operation if not a year-round facility.

- v. Any proposed outdoor lighting and any existing outdoor lighting that is to be used in association with the event center or wedding barn.
- vi. Clarification of all portions of the lot to be part of the event center or wedding barn including parking areas, outdoor gathering and activity areas, and outdoor toilet facilities.
- vii. The extent of food preparation facilities that are to be part of the event center or wedding barn, any permits required by the County Health Department, and the applicable County Health Department rules and other requirements, by rule and/or statute section references.
- viii. The intended availability of alcoholic beverages in association with events, the party to be responsible for the provision of such beverages, any permits required by the Michigan Liquor Control Commission, and the applicable Michigan Liquor Control Commission rules and other requirements, by rule and/or statute section references.

Section 11.03.38 – Wireless Communication Towers

1. A minimum lot area of three (3) acres shall be required.
2. A fall zone shall be provided equal to the height of the tower. However, the Planning Commission may permit a smaller fall zone upon receipt of a letter from a structural engineer registered in the State of Michigan demonstrating that a collapse would be contained in a smaller area of land.
3. The property (or the leased area containing the tower) shall be enclosed by a solid fence a minimum of five (5) feet in height.
4. All structures shall be located at least 200 feet from any single-family dwelling.
5. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
6. The plans of the tower construction shall be certified by a registered structural engineer.
7. The applicant shall verify that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
8. Accessory structures are limited to uses associated with the operation of the tower.
9. Unless otherwise permitted by the FAA and any other applicable agency having jurisdiction, communication towers in excess of 100 feet above grade level shall be prohibited within a two-mile radius of a public airport.
10. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.

11. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
12. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and all electrical wiring and connections shall comply with all applicable local statutes, regulations, and standards.
13. Towers with antennas shall be designed to withstand a uniform wind loading as prescribed in the building code.
14. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
15. Towers shall be located so that they do not interfere with the reception in nearby residential areas.
16. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
17. The base of the tower shall occupy no more than 500 square feet, and the top of the tower shall be no larger than the base.
18. Minimum spacing between tower locations shall be 2 miles.
19. The height of the tower shall not exceed 199 feet.
20. Towers shall not be lit unless required by the Federal Aviation Administration. If lighting is required, Aircraft Detection Lighting System (ADLS) lighting shall be preferred.
21. Existing on-site vegetation shall be preserved to the maximum extent practicable.
22. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
23. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
24. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform, or the Special Use Permit will be subject to revocation by the Township Board. The cost for testing and verification of compliance shall be borne by the operator of the antenna.
25. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
26. New towers shall allow a maximum of four additional collocated antennas.
27. Within 14 days of receipt of an application for a wireless communication facility special land use permit, the Zoning Administrator shall determine whether or not

the application is administratively complete. Unless the Zoning Administrator provides a notice of deficiency as set forth below, the application shall be deemed administratively complete upon the earlier of when the Zoning Administrator makes such determination or 14 days after the application is received.

28. If the application is deemed administratively incomplete, the Zoning Administrator shall notify the applicant in writing, or by electronic notification, within such 14-day period that the application is not administratively complete and shall specify the information or fees necessary to make the application administratively complete.
29. The Planning Commission shall approve or deny the application within 90 days of the date the application is deemed administratively complete. A failure to timely approve or deny a Special Land Use request shall be deemed an approval. An approval may be conditioned only upon the wireless communications equipment meeting the requirements of this ordinance, other Township ordinances and other federal and state laws before the wireless communications equipment begins operations.
30. Removal of Abandoned Towers.
 - A. As a condition of every approval of a communication tower there shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - i. Where the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - ii. Six months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication without the requirements of the support structure, or with a support structure which is lower and/or less incompatible with the area.
 - B. The situations in which removal of a facility is required, as set forth in paragraph (A) above, may be applied and limited to portions of a facility.
 - C. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (A) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Board.
 - D. If the required removal of the facility or a portion thereof has not been lawfully completed within 60 days of the application deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and

reasonable administrative charge to be drawn, collected and/or enforced by the administrative and adjudicative means of the Ordinance.

- E. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of the facility ceases.
- 31. This section does not regulate small cell wireless facilities within the right of way per the Small Wireless Communications Facilities Deployment Act (PA 365 of 2018).
- 32. All small cell wireless communications facilities have a capped fee limit of \$200 per facility and \$300 when a new tower or pole is installed.
- 33. Small cell towers may have towers no greater than 40 feet in height or any facility located in a public right of way are preempted from any zoning review per this Section.

ARTICLE 12 – Site Plan Review

Section 12.01 – Purpose

The purpose of this Article is to specify standards, application data requirements, and the review process in the preparation of site plans as required by this Ordinance. These requirements ensure that the appropriate bodies are afforded opportunity to review and evaluate proposed uses and development of sites to accomplish objectives in the utilization of land within the regulations of this Ordinance.

Section 12.02 – Site Plan Required

1. Except as otherwise provided herein, site plan review shall be required before any change of use, excavation, removal of soil, clearing of a site, or placing of any fill on lands contemplated for development. Except as otherwise provided, no building permit shall be issued unless a site plan is approved by the Planning Commission pursuant to the provisions of this Article.
2. Unless otherwise provided, all new uses in the R-3 Residential, Multi-Family Residential, Manufactured Housing Community, Neighborhood Commercial, and Light Industrial districts shall require site plan approval.
3. In the R-1 and R-2 Residential districts, site plan approval shall be required for all uses other than single-family and two-family dwellings, and their accessory buildings and uses. Single-family and two-family dwellings, and their accessory buildings and uses, shall require a zoning permit pursuant to Section 16.02.
4. Site plan review and approval shall be required for all special land uses, site condominium and condominium projects, plats, PUDs, and for all developments, including all dwellings, proposed in a wetland as defined by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), or within a 100-year Floodplain as determined by FEMA.
5. Public uses such as roads, streetscape, utility improvements, parks, and similar public improvements shall not require site plan review, provided, however, that the Planning Commission shall be advised of projects that may significantly alter traffic, permanently impact neighboring properties, or other large-scale projects.
6. Site plan review and approval shall not be required for the change of use or for minor alterations that do not affect existing circulation, drainage, the relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan review. In these instances, only a zoning permit shall be required.

Section 12.03 – Optional Sketch Plan Review

1. Preliminary sketches of the proposed site and development plans may be submitted for review to the Planning Commission prior to site plan review. The purpose of this procedure is to allow discussion between a developer and the Planning Commission, to better inform the applicant of the acceptability of their

proposed plans prior to incurring extensive engineering and other costs that might be necessary for final site plan approval. Such sketch plans shall include the following:

- A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
 - B. Legal description, property number, and street address of the subject property.
 - C. Sketch plans showing tentative site and development plans.
2. The Planning Commission shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the Sketch Plan Review process.

Section 12.04 – Application Procedure

A request for site plan review shall be made at least 45 days prior to the next regular Planning Commission meeting by filing with the Zoning Administrator the following information:

1. An application for site plan review consisting of the following:
 - A. A completed application form, as provided by the Township.
 - B. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
 - C. A legal description or a boundary survey of the subject property.
 - D. Eight (8) printed copy and a PDF of the site plan, which shall include and illustrate at a minimum the following information:
 - i. A small-scale sketch of properties, streets, and use of land within 0.5 miles of the area.
 - ii. A site plan at a scale of not more than 1-inch equals 200 feet (1" = 200') showing any existing or proposed arrangement of:
 - a. Existing zoning classification of the site and surrounding properties and any variances to be requested.
 - b. Name, address, and seal of the preparer and date the site plan was prepared or last updated.
 - c. The topography of the site at a minimum of two (2)-foot intervals and its relationship to adjoining land.
 - d. Existing man-made features and existing natural features, including all trees and woods on site and all drains streams, lakes, ponds, floodplains, sand dunes, and similar features on the site with an indication as to which will be retained, and which will be removed by earth changes.

- e. Dimensions of yards, setbacks, locations, heights, size, use, and shape of all buildings and structures. Lot area, coverage, floor area, floor elevation, and building height shall all be indicated.
- f. Location and width of any sidewalks, easements, and street rights-of-way, indicating proposed access routes, acceleration, deceleration, special right or left turn lanes, parallel access drives, internal circulation, and relationship to existing rights-of-way. The inside radii of all curves, including driveway curb returns, shall be indicated. All proposed traffic control measures (including signs) and the names of the proposed streets or driveways shall also be indicated.
- g. Proposed grading, drainage systems, on-site retention and detention basins, the direction of drainage flow, and stormwater calculations.
- h. Location of any wetlands that may be located on the property.
- i. Location and type of drainage, sanitary sewers, storm sewers, sump, roof and gutter drains, water, electric and gas lines, and any other utilities as well as any easements that exist or are proposed for the installation, repair, and maintenance of utilities. Any septic systems, drain fields, dry wells, catch basins, water wells (active or abandoned), and underground storage tanks (active or abandoned) shall also be indicated, as well as the point of discharge for all drains and pipes.
- j. A landscape plan in accordance with Section 13d of this Ordinance.
- k. Existing and proposed public utilities, if any (water main and sanitary sewer), natural gas, electric, telephone, cable television, and other utilities, the proposed location of connections to existing utilities, and any proposed extensions thereof.
- l. Details pertaining to the proposed signage, including an illustration of all proposed signs, their surface area, height, and nature of illumination.
- m. Location and type of on-site lighting.
- n. Proposed parking spaces, areas, and drives, including maneuvering lanes, loading areas, and surface materials.
- o. Existing and proposed trash receptacles and dumpsters and the location and specification of any proposed above or below-ground storage facilities for any chemicals, salts,

flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.

- p. Dimensions and number of proposed lots or condominium units.
- q. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.

E. Proposed building elevations

F. A narrative describing:

- i. The overall objective of the proposed development.
- ii. Number of acres allocated to each proposed use and gross area in building, structures, parking, public, and/or private streets and drives, and open spaces.
- iii. Dwelling unit densities by type, if applicable.
- iv. Proposed method of providing sewer and water service as well as other public and private utilities.
- v. Proposed method of providing storm drainage.
- vi. The applicant may be required by the Planning Commission to place property stakes and building corner stakes.

2. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

- A. Applicable fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall.
- B. Requirements of the Michigan Department of Consumer and Industry Services and the Ingham County Health Department.
- C. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
- D. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
- E. Applicable rules and regulations of the Federal Communications Commission.

3. Waiver of Submittal Requirements.

- A. The Zoning Administrator or Planning Commission may waive one (1) or more submittal requirements upon determining that such item is not pertinent to the application.
 - B. A person or body specifically authorized under this ordinance to waive a submittal requirement may do so upon determining that the applicable waiver criteria are satisfied.
 - C. Waivers shall be memorialized in writing in an official public document kept in the Zoning Administrator's physical or electronic file for the subject property.
4. The Planning Commission or Zoning Administrator may require additional information to be illustrated on the site plan beyond what is required in this Section to consider the impact of the project upon adjacent properties and the general public. The Planning Commission or Zoning Administrator may also require the submission of special studies or research including, but not limited to, traffic impact studies, environmental impact statements, hydrogeological studies, and/or market studies to aid in the evaluation of any site plan.

Section 12.05 – Action on Application and Site Plans

1. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit the application materials to each Planning Commissioner; one (1) copy to the Northeast Ingham Emergency Service Authority (NIESA), when applicable, one (1) copy to other area review agencies when applicable, and retain one (1) copy in the Township offices.
2. A Planning Commission meeting shall be scheduled for a review of the application and site plan. The meeting shall be held within 60 days of the date of the receipt of the completed plans and application.
3. After the receipt of all required materials, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing and delivered to the applicant.

Section 12.06 – Site Plan Review Standards

To approve a site plan, the Planning Commission shall find that the following standards are met:

1. That there is a proper relationship between the existing roads and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Department, as applicable.

2. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties.
3. That as many natural features of the landscape shall be retained as possible, particularly where they furnish a barrier or buffer between the project and adjoining properties used for different purposes and where they assist in preserving the general appearance of the community or help control erosion or the discharge of storm waters.
4. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
5. That all buildings and structures are accessible to emergency vehicles.
6. That a plan for erosion control, stormwater discharge, utility connections, and similar provisions has been approved by the appropriate public agency.
7. That the plan as approved is consistent with the purpose of this Zoning Ordinance and the Locke Township Master Plan.

Section 12.07 – Approved Site Plans

1. Site Plan Approval. A site plan shall be approved if it contains the information required by, and is in compliance with, the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Copies of the approved site plan and any supporting materials shall be kept on file by the Township.
2. Conformity to Approved Site Plans. Property that is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto that have received the approval of the Planning Commission or Zoning Administrator. If construction and development do not conform with such approved plans, the approval may be revoked or suspended by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease on the site, other than for the purpose of correcting the violation, or for securing the site.
3. Duration of Approval. An approved site plan shall be valid for a period of one (1) year after the date of approval. Upon written request by the applicant stating the reasons therefor, the Planning Commission may extend a site plan approval for up to one (1) additional year if one or more of the following conditions exist:
 - A. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - B. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.

- C. Development or redevelopment in the proximity of the approved site plan has not resulted in changed conditions impacting the site.
 - D. There has not been a change in state or federal law or other local ordinance prohibiting the construction or further construction of the approved project.
 - E. In deciding whether to grant an extension, the Planning Commission shall also find that it is more likely than not that the applicant will be able to substantially commence construction within the granted extension period.
 - F. If a site plan expires pursuant to subsection 12.07 (3) above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Article.
4. As-Built. Once a project for which a site plan was approved is completed, two (2) sets of “as built” plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths, and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of receipt of a certificate of zoning compliance (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets, and/or large buildings are involved.

Section 12.08 – Changes to Approved Site Plan

1. No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator. The Zoning Administrator may review and approve minor amendments to an approved site plan, or refer minor amendments to the Planning Commission for a decision. Minor amendments include, but are not limited to, the following:
- A. The reduction in the size of any building, building envelope, or sign.
 - B. The enlargement or expansion of a building by up to 10%
 - C. The movement of buildings or signs in a way that does not alter the overall layout or other significant characteristics of the site plan.
 - D. Changes requested by the Township, County, or State of Michigan for safety reasons.
 - E. Changes that will preserve the natural features of the land without changing the basic site layout.
 - F. Modifications of the landscape plan or landscape materials, or replacement of plantings approved in the landscaping plan, provided that the amount of landscaping provided is not substantially decreased.
 - G. Alterations to the internal parking layout of a parking lot, provided that the total number of spaces or means of ingress and egress do not change in a manner that significantly alters the viability.

- H. Other changes proposed to be made to the configuration, design, layout, or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and changes that would not have a significant adverse effect on the development on adjacent or nearby lands or the public health, safety, and welfare.
- 2. Changes not considered by the Zoning Administrator to be minor changes, such as a major relocation or of a building, an increase in the gross floor area or heights of buildings, a significant reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved. If there is a dispute regarding whether a change is major or minor, the matter shall be referred to the Planning Commission for a decision.

Section 12.09 – Appeals

An appeal of a site plan decision made by the Zoning Administrator, Planning Commission, or Township Board may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions.

Section 12.10 – Performance Guarantees

In approving a site plan, the Planning Commission may require a performance guarantee pursuant to Section 16.08 of this Ordinance.

Article 13 – Site Development Standards

Section 13a – Signs

Section 13a.00 - Purpose

1. The purpose of this section is to regulate commercial and noncommercial outdoor signs in a manner which:
 - A. Recognizes the communication needs of both businesses and other parties.
 - B. Provide liberally for the display of noncommercial messages in residential areas, in recognizing the unique value of residential signage as a means of exercising constitutional freedom of expression.
 - C. Balance the desire and need of individuals to express themselves through signs with the desire to maintain a pleasing, safe, and navigable environment for residents and visitors.
 - D. Protects property values and neighborhood character.
 - E. Creates a more attractive business climate; promotes pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards.
 - F. Promotes pleasing community environmental aesthetics.
2. Compliance. Compliance with this section does not relieve the applicant of the responsibility for compliance with other local, state, or federal sign regulations, nor does the issuance of a zoning permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a zoning permit only assures the applicant that the sign meets the requirements of this section.
3. Permit required. Except as otherwise provided in this section, no sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered unless a zoning permit has been issued in accordance with the provisions of this Section. Mere repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.

Section 13a.01 - Definitions and interpretation

Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined in this zoning ordinance shall be given the meanings set forth under Article 2 “Definitions.” Unless the context clearly requires otherwise, all other words and phrases shall be given their common, ordinary meaning. The terms and definitions of this section are not intended to conflict with any other definitions or portion of this zoning ordinance but are for the exclusive use of this section.

Abandoned Sign. A sign for which no legal owner can be found, a dilapidated sign that has fallen into disrepair, or the owner has expressed intent to abandon the sign or otherwise exhibits characteristics of abandonment in the opinion of the Zoning Administrator.

Alteration of Sign. Any change other than incidental repairs that would prolong the life of the supporting members of a sign, such as columns, beams, girders, supports, or foundations.

Awning. A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.

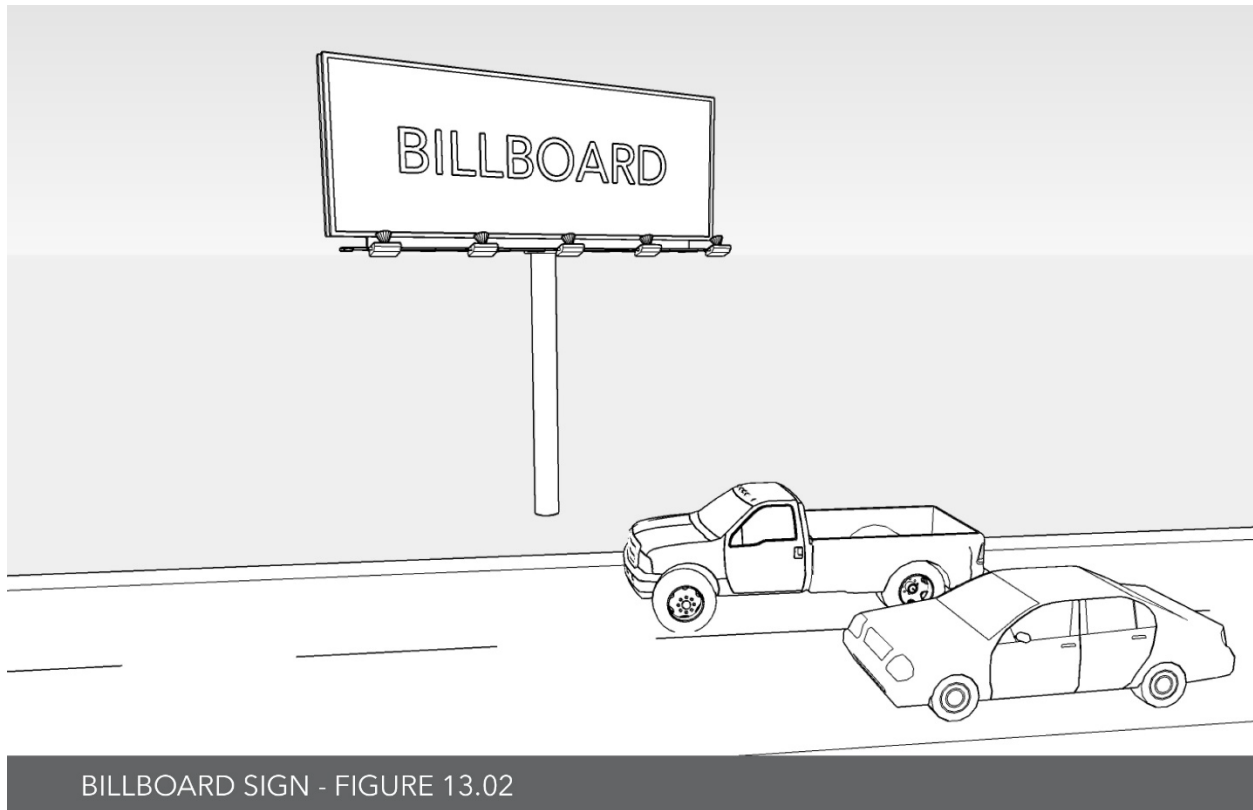
Awning sign. A sign painted on, printed on, or attached flat against the surface of an awning or canopy (See Figure 13.01).



AWNING SIGN - FIGURE 13.01

Banner Sign. A temporary sign made from fabric, plastic, or other non-rigid material without an enclosing structural framework attached to or hung from a pole, rope, or a building or structure.

Billboard. An off-premises board, panel, tablet, or electronic message display that advertises a business, event, service, or product unrelated to the parcel on which it is located, as regulated by the Michigan Highway Advertising Act ((PA 106 of 1972, as amended), (see Figure 13.02).

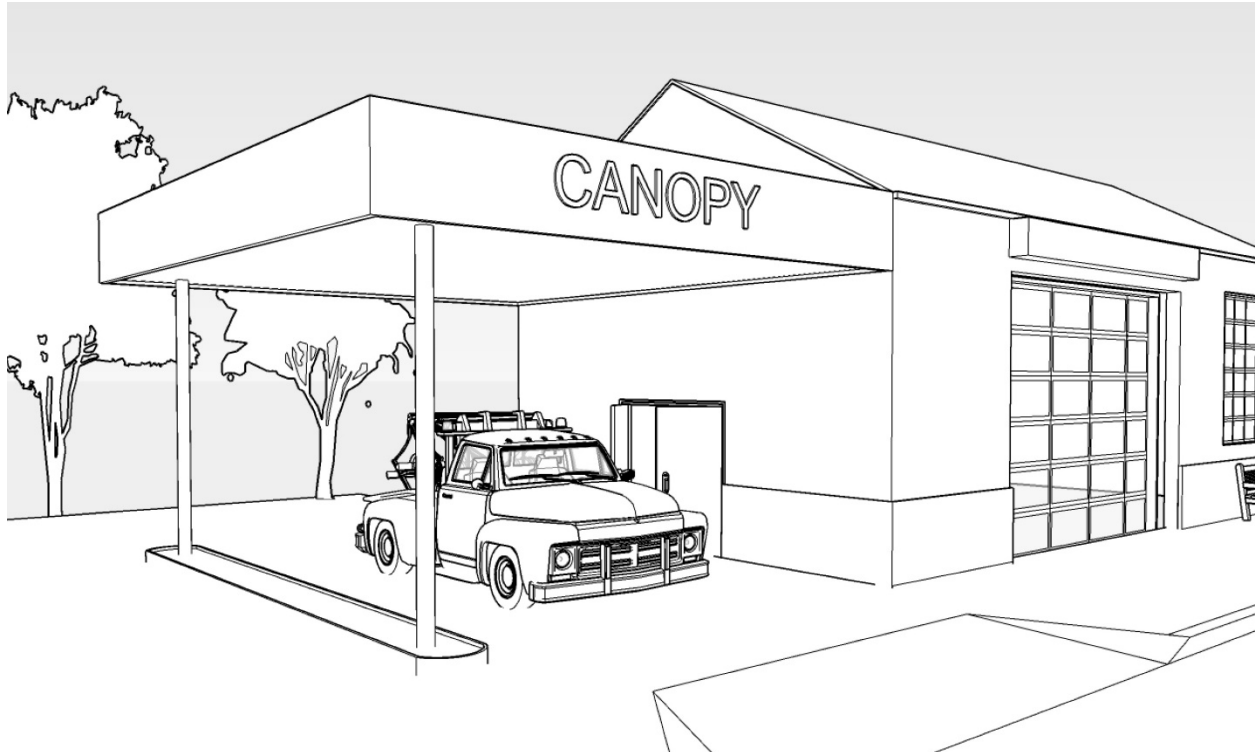


BILLBOARD SIGN - FIGURE 13.02

Building Marker. A marker indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the structure. A building marker shall not be considered a wall sign unless it exceeds six (6) square feet in area.

Canopy and Marquee. Any permanent roof-like structure projecting beyond the wall of the building is generally designed and constructed to protect from the weather.

Canopy Sign. A sign attached to or hung from a marquee, mansard, awning, canopy, or other structure, projecting from and supported by the building and extending beyond the building wall (see Figure 13.03).



CANOPY SIGN - FIGURE 13.03

Canopy Island. An accessory roof structure for vehicular or pedestrian use (See provisions for Fuel Station in this section).

Changeable Copy Sign. Bulletin or reader boards, directory signs, or other signs that allow manual message alterations shall be considered changeable copy signs. A sign on which the message changes through electronic means shall be regarded as an “electronic message center” and not a changeable copy sign for the purposes of this section.

Construction, Contractor, and Developer Signs. Any temporary sign erected on a site designated on a building permit issued by the Township as a site for construction that advises the public of pertinent facts regarding the construction, management, sale, and/or leasing of the building or property (see “Temporary Signs”).

Cornerstone Marker. See “building marker.”

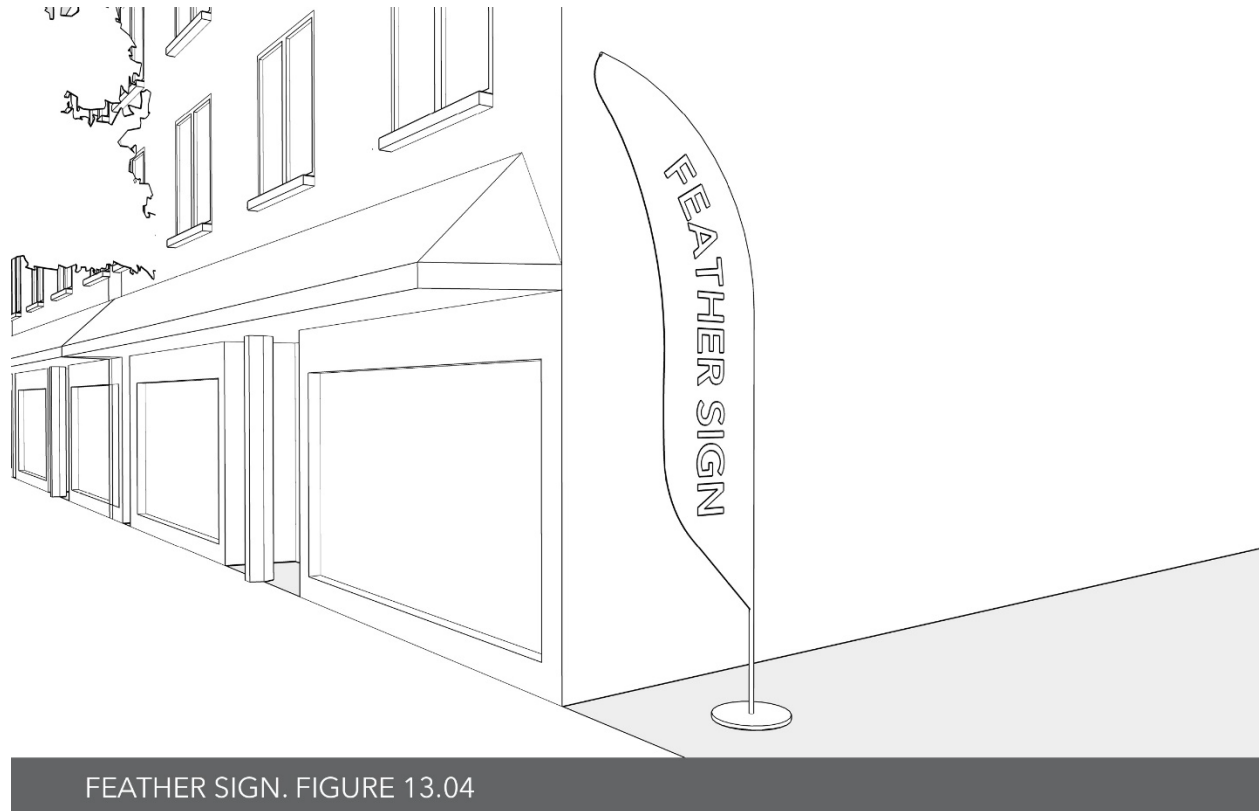
Development Identification Sign. A sign identifying plats, residential developments, business or industrial parks, which contain the name of the development only and contain no other information or advertising.

Directional Sign. An incidental on-premises sign giving directions, instructions, or facility information. The directional sign may not contain the name of the business or institution or include a commercial message.

Electronic Message Center. Any sign or portion of a sign that provides for the display of changeable copy electronically.

Exempt sign. A sign that is exempt from either a sign permit or the entire chapter per Section 13a.03, for which a sign permit is not required.

Feather Sign. A freestanding temporary sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant vertically elongated and connected to the shaft (see Figure 13.04).

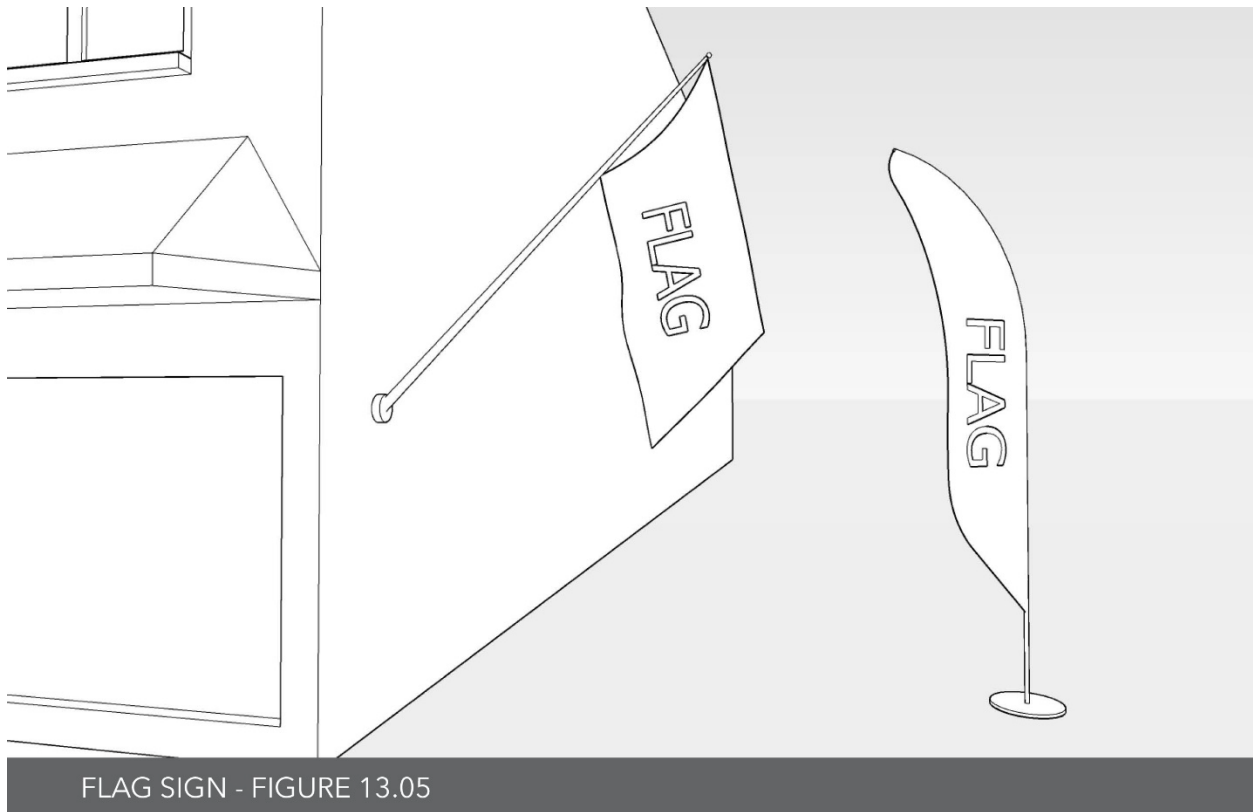


FEATHER SIGN. FIGURE 13.04

Festoons. A string of ribbons, tinsel, flags, pennants, or pinwheels.

Flag. A flag refers to the flags of the United States of America, the state, the county, and the Township, or a public or private educational institution or other similar flag intended to express statements.

Flag sign. A lightweight piece of cloth, fabric, or similar material that is either attached to a pole used exclusively for flag display or attached to a permanent building using a flagpole bracket (see Figure 13.05).



FLAG SIGN - FIGURE 13.05

Flashing Sign. A sign that contains a rapidly intermittent or changing light source.

Freestanding Sign. A sign not attached to a building or wall supported by one or more poles or braces or rests on the ground or a foundation resting on the ground.

Government Signs. A sign erected or required to be erected by the Township, Ingham County, or the state or federal government.

Grand Opening Sign. A temporary sign announcing the opening of a business or new development.

Ground Sign. See "Monument Sign."

Household Event Sign. A temporary sign communicating a household event such as yard sales, graduations, family reunions, etc.

Illegal or Unlawful Sign. A sign that does not meet this chapter's requirements and has not received legal nonconforming status.

Incidental Sign. A sign placed on private property and placed in a manner to be read by persons within the site, not by persons passing by on streets or other rights-of-way. Incidental signs may convey messages such as "no parking," "entrance," "loading only," "telephone," "barrier free," "no hunting," "no trespassing," or other noncommercial messages.

Inflatable Sign (Balloon Sign). Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure,

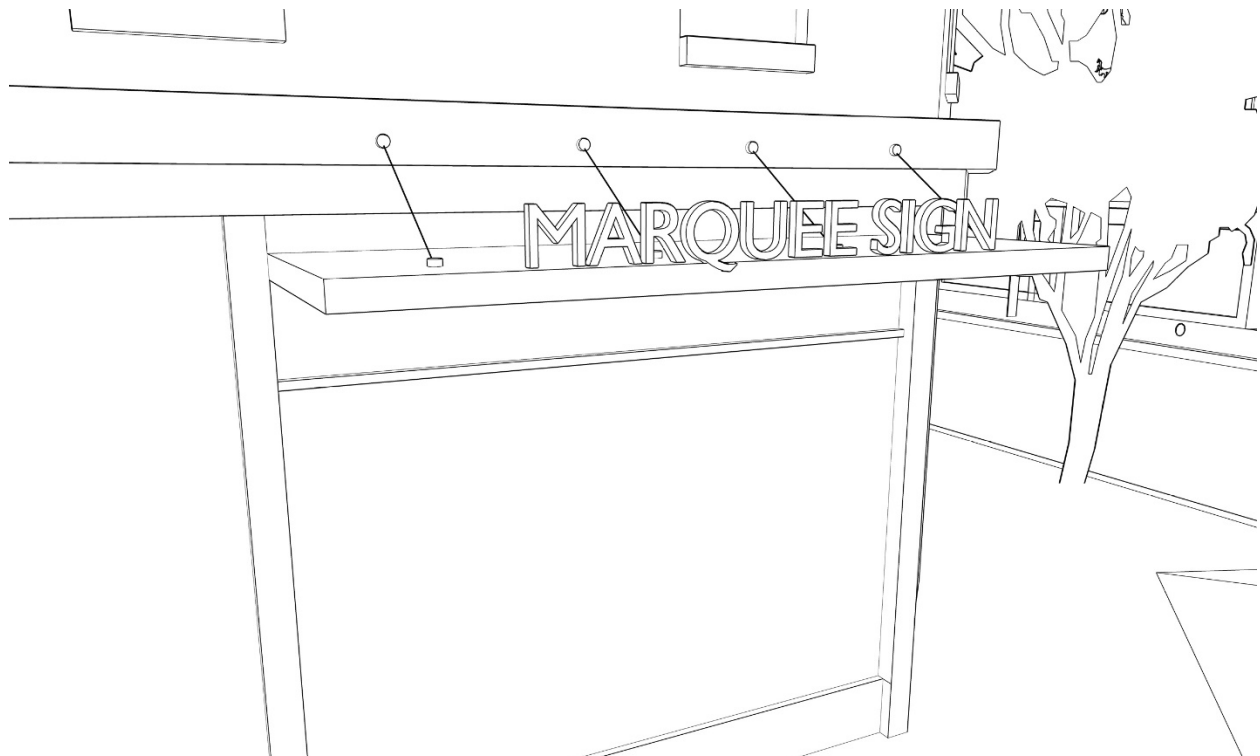
product, or product trademark, whether or not such object contains a message or lettering.

Mansard. A sloped roof or roof-like façade that is architecturally comparable to a building wall.

Mansard Sign. A sign that is mounted, painted on, or attached to a mansard.

Marquee. (see Canopy and Marquee.)

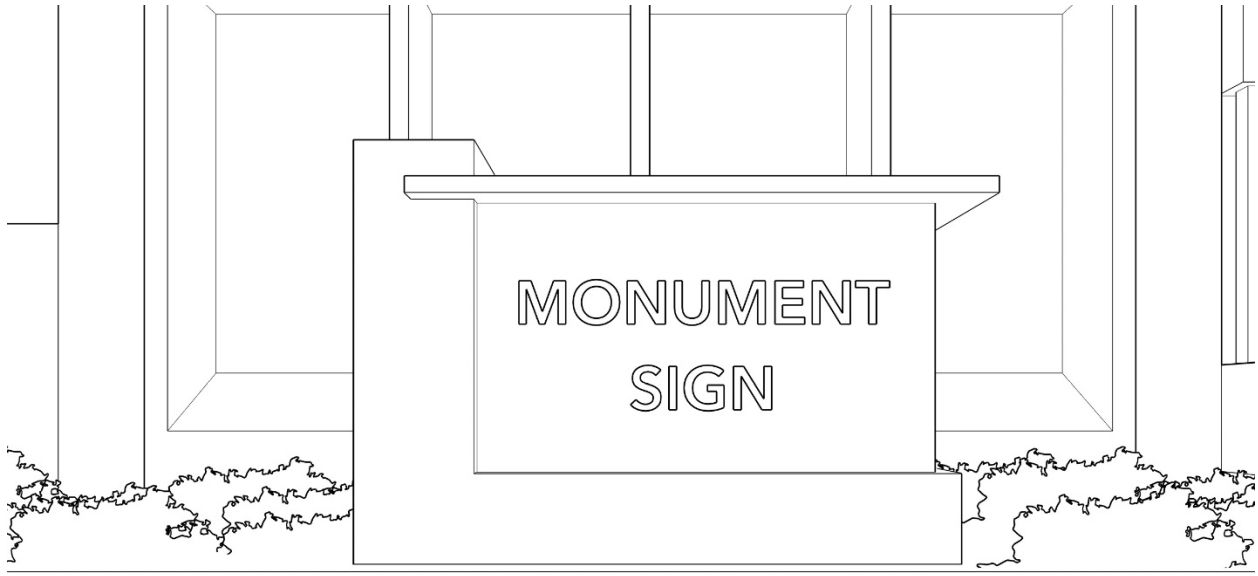
Marquee Sign. A sign affixed to the surface of a marquee (see Figure 13.06).



MARQUEE SIGN - FIGURE 13.06

Menu Board Sign. An incidental sign utilized by drive-through establishments to place orders.

Monument Sign. A freestanding sign supported by a base that rests directly on the ground, where the width of the base is at least 50 percent of the width of the sign (see Figure 13.07).



MONUMENT SIGN - FIGURE 13.07

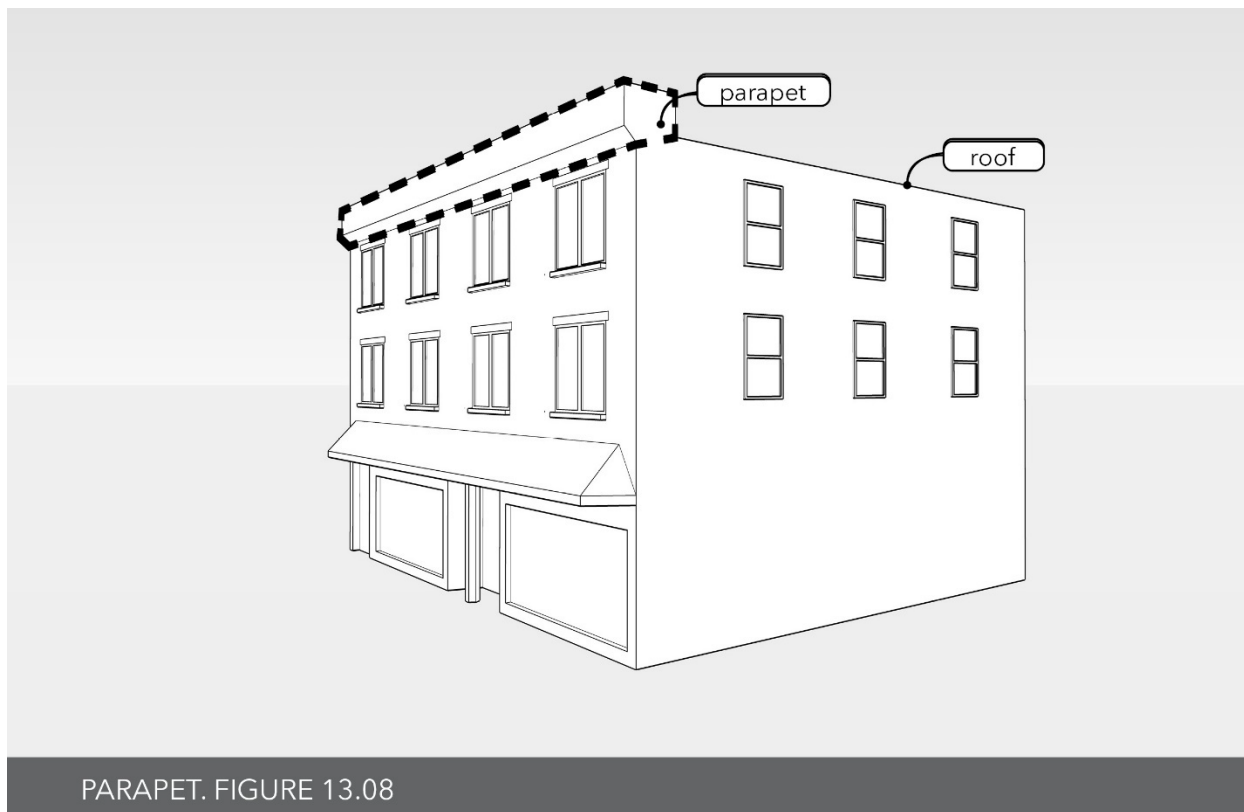
Mural. A graphic display that is artistically drawn, painted, or otherwise attached to the surface of a building wall or other structure containing no commercial speech. For the purposes of this Ordinance, a mural is considered artistic and not a sign; therefore, it is not applicable to the regulations of this Ordinance.

Natural Disaster Event. A disaster that occurs as the result of forces occurring in nature (i.e., floods, hurricanes, tornadoes).

Non-Conforming Sign. A sign that does not conform to this Ordinance.

Off-Premises Sign. A sign structure advertising an establishment, merchandise, service, event, or entertainment not sold, produced, manufactured, or furnished at the lot on which such sign is located. An off-premises sign shall be considered a billboard unless specified in this ordinance for religious organizations or service clubs.

Parapet. A building wall or wall feature that extends above and beyond the roof surface (see Figure 13.08).

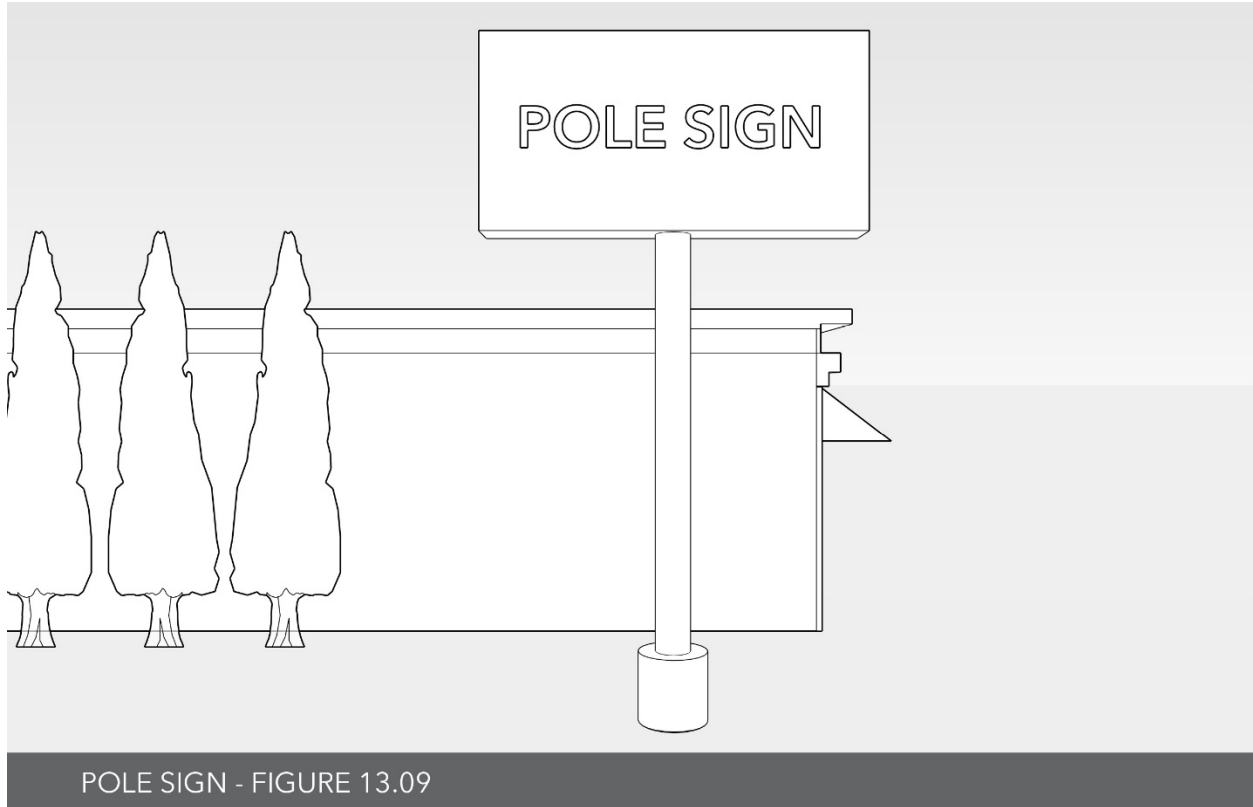


PARAPET. FIGURE 13.08

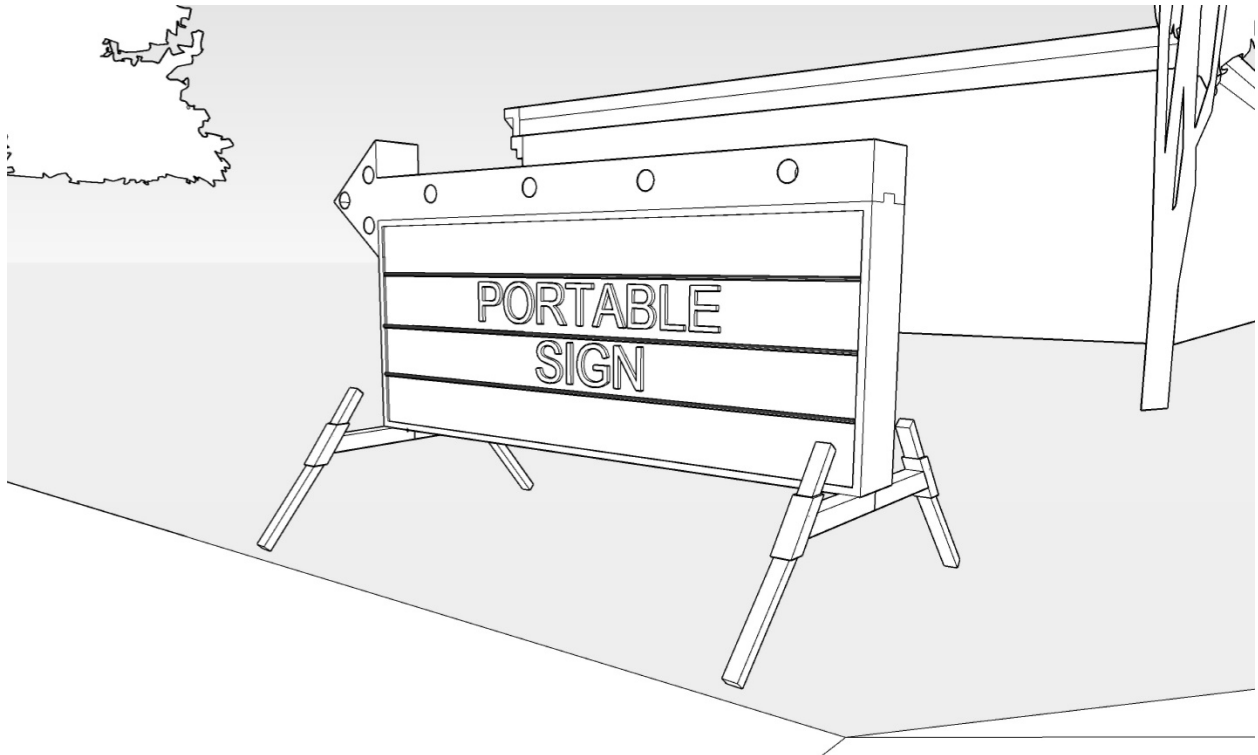
Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Political Sign. A temporary sign announcing the candidacy of a person running for public office or advocating issues to be voted upon at an election.

Pole Sign. A free-standing sign that is supported by a structure, poles, or braces that are less than 50 percent of the width of the sign (see Figure 13.09).

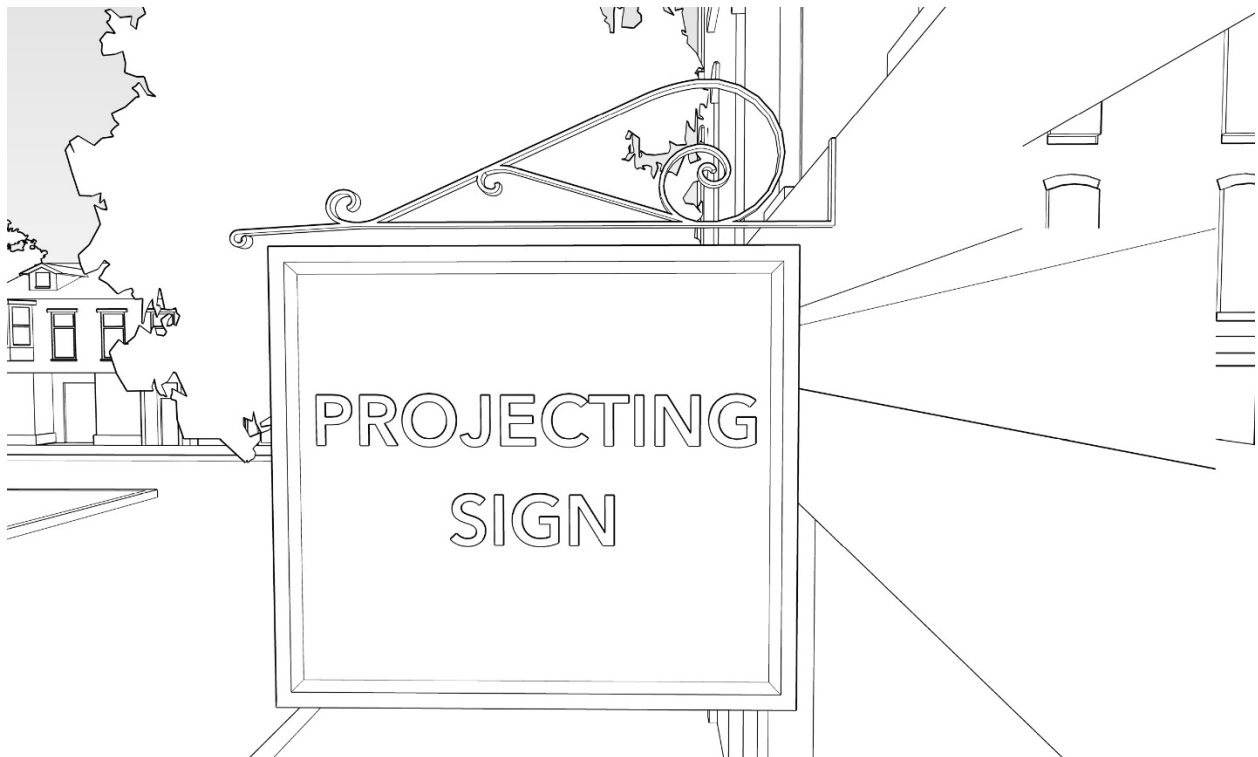


Portable Sign. A temporary sign that, by its nature, may be or is intended to be easily moved from one location to another, typically a sign supported on a metal chassis and may include a copy that can be changed manually through the use of attachable characters, but not including sidewalk signs, banners, etc. (see Figure 13.10).



PORTABLE SIGN - FIGURE 13.10

Projecting Sign. A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 48 inches from the face of the building or wall (see Figure 13.11).



PROJECTING SIGN - FIGURE 13.11

Public Event Sign. A temporary sign is advertising a noncommercial public service event with a communitywide interest.

Real Estate Sign. A temporary sign advertising the real estate upon which the sign is located is for rent, lease, or sale.

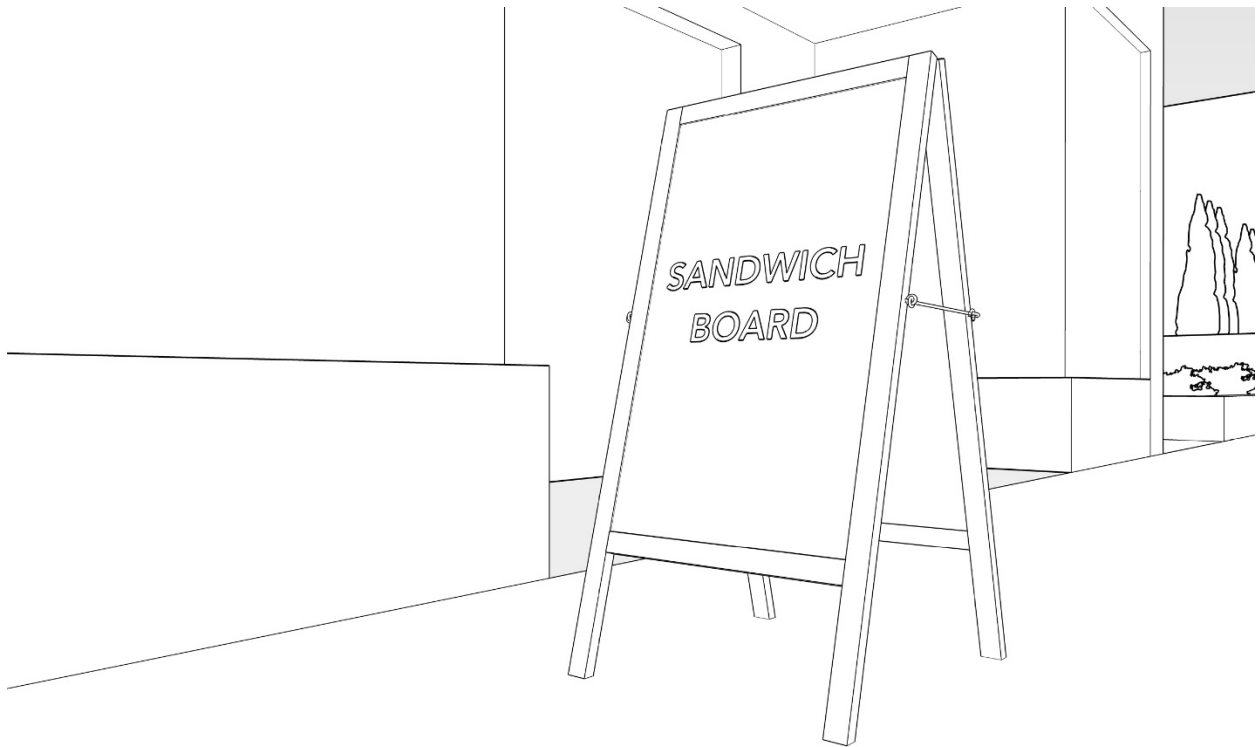
Roof Line. The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof Sign. A sign that is attached to or is placed on the roof of a building (see Figure 13.12).



Rotating Sign. A sign in which the sign itself or any portion moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

Sandwich Board Sign. An A-frame sign that is portable and designed to be placed on the sidewalk in front of the use it advertises. Sandwich Board signs are also called “sidewalk signs” (see Figure 13.13).



SANDWICH BOARD - FIGURE 13.13

Sign. A device, structure, fixture, figure, or placard that may or may not use graphics, symbols, emblems, numbers, lights, and/or written copy to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs. Signs are categorized into the following:

1. **Permanent Sign.** A sign installed on a support structure that is not intended to be moved or removed but to remain for an indefinite period of time.
2. **Temporary Sign.** A sign installed for a limited period of time is intended to be removed within a period specified herein (see Figure 13.14).



TEMPORARY SIGN (E.G. BANNER SIGN). FIGURE 13.14

Snipe Sign. A sign attached to a utility pole, tree, fence, or any object located or situated on public or private property without permission.

Streamers. A long, narrow strip of material used as a decoration or symbol.

Traffic Control Signs. A stop, yield, speed limit, and similar signs, the face of which meet state, county, or Township standards and which contain no other message.

Under Canopy Sign. A sign that is suspended beneath a canopy, ceiling, roof, or marquee.

Vehicle Sign. A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, trailers, semi-trailers, or airplanes.

Wall Sign. A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached (see Figure 13.15).



Window Sign. A sign installed inside a window intended to be viewed from the outside (see Figure 13.16).



Wire Frame Sign. A temporary sign made of corrugated plastic, vinyl, cardboard, poster board, or similar material that is supported by or attached to a metal frame.

Section 13a.02 - Prohibited Signs

A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited except that the Zoning Board of Appeals may permit these signs if it is demonstrated that such sign by its size, shape, location, movement, materials, creativity in design, temporary nature, or other factors relating to its composition will not be a visual nuisance, obstruct vision, compromise public safety, distract drivers or detract from the character of the area where it is proposed to be located. If such signs are permitted, they shall comply with the applicable regulations of this section.

1. Inflatable signs.
2. Flashing signs.
3. Feather flag signs.
4. Abandoned signs.
5. Rotating signs.
6. Signs imitating or resembling official traffic or government signs or signals.
7. Vehicle signs not used during the normal course of business that are conspicuously parked or located to advertise, identify, or bring attention to an establishment, product, person, service, or activity.
8. Snipe signs.
9. Strobe lights and lights of a similar nature.

Section 13a.03 - Signs Not Subject to this Article

The following signs shall be exempted from the provisions of this Article.

1. Government signs.
2. Street Signs (as defined by the Manual of Uniform Traffic Control Devices).
3. Any sign six (6) square feet or less in size and no more than four (4) feet in height.
4. Flags, except when displaying commercial speech, provided that not more than four flags are permitted per lot.
5. Temporary signs that are less than 24 square feet in area.

Section 13a.04 - General Conditions Applicable to All Signs

All signs and billboards shall comply with the regulations contained herein and shall specifically comply with the following:

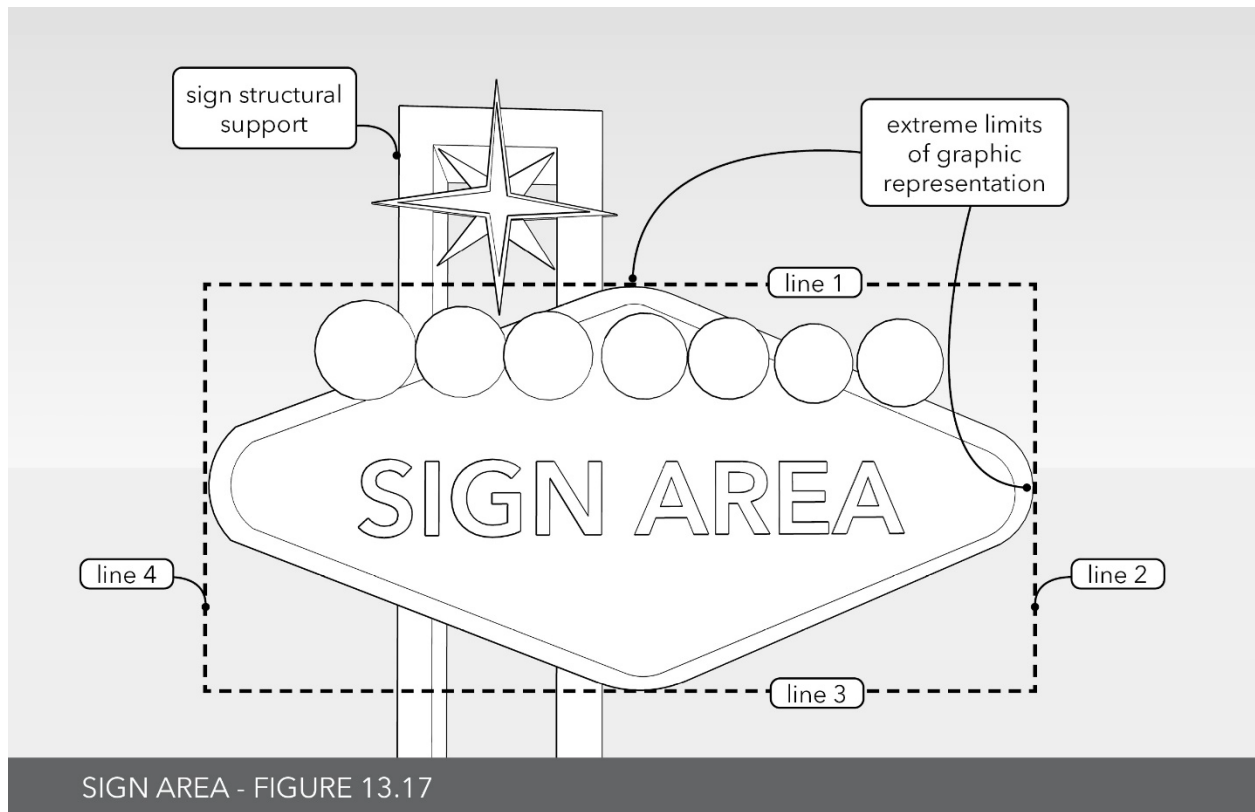
1. Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code and International Property Maintenance Code and maintained in good and safe structural condition at all times. All signs, including

metal parts and supports, shall be kept neatly painted, stained, sealed, or preserved.

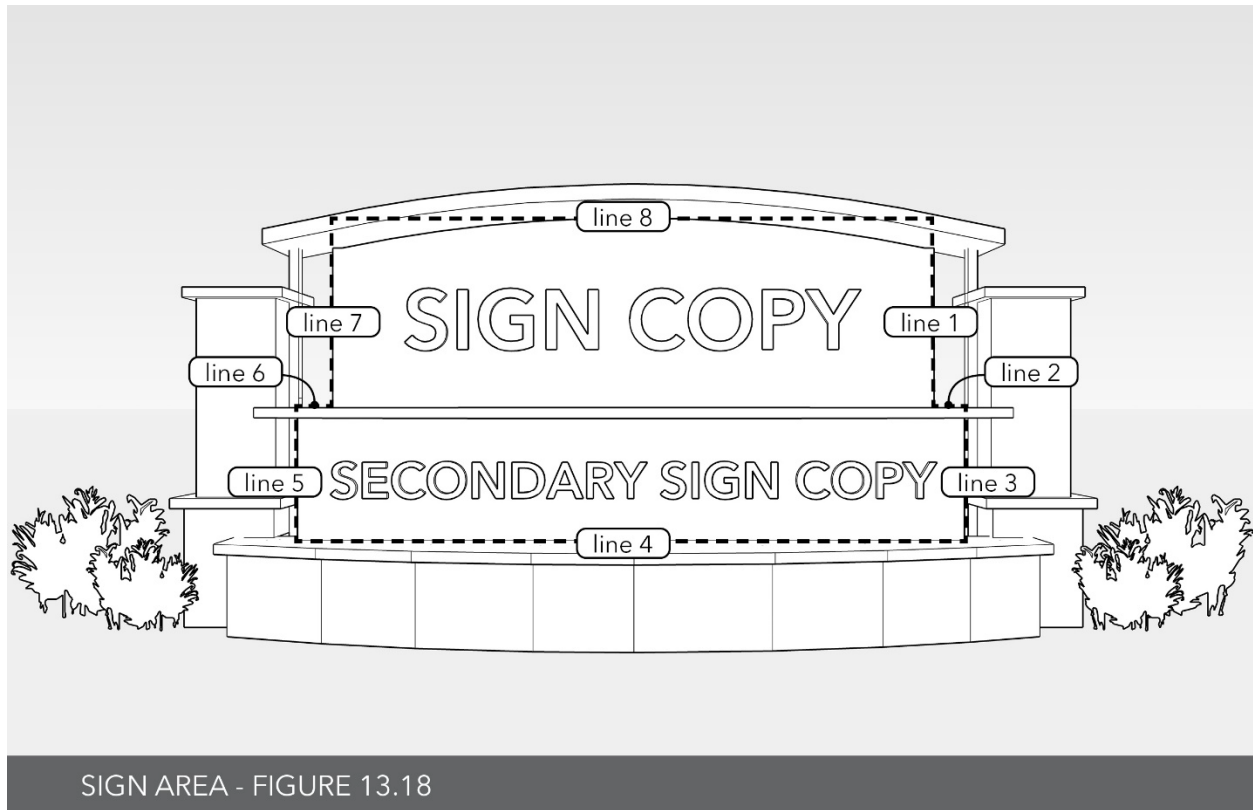
2. Permanent signs shall be constructed to withstand all wind and vibration forces that normally can be expected to occur in the vicinity.
3. A sign or billboard shall not constitute a traffic hazard or impair motorists' visibility at intersections.
4. Neon or neon-type lighting, which is configured in such a manner as to form letters or a symbol, shall be considered a sign or billboard. Neon or neon-type lighting, which forms a border for a symbol or letters advertising a business, product, or service, shall be considered part of a sign (or billboard, as applicable), the area of which shall be computed based on the area within the perimeter of that border.
5. Signs with an electronic LED or similar message center display shall be permitted, provided the display contains only stationary text and graphics, has no portion of the display flashing or scrolling, and changes to the display occur no more frequently than once every ten seconds. Signs with an electronic LED or similar message center display shall possess and utilize automatic dimming capabilities so that the maximum luminance level is not more than 0.3 foot-candles over ambient light levels measured at a distance of 150 feet. The sign permit application shall include a photometric plan showing compliance with the message center provisions.
6. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and at least one hundred fifty (150) feet from any residential dwelling.
7. No sign shall project or be located into the public right-of-way. Only governmental signs established by the Township, County, State, or federal government may utilize this space.

Section 13a.05 - Measurement of Signs

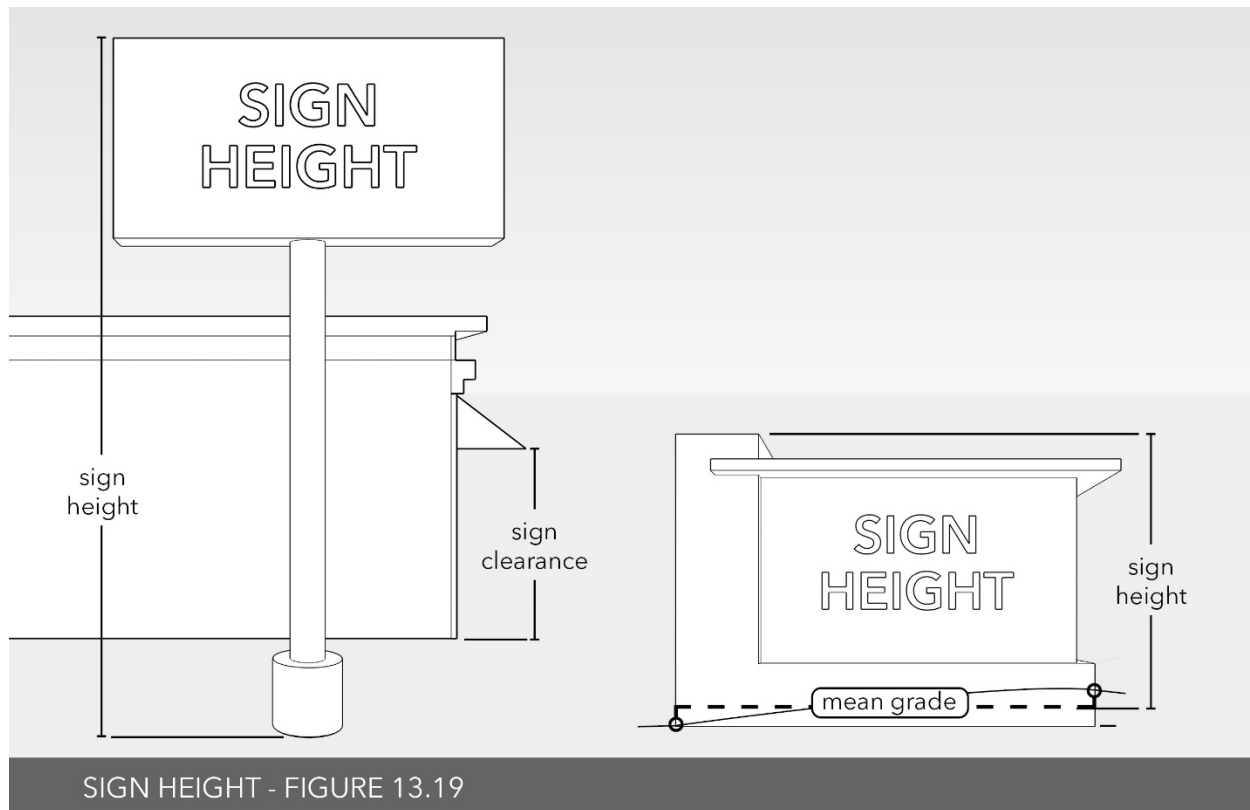
1. Unless otherwise specified within this chapter for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure that encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign (see Figure 13.17).



2. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as one face (see Figure 13.18).



3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less (Figure 13.19).



Section 13a.06 - Nonconforming Signs

- A. Every permanent sign that does not conform to this section's height, size, area, or location requirements as of the date of this section's adoption is hereby deemed nonconforming.
- B. Nonconforming signs shall not be replaced, moved, altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired to continue the useful life of the sign. The internal illumination of an existing nonconforming sign shall not be considered an alteration or expansion of the nonconformity; illumination does not include the installation of an electronic message center.
- C. Nonconforming signs may be replaced in their prior location only if they are damaged or destroyed during a natural disaster.
- D. For the purposes of this section, a nonconforming sign may be diminished in size or dimension, or the copy of the sign may be amended or changed without jeopardizing the privilege of nonconforming use.
- E. A sign accessory to a nonconforming use may be erected in the Township per the sign regulations for the district where the property is located.
- F. Non-conforming signs shall not:
 - i. Be replaced or changed to another non-conforming sign.

- ii. Be repaired if such repair involves any of the following:
 - a. Necessitates the replacement of both the sign frame and sign panels.
 - b. Replacement of the sign's primary support pole(s) or other support structure.
 - iii. Continuing to be used after the activity, business, or use to which it is related has been discontinued for two consecutive years or longer.
 - iv. It can be enhanced with any new feature, including the addition of illumination.
- G. The Township may acquire by purchase by condemnation or other means any non-conforming sign that it deems necessary to preserve its residents' health, safety, and welfare.

Section 13a.07 - Temporary Signs

1. Residential Lots. On any lot used as a single-family, two-family, or owner-occupied multi-family dwelling, up to four (4) temporary signs shall be displayed on a pole, stake, or wireframe affixed to the ground. Such signs shall meet the following standards:
 - A. Signs shall not exceed six (6) square feet in area per side,
 - B. Signs shall not exceed six (6) feet in height
 - C. Signs shall not require a permit, provided they comply with all other provisions of this chapter.
2. Non-Residential Lots. One non-permanent sign, including portable signs, may be displayed on any lot used for non-residential use. Such signs shall meet the following standards:
 - A. Signs may be displayed up to four (4) times per calendar year
 - B. Each display period shall not be more than 30 days, provided each display is separated by at least 30 days.
 - C. Such signs shall not exceed 32 square feet.

Section 13a.08 - Billboards.

Billboards shall only be allowed in the Commercial and Industrial districts classifications, subject to the following conditions:

1. The billboards shall be located within an area 75' in width on either side of state or federal highways within the Township and shall be primarily directed toward traffic on these highways.
2. Not more than three billboards may be located per linear mile of highway, even though such billboards may be located on different sides of the highway. The

linear mile measurements shall not be limited to the boundaries of the Locke Township.

3. Double-faced billboard structures (i.e., back-to-back billboard faces) and V-type billboard structures with only one face visible to traffic proceeding from any given direction on a street or highway shall be considered one billboard. Otherwise, billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces shall be considered as two billboards. They shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "2" below.
4. No billboard shall be located within 1,000' of other billboards. The billboard shall also not be located within 50 feet of any advertising signboard, nor should it block the visibility of any such on-premises sign within 100 feet of the billboard.
5. No billboard shall be located within 300' of a residential zone and/or existing residence.
6. No billboard shall be located closer than 50' from a public right-of-way or 15' from any sidelines of the premises on which the billboard is located.
7. The surface display area of any billboard face may not exceed 200 square feet.
8. The height of a billboard shall not exceed 30' above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
9. No billboard shall be on top of, cantilevered from, or otherwise suspended above the roof of any building.
10. A billboard may be illuminated externally or via electronic message display, provided such illumination is concentrated on the sign's surface. If the billboard is externally illuminated, the sign shall be (1) concentrated on the surface of the sign face, (2) directed downward with full cut-off lighting fixtures, and (3) be so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
11. The billboard must be constructed to withstand all wind and vibration forces that can generally be expected to occur in the vicinity. It must also be maintained to ensure proper structure alignment, continued structural soundness, and message readability.
12. A billboard established within a commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways, or primary highways as defined in that Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of that Act and the regulations promulgated thereunder, as such may from time to time be amended.

Section 13a.09 - Signs Within Commercial and Industrial Districts

Signs relating to the advertising of goods, products, services, or activities sold, produced, rendered, or available from or upon the premises where the same are located may be installed or constructed within a commercial (C-1) or industrial district (I-1) classifications, provided that they meet the following requirements:

1. No wall sign shall extend above the building wall to which it is affixed. The total area of all wall signs shall not exceed one (1) square foot for each one (1) linear foot of front face(s) of the building, not to exceed sixty (60) square feet in area for each building face. The maximum number of building faces utilized for signage shall be two (2). The Zoning Administrator may consider additional wall signage where multi-use building walls do not allow for adequate visibility from the public road. Address assignment and coordination with existing or proposed freestanding signs shall be a part of such administrative approval.
2. In addition to the wall signage, one free-standing sign may be erected for a single business, a shopping center, or other integrated group of stores or commercial buildings. The free-standing sign shall be separated from any other free-standing sign by at least fifty (50) feet. The area of the freestanding sign shall not exceed 50 square feet in area unless the sign is a directory-type sign listing more than one separate entity, in which case the total area of the sign may be twenty-five (25) square feet per separate entity named on the sign and up to 100 square feet maximum for the whole sign. Except as set forth in the following paragraph, the maximum height for any freestanding sign shall be twenty (20) feet.
3. A ground sign, portable sign, or menu board sign shall not exceed six (6) feet in height, nor shall it in any way obstruct the visibility of directional signs or create a traffic hazard. Such a sign shall be considered a free-standing sign for the purposes of this Ordinance and, except for the more stringent height limitations set forth in this paragraph, shall be subject to all the limitations on free-standing signs set forth in the above paragraph, including the limitation that there be no more than one free-standing sign for a single business, shopping center or other integrated group of stores or commercial buildings. All freestanding signs shall be setback a minimum of twenty (20) feet from the road right of way or any property line.
4. In addition to the signage described in subsections "1" and "2" above, restaurants and other establishments selling food and/or beverages through a drive-through window shall be allowed to have not more than two (2) illuminated menu board signs for use in connection with the drive-through window. The menu board sign(s) total combined area shall not exceed sixty (60) square feet.

Section 13a.10 - Signs Within Residential Districts

In the Low-Density Residential, Medium-Density Residential, High-Density Residential, Multi-Family Residential, and Manufactured Housing Community districts.

1. Home-based businesses may install a nameplate not exceeding two (2) square feet in area, containing the name and/or home occupation or family or group childcare home of the occupant of the premises, or the name of the apartment or building complex shall be allowed. Apartment units, mobile home parks, bed and

breakfast inns, places of public gathering, and public buildings shall be entitled to have one sign at the main entrance thereof identifying the same, not exceeding 18 square feet. Signs relating to the sale of agricultural products raised on the same property shall be allowed during periods of sale but not to exceed 18 square feet in size. Entrances to plats or residential neighborhoods may have a sign identifying the name of the area and/or the residents located within the plat or in the neighborhood if the total area of any such sign or group of nameplates at one location does not exceed 18 square feet. The maximum height for any sign within a residential district shall be six (6) feet. All ground signs shall be set back at least twenty (20) feet from the road right of way or any property line.

Section 13a.11 - Signs Within Public Right-of-Way

This Ordinance shall not be deemed to prohibit or regulate any traffic control, directional, or other signage lawfully placed within a public road right-of-way either (1) by or on behalf of the governmental agency having primary jurisdiction over the public road or (2) pursuant to a permit issued by that agency.

Section 13a.12 - Fuel Station Signs

Due to the unique and customary needs of Fuel Stations, the following additional signs shall be permitted:

1. If the station contains light mechanical repair services, directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty," or other words closely similar in import, provided that there shall be not more than one (1) such sign over each entrance or bay, the letters thereof shall not exceed fifteen (15) inches in height. The total of each such sign shall not exceed six (6) square feet.
2. Signage upon a canopy island shall be limited to the name and/or logo for the business and not exceed one square foot for every two (2) linear feet of canopy length, up to a maximum of twenty (20) square feet per side.

Districts	Maximum Size (sq. ft.)		Maximum Number of Signs		Maximum Height (ft.)	Minimum Setback (ft.)	
Agricultural District (A-1)	Home Occupation	Subdivision Sign	Home Occupation	Subdivision Sign	Subdivision Sign	Subdivision Sign	
						Road	Side Yard
	2 sq. ft.	18 sq. ft.	1 (affixed to house)	1 per entrance	6 ft.	20 ft.	20 ft.
Residential Districts (R-1,	Home Occupation	Subdivision Signs	Home Occupation	Subdivision Signs	Subdivision Sign	Subdivision Sign	

Districts	Maximum Size (sq. ft.)		Maximum Number of Signs		Maximum Height (ft.)	Minimum Setback (ft.)	
R-2, R-3, R-MF, MHC)	2 sq. ft.	18 sq. ft.	1 (affixed to house, or at entrance to multifamily building)	1 per entrance	6 ft.	Road	Side Yard
						20 ft.	20 ft.
Non-residential Districts (C-1 and I-1)	Wall Signs	1 sq. ft. per 1 linear ft. wall length or 60 sq. ft. whichever is less	1 per wall facing a road right of way		n/a	n/a	
	Freestanding Signs (Pole or Pylon)	50 sq. ft.	1 per lot		20 ft.	Road	Side Yard
						20 ft.	20 ft. & 50 ft. from residential uses
	Ground Sign (Monument)	50 sq. ft.	1 per lot		6 ft.	Road	Side Yard
						20 ft.	20 ft. & 50 ft. from residential uses
	Multitenant Signs	25 sq. ft. per tenant and 100 sq. ft. max. combined	1 per lot		6 ft.	Road	Side Yard
						20 ft.	20 ft. and 50 ft. from residential uses
	Canopy Signs	2 sq. ft. per 1 linear foot or 20 sq. ft. whichever is less	n/a		n/a	n/a	
	Menu Board Signs	60 sq. ft. total	2		6 ft.	n/a	

Section 13b – Off-Street Parking and Loading

Section 13b.00 – General Provisions for Off-Street Parking Lots

1. Off-street parking lots shall be provided for all principal structures or principal uses prior to the issuance of a Certificate of Occupancy subject to the requirements set forth in this Section for the C-1 Neighborhood Commercial District, I-1 Light Industrial District, and those commercial or industrial uses permitted via special land use in the A-1 Agricultural District.
2. Permit Required. No off-street parking lot shall be constructed prior to the issuance of a zoning permit to construct a parking lot, which should include a site plan showing compliance with this Section.
3. Site Plan Content. A qualified professional shall prepare the site plan and shall indicate existing and proposed grades, drainage, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing, base materials to be used, and the layout of the proposed parking lot.
4. Minimum Standard. Parking shall be provided in accordance with the number of spaces required by this Section. Parking shall not be less than the required spaces per unit of measure for new uses, except that the Planning Commission may depart from the minimum standards set forth herein pursuant to Section 13b.02.
5. Deferred Parking. A portion of the required parking lots may be deferred until some future date, provided that adequate space on the property is reserved for future parking, such that the minimum parking requirement is satisfied and shown on the site plan. A permit shall be required prior to the construction of a deferred parking area.
6. Uses not Listed. For uses not specifically listed, off-street parking shall be provided as required for the most similar use listed by this Ordinance, as determined by the Township. Where no permitted use is determined to be sufficiently similar, the Township shall reference industry standards or professional technical publications to establish such requirements.
7. Fractional Spaces. When calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including $\frac{1}{2}$ shall be disregarded, and fractions over $\frac{1}{2}$ shall require one additional parking space.
8. Modifications/Expansions to Existing Parking Lots. The Zoning Administrator shall review plans (including landscaping plans) for major changes to the existing parking lot. Major changes to parking lots shall comply with the requirements of this Section unless otherwise approved by the Zoning Administrator as permitted by this Section. Major changes consist of the following:
 - A. Replacement or alteration of existing drainage elevations or structures affecting more than 50 percent of the existing parking lot.

- B. For any expansion or addition of a parking lot equal to or greater than 25 percent of the area of the existing parking lot, the expanded area shall comply with the landscaping requirements of Section 13d.
 - C. Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than 25 percent of the existing parking lot. In instances in which a parking lot is to be resurfaced, and no other modifications to the parking lot or drainage patterns are proposed shall not constitute “reconstruction” for the purposes of this subsection.
 - D. Any other change which, in the opinion of the Zoning Administrator, could have a material impact on neighboring property. The application may be referred to the Planning Commission for review in these cases.
 - E. The phased expansion or replacement of parking lots and/or surfaces to circumvent the requirements of this Section is prohibited.
- 9. Ingress and egress to a parking lot in an area zoned for other than Dwelling, Single-Family use shall not be across land zoned for Dwelling, Single-Family uses.
 - 10. Safe and usable pedestrian connections shall be provided to and from buildings, associated parking lots, and adjacent sidewalks.
 - 11. Parking areas required by this Section shall be used for the convenience of patrons, occupants, and employees of the use served. Parking areas shall not be used for storing goods, merchandise, unrelated commercial vehicles, repairing or selling vehicles, or for any other goods or service offered to the general public for purposes other than the use served by the parking area.

Section 13b.01 – Shared Parking for Off-Street Parking Lots

- 1. Two or more buildings or uses may collectively provide the combined and required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual use of off-street parking spaces where building operating hours do not conflict or overlap, the Planning Commission may permit a reduction of the combined sum of required parking.
- 2. Shared parking areas may be located on a different lot from the building or use that it serves if the following conditions are met:
 - A. The parking area is no more than 400 feet from the main entrance of the subject building or the uses it serves.
 - B. The sharing of parking shall be guaranteed via a legally binding and recorded agreement between the owner of the parking area and the owner of the buildings or uses located on a different lot served by the parking area. Such agreement shall be submitted to the Township for review and approval, and the issue of how parking will be shared, maintained, and adequate if the parties modify operating hours or other factors shall be addressed. The Planning Commission may waive the requirement for a

recorded agreement where it finds satisfactory alternative documentation for an assured long-term shared parking arrangement.

- C. Shared access drives to shared or separate parking areas may be utilized provided that appropriate shared access agreements and/or easements are provided and approved by the Township.

Section 13b.02 – Departures from Minimum Standards

1. The Planning Commission may permit a 20 percent reduction in the number of spaces required for a new or expanding non-residential use that dedicates carpool spaces, bicycle lockers, van pools, and similar alternative means of transportation for its employees or customers, provided the Planning Commission determines that such reduction will not result in an inadequate parking area.
2. The Planning Commission may permit a 50 percent reduction in the number of spaces required for a new or expanding non-residential use or building within three hundred feet of a public parking area.
3. There shall be no minimum parking requirements for non-residential uses in the C-1 District. Residential uses in the C-1 District shall provide one parking space per dwelling unit.

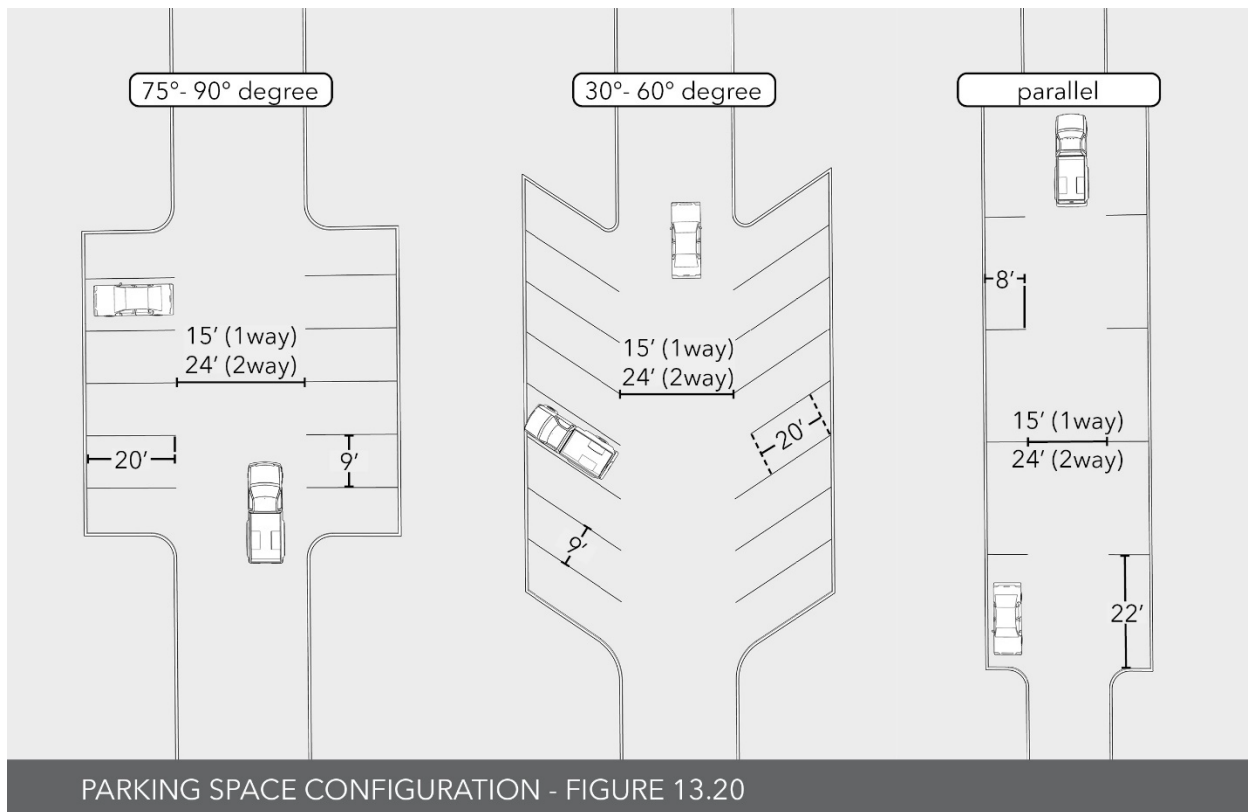
Section 13b.03 – Dimensional Requirements for Off-Street Parking Lots

1. All off-street parking spaces shall be provided with adequate access by means of maneuvering lanes. Access directly onto a street or public right-of-way shall be prohibited unless specifically authorized by the Planning Commission.
2. Parking spaces and maneuvering lanes shall meet the following minimum dimensional standards:

Parking Pattern	Minimum Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One Way	Two Way		
0° (parallel)	15 ft.	24 ft.	8 feet	22 feet
30° to 60°	15 ft.	24 ft.	9 feet	20 feet
75° to 90°	15 ft.	24 ft.	9 feet	20 feet

3. Parking lots comply with the 2010 American with Disabilities Act (ADA) Standards for Accessible Design (or an applicable subsequent standard). Accessible spaces shall count toward the required number of spaces.
4. All aisle widths shall permit one-way traffic movement, except that the 90-degree pattern requires two-way movement.
5. Any entrance and/or exit to and from any off-street parking lot shall be set back at least 25 feet from any adjacent property zoned residential.

6. Any off-street parking lot shall be set back at least 10 feet from an adjacent property zoned residential and shall be effectively screened by a decorative fence, wall, or a landscaped equivalent.
7. The land between the parking lot and the street right-of-way line shall be kept free from refuse and debris and landscaped in accordance with the requirements of Section 13d.04.
8. The entire parking area, including parking spaces and maneuvering aisles, shall be paved with asphalt, concrete, or another dust-free material (such as brick pavers or permeable pavement) approved by the Township Engineer or appointed individual. Using recycled products and/or materials that minimize stormwater runoff is encouraged.
9. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area using low-impact design methods and stormwater management best practices. Drainage plans shall be reviewed and approved by the Township Engineer or appointed individual prior to construction.
10. Parking areas shall be maintained in good condition, free of weeds, debris, refuse, etc.; striping shall be well-maintained and clearly visible. The Zoning Administrator may require the repair and/or replacement of parking areas (or portions thereof) that are determined to be in poor condition due to overgrown weeds, excessive cracking, asphalt deterioration, poor drainage, and similar factors as recommended by the Township Engineer or appointed individual.
11. All parking spaces and pavement shall be striped in the pattern shown on the approved site plan. The outside edge of the parking area shall be delineated to deter drivers from driving in unpaved areas.
12. Parking areas shall have barriers such as concrete wheel stops securely attached to the pavement or curbs to prevent vehicles from extending over or into any public sidewalk, walkway, right-of-way, or adjacent property.
13. If provided, parking lot lighting shall comply with Section 13c.



Section 13b.04 – Parking Requirements for Single-Family and Two-Family Dwellings

1. Unless otherwise permitted herein, off-street parking for single- and two-family dwellings shall be located on the same lot as the building they are intended to serve.
2. Required single- and two-family off-street parking areas shall consist of a parking strip, parking bay, driveway, garage, or a combination thereof and shall be located on the premises they are intended to serve unless the Township has approved a shared or consolidated arrangement for parking.
3. Single- and two-family dwelling off-street parking spaces may be located within a rear or side yard. Such spaces shall not be permitted within a required front yard unless in a driveway. Off-street parking spaces not located on a driveway shall only be in a rear or side yard. Driveways and other approved parking surfaces may be constructed to the lot line. Parking on grass, lawns, or other areas not otherwise approved for parking is prohibited.
4. Access to enclosed or unenclosed parking shall be by means of a driveway that extends uninterruptedly from the garage or parking area approved to a street or alley.
5. The driveway shall be an approved surface.

Section 13d.05 – Schedule of Parking Requirements

Unless modified in accordance with the provisions of this Section, the number of required off-street parking spaces on a site shall be determined by utilizing the following table. In instances where the table below requires that the “applicant shall demonstrate parking demand,” an applicant shall demonstrate to the Township’s satisfaction the number of anticipated parking spaces needed for the land use. The demand shall be based on the number of employees, anticipated customer volume, hours of operation, relevant technical manuals, similar land uses, and other data acceptable to the Township. Applicants shall demonstrate the basis for their parking calculations.

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Adult Oriented Facilities	1 for each three 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Ambulance Services	The applicant shall demonstrate parking demand.
Art Studios	The applicant shall demonstrate parking demand.
Assisted Living Facilities	1 for each 2 units, and one 1 for each employee.
Automobile or Vehicle Sales	1 for each 200 square feet of usable floor area of the sales room and one 1 for each service stall.
Automobile or Vehicle Wash	1 for each 1 employee
Automobile or Vehicle Service or Repair Facilities	1 space per service bay and 1 per employee.
Battery Energy Storage Facilities (BESS)	The applicant shall demonstrate parking demand. (see Section 7a)
Bed and Breakfast Establishments	2, plus one 1 space for each room.
Business Incubator Facilities	The applicant shall demonstrate parking demand.
Campgrounds	2 per campsite or in compliance with MDNR standards.
Childcare Facilities	1 for each 350 square feet of usable floor area.
Childcare Homes, Family	The applicant shall demonstrate parking demand.
Childcare Homes, Group	The applicant shall demonstrate parking demand.
Commercial Greenhouses	1 space for each 300 (with retail sales) square feet of interior floor area plus 1 space for each 2000 square feet of exterior sales area.
Commercial Kennels	The applicant shall demonstrate parking demand.
Contractor's Offices and Showrooms	1 space per employee plus 1 space per company vehicle
Contractor's Supply Facilities	The applicant shall demonstrate parking demand.
Contractors Warehouse, Facilities, or Storage Facilities or Yards	The applicant shall demonstrate parking demand.
Convalescent Homes (Nursing Homes)	1 for each 4 beds.
Crematoria	The applicant shall demonstrate parking demand.
Dry Cleaning Facility	The applicant shall demonstrate parking demand.
Dwellings, Multifamily	1.5 per dwelling unit.
Dwellings, Single-Family Attached	2 per dwelling unit.
Dwellings, Single-Family Detached	2 per dwelling unit.
Dwellings, Two-Family	2 per dwelling unit.
Educational Facilities	1 for each employee, plus 1 per ten 10 students.
Financial Institutions	1 for each 250 square feet of usable floor area.
Funeral Homes or Mortuaries	1 for each 50 square feet of usable floor area.
Health Clubs	1 space for each 200 square feet of usable floor area, plus 1 space for each employee.
Home Occupations	The applicant shall demonstrate parking demand.
Hospice Facilities	1 for each 2 beds and every three 3 employees.

Minimum Off-Street Parking Requirements	
Land Use	Parking Spaces Required
Hospitals	1 for each 2 beds and every 3 employees.
Hotels and Motels	1 for each 1 occupancy unit plus 1 for each 1 employee.
Landscaping Materials or Nursery	1 space for each 300 (with retail sales) square feet of interior floor area plus 1 space for each 2000 square feet of exterior sales area.
Manufactured Housing Community	2 per dwelling unit.
Manufacturing, Processing, or Assembly Facilities	5, plus one 1 for every one and 1-1/2 employees in the largest working shift.
Medical and Dental Offices	1 for each 100 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair, or similar use area.
Municipal Maintenance Garages	The applicant shall demonstrate parking demand.
Outdoor Storage Facilities or Yards	5, plus 1 for every 1 employee in the largest working shift.
Personal Service Establishments	1 per 250 square feet of gross floor area plus 1 per employee.
Pharmacies/Medical Supply Sales Facilities	The applicant shall demonstrate parking demand.
Places of Public Assembly	1 for each four 4 seats.
Places of Worship	1 for each four 4 seats.
Planned Unit Developments	The applicant shall demonstrate parking demand.
Private Clubs or Lodges	1 space for every 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Private Recreation Facilities, Indoor	The applicant shall demonstrate parking demand.
Private Recreation Facilities, Outdoor	The applicant shall demonstrate parking demand.
Professional Service Establishments	1 for each 250 square feet of usable floor area.
Public Facilities	The applicant shall demonstrate parking demand.
Rehabilitation Facilities	The applicant shall demonstrate parking demand.
Research, Laboratory, or Product Testing Facilities	5, plus 1 for every 1-1/2 employee in the largest working shift.
Resorts	1 for each 1 occupancy unit plus 1 for each 1 employee.
Restaurants	1 for each 75 square feet of usable floor area.
Retail Businesses	1 for each 250 square feet of usable floor area.
Sales and Distribution Facilities	5, plus 1 for every one 1 employee in the largest working shift.
Self-Storage / Mini Warehouse Facilities	Applicant shall demonstrate parking demand.
Senior Housing	One 1 per unit.
Storage, Transfer Warehouses, or Shipping Facilities	5, plus 1 for every one 1 employee in the largest working shift.
Utility-Scale Solar Energy Facility	The applicant shall demonstrate parking demand (see Section 7a)
Utility-Scale Wind Energy Facility	The applicant shall demonstrate parking demand (see Section 7a)
Veterinary Clinics	1 for each 100 square feet of usable floor area in waiting rooms, and 1 for each examining room, or similar use area.
Warehousing Facilities	5, plus 1 for every one 1 employee in the largest working shift.
Wireless Communication Towers	The applicant shall demonstrate parking demand.

Section 13b.06 – Loading Spaces

1. Loading spaces shall be provided on the same property as any nonresidential use involving the receipt or distribution of materials or merchandise.
2. Loading spaces shall be provided with adequate access through maneuvering lanes; access directly onto a street or public right-of-way shall be prohibited.
3. Loading spaces shall be located within the rear yard or side yard and shall in no instance be permitted in a front yard. Landscaping and buffering, in addition to that required by Section 13d.04, shall be provided to fully screen loading spaces from public view when located in an interior side yard, unless the Planning Commission determines such screening is not needed based on existing land uses, site features, or topography.
4. Loading spaces shall be at least 10 feet in width and 50 feet in length and have a vertical clearance of at least fourteen 14 feet.
5. Loading areas and loading dock approaches shall have asphalt or concrete to provide a permanent, durable, and dustless surface.
6. Loading spaces shall be provided in accordance with the requirements below. The Planning Commission may approve a modification of the requirements if it finds that adequate loading and unloading space will be provided.

Square feet of Principal Permitted Building on a Property	Minimum Number of Loading Spaces Required
Up to 5,000	0
5,001 to 20,000	1
20,001 to 100,000	2
1 additional space is required per additional 50,000 square feet	

7. Loading spaces shall be located so loading and unloading activities do not interfere with pedestrian or private motor vehicle movement.

Section 13c – Site Lighting

Section 13c.00 –Purpose

It is the purpose of this section to create and maintain safe nighttime environments for both pedestrians and drivers on public and privately owned roadways and rights-of-way by minimizing brightly lit surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution from lighting luminaires and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and/or Zoning Administrator in reviewing all site plans submitted for approval under the terms of this Ordinance.

Section 13c.01 – General Lighting Standards

Regulated Lighting. All exterior lighting shall be regulated by this section, including, but not limited to, the following types:

1. Parking lot lighting and site lighting for commercial, industrial, and institutional developments.
2. Canopy lighting.
3. Multifamily development parking lot lighting and site lighting.
4. Privately owned street lighting.
5. Building facade lighting.
6. Residential yard lights.
7. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator or, at their discretion, the Planning Commission, are similar in character, luminosity, and/or glare to the preceding items listed in this Section.

Section 13c.02 – Lighting Plan

The following information must be included for all site plan submissions. Where site plan approval is not required, some or all of the items may be required by the Zoning Administrator before lighting installation:

1. A site plan drawn to a scale of one inch equaling no more than 30 feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.
2. Analysis and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five-foot on-center grid and shall project 25 feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels should also be measured for all surrounding streets at the public right-of-way.
3. Specifications for all proposed lighting fixtures, including mounting heights, photometric data, designation as Illuminating Engineering Society (IES) "cutoff"

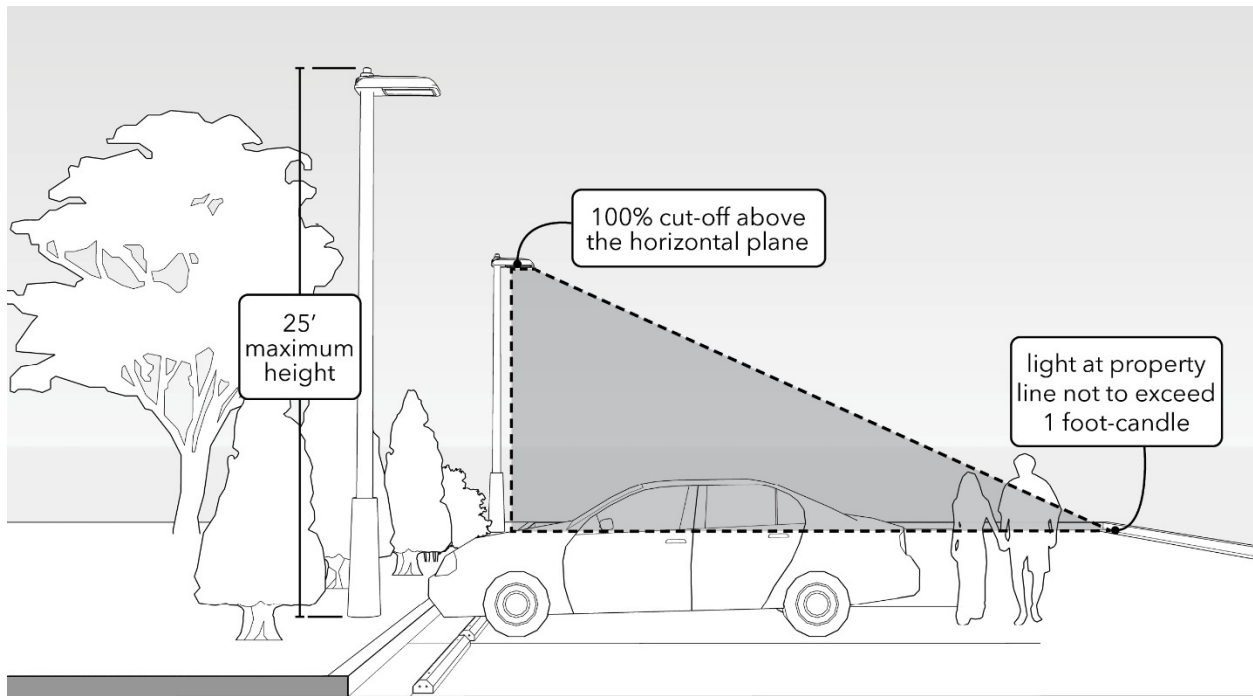
fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.

4. The lighting plan shall provide a design for illumination in accordance with this section.

Section 13c.03 – Lighting Standards

All exterior lighting, including freestanding, canopy, pole, and building-mounted, shall be fully shielded and directed downward to prevent off-site glare. Lighting shall be designed and constructed to meet the following standards:

1. Lighting design shall ensure that direct or directly reflected light is confined to the development site and pedestrian pathways.
2. Lamps and luminaires shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line and any public right-of-way so the light source is not directly visible from beyond the boundary of the site.
3. Canopy lighting shall be fully recessed.
4. The light from any illuminated source shall be designed so that the light intensity or brightness shall not exceed one footcandle at any property line.
5. All light fixtures, including building-mounted fixtures, shall be full cutoff fixtures as defined by the Illuminating Engineering Society of America (IESNA) and shall have a one-hundred percent cutoff above the horizontal plane at the lowest part of the point light source. The installed fixture may not emit light rays at angles above the horizontal plane.
6. No light fixture may be mounted higher than 25 feet above the site's average grade, except for approved outdoor recreation area lighting, such as a ball field or stadium.



PARKING LOT LIGHTING - FIGURE 13.21

1. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards, or lenses to meet the requirements of this section. Outdoor recreation area lighting requires site plan approval by the Planning Commission. (See Section 12.02)
2. There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness, or color.
3. Beacons, strobes, searchlights, laser light sources, or any similar high-intensity lights for outdoor advertisement or entertainment are prohibited.
4. No colored lights shall be used at any location or in any manner to be confused with or construed as traffic control devices.
5. Unshielded floodlights are prohibited.

Section 13c.04 – Exemptions

The following types of outdoor lighting are exempt from the provisions of this section, provided that such lighting uses a one-hundred-watt or less incandescent bulb and except where such lighting creates a hazard or nuisance from glare or spill light:

1. Residential decorative lighting such as porch lights, low-level lawn lights, unique seasonal lights such as holiday decorations, and similar lighting associated with single-family detached housing.
2. Lighting is necessary for road or utility construction or emergencies.

3. Streetlights are located within the public right-of-way.
4. Lighting for a permitted temporary event such as a circus, fair, carnival, or civic event.

Section 13d – Landscaping and Screening

Section 13d.00 – Purpose

The purpose of this section is to establish standards for the design, installation, and maintenance of landscaping for the protection and enhancement of the Township's environment for those uses requiring site plan review. Landscaping and screening enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction associated with certain uses.

The standards contained in this section are considered the minimum necessary to achieve this section's purpose. In several instances, these standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping beyond the minimum requirements of this Section to improve the function, appearance, and value of their property.

Section 13d.01 – Applicability and General Requirements

1. Exemptions. Individual single-family dwellings, two-family dwellings, home occupations, and other uses not requiring site plan review are not subject to the provisions of this Section.
2. Landscape Plan. When a site plan is required pursuant to this Ordinance, landscaping shall be incorporated into the site, and a landscape plan shall be submitted in conjunction with the site plan. The landscape plan shall clearly describe the location, type, size, height, and spacing of plant materials.
3. Modification of Requirements. The Township may grant relief from the requirements of this Section when it finds circumstances that warrant a change in the requirements of this Section, in finding that the landscaping requirements of this Section would be unnecessary or ineffective, where it would impair vision at a driveway or street intersection, or in finding that existing landscaping, screening, or existing site conditions would meet the purpose of this Section.
4. Installation. Wherever this Ordinance requires landscaping, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Zoning Administrator may allow a postponement of installation of up to six months upon request of an applicant based on seasonal weather conditions, but all landscaping must be installed within one year of issuance of a certificate of occupancy. A performance guarantee may be required to ensure that landscaping is installed in accordance with this Section.
5. Maintenance. All lot areas not used for buildings, parking, loading, and storage shall be landscaped. Maintenance shall include all reasonable and regular watering, weeding, fertilizing, and pruning. Plant material that shows signs of insect pests, diseases, and/or damage should be removed immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer or subsequent owner(s) shall be responsible

for maintaining all on-site landscaping in a living condition and shall replace any removed plants required for site plan approval.

Section 13d.02 – General Standards for Landscape Materials & Ground Cover

1. Quality. Plant material and grasses should be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, compatible with local soil characteristics, drainage, and water supply, and conform to the current minimum standard of the American Association of Nurserymen.
2. Composition. A mixture of hardy plant species is recommended to increase local biodiversity and as a protective measure against the spread of insect and disease infestations. A mixture of similarly formed plant types is recommended to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. Minimum Planting Sizes: Minimum planting sizes for required landscaping shall be as follows, unless otherwise stated in the standards of this ordinance:
 - A. Large deciduous trees (over 30-foot mature height): 2-inch caliper measured six inches above the ground.
 - B. Small deciduous trees (under 30-foot mature height): 1.5-inch caliper measured six inches above the soil line.
 - C. Evergreen trees: 6 feet in height.
 - D. Upright shrubs: 3-gallon container or 30 inches in height, whichever is greater.
 - E. Spreading shrubs: 3-gallon container or 18-inch spread, whichever is greater.
 - F. Plant material, in addition to required quantities, is not subject to size requirements.
4. If existing plant material is to remain on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, temporary fencing or barriers placed at the drip line around the perimeter of the plant material should be installed during construction. No vehicles or other construction equipment should be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.
5. In the event that healthy trees are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Township, the contractor shall replace them with trees that meet Ordinance requirements.
6. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.

7. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
8. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, pedestrians, and shall comply with clear vision area requirements of Section 10.17. Landscaped materials shall not obstruct the operation and maintenance of fire hydrants and electrical facilities.
9. Grass or other living perennials shall be the primary ground cover in required landscaped areas unless a plan for permanently maintaining mulch is approved. Both sod planting and seeding are acceptable.
10. Living ground covers other than grass should be planted in required areas to provide complete coverage within two growing seasons. Ground covers that may extend into walkways should not be used adjacent to pedestrian areas unless regular maintenance is planned.
11. Materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark, and wood chips should be limited to small areas and shall not exceed 25% of the required landscaped area after a period of establishment equal to 36 months, unless special circumstances are identified which warrant allowing a larger area in the opinion of the Township. All such ground covers should be installed at a sufficient depth to decrease weed growth and retain soil moisture. For stone installations installed at a 3-inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
12. Salt-tolerant vegetation is highly encouraged to be planted along streets, sidewalks, parking lots, or other areas that may be salted to prevent the build-up of ice and/or snow.

Section 13d.03 – Screening Requirements

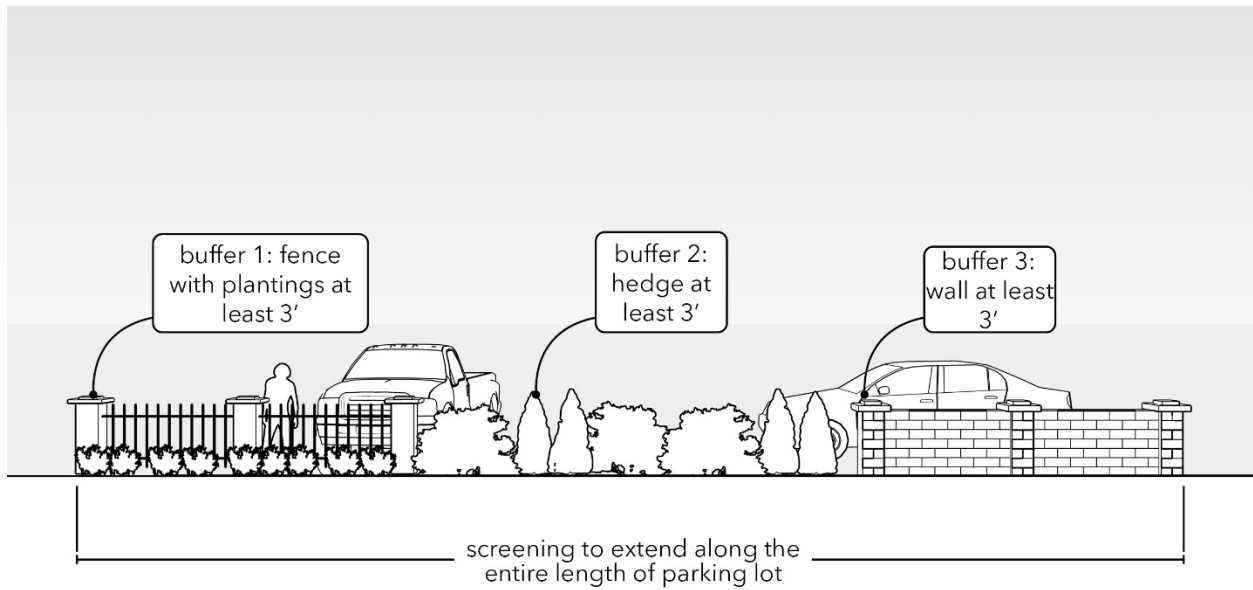
1. Whenever a land use requiring site plan review abuts a property zoned R-1, R-2, R-3, R-MF, or MHC, or a property containing a residential use, screening shall be provided along all side and rear property lines that abut the residential district or use as follows.
 - A. The minimum height for the required screening shall be six feet.
 - B. Either a landscape buffer, a fence, or a solid wall may be utilized. A landscape buffer may consist of earthen berms and/or living evergreen materials to maintain a minimum year-round opacity of at least 80 based upon reasonably anticipated growth over a period of three years. The applicant shall agree in writing to install solid fencing after the expiration of 36 months in the event that the landscaping has not provided the required 80% opacity.
 - C. The Planning Commission may determine that a greater screen or barrier is required to screen more intense development. In such cases, a solid masonry wall or privacy fence meeting the requirements of Section 10.19 may be required.

2. Mechanical equipment located at grade shall be screened from the view of the street or surrounding properties by a solid evergreen hedge, a wall, or fencing.
3. Outdoor storage in commercial and industrial districts shall be screened on all sides by an opaque wall or fence except as otherwise permitted by this Section.
4. Essential service facilities shall be screened on all sides by an opaque wall or fence except as otherwise permitted by this Section.
5. Dumpsters shall be screened as required by Section 13e.
6. Exceptions to Screening Requirements:
 - A. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
 - B. Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped.
7. When plant materials are used for screening, the following standards shall apply:
 - A. Where plant materials are placed in two or more rows, plantings shall be staggered.
 - B. Evergreen trees shall be planted not more than 30 feet on center and shall be at least six feet tall when planted.
 - C. Narrow evergreens shall be planted not more than six feet on center and shall be not less than three feet in height when planted.
 - D. Tree-like shrubs shall be planted not more than ten feet on centers and shall be not less than four feet in height when planted.
 - E. Large deciduous shrubs shall be planted not more than four feet on centers and shall not be less than six feet in height when planted.
 - F. Large deciduous trees shall be planted not more than 30 feet on centers and shall be not less than eight feet in height when planted.

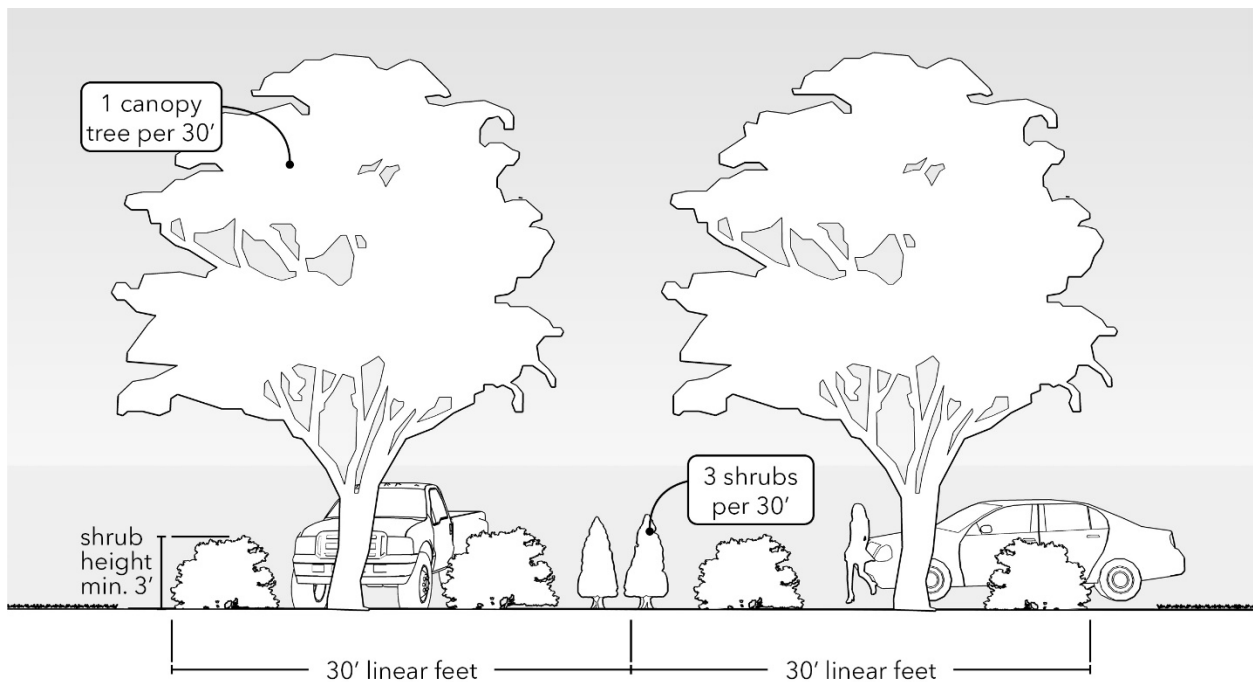
Section 13d.04 – Parking Lot Landscaping

1. Changes to existing parking lots. The Zoning Administrator shall review landscaping plans for major changes to the existing parking lot. Major changes to parking lots shall comply with the landscaping requirements of this Section unless modifications are approved by the Planning Commission or Zoning Administrator as permitted by this Section. Major changes consist of the following:
 - A. Replacement or alteration of existing drainage elevations or structures affecting more than 50% of the existing parking lot.
 - B. For any expansion or addition of a parking lot with ten or more spaces, or if the expansion is 25% or more of the parking area, the expanded area shall comply with the landscaping requirements of this Section.

- C. Reconstruction of the parking lot, including the removal of existing pavement and drainage structures, which affects more than 25% of the existing parking lot. Instances in which a parking lot is to be resurfaced and no other modifications to the parking lot or drainage patterns are proposed shall be considered “reconstruction” for the purposes of this subsection.
 - D. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.
 - E. The phased expansion or replacement of parking lots and/or surfaces in order to circumvent the requirements of this Section is prohibited.
 - F. The Zoning Administrator may waive the requirements of this subsection if it is determined that the parking lot landscaping requirements of this Section would reduce the number of parking spaces below the required minimum parking requirements of this Ordinance. The Zoning Administrator may refer any parking lot replacement or expansion to the Planning Commission for a decision.
2. Frontage parking lot landscaping. Along service drives, and where any parking area abuts or faces a public street, landscaping shall be required between the parking area and the street right-of-way. Such landscaping shall consist of, at a minimum, one of the following:
- A. A strip of land at least five feet in width as well as a solid hedge, fence, or decorative wall, or any combination thereof, which measures at least three feet but not more than four feet in height (see Figure 13.22); or
 - B. A strip of land at least ten feet in width consisting of one canopy tree and three deciduous shrubs for each 30 feet of lot width (see Figure 13.23).
 - C. The required strip of land specified in subsections A-B above shall also contain ground cover as required by Section 13d.02.

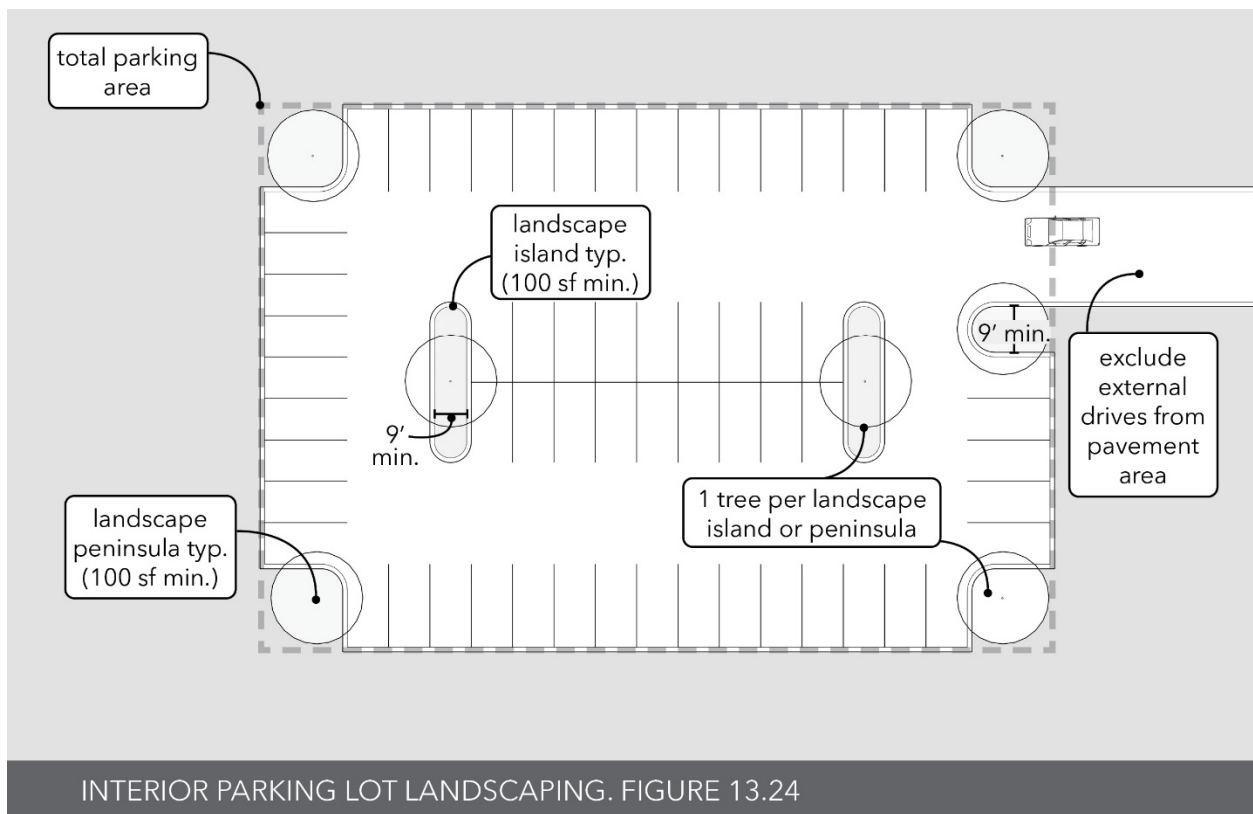


PARKING LOT BUFFER - FENCE, HEDGE, OR WALL. FIGURE 13.22



PARKING LOT BUFFER. FIGURE 13.23

3. Interior parking lot landscaping. In addition to frontage landscaping, parking lots shall also contain landscaping within the interior of the parking lots as specified below:
- A. Interior landscaping shall be provided for any parking area containing 20 or more spaces.
 - B. The interior of the parking lot shall be considered as any point from the outside boundary of the parking area. The parking area is measured through the connection of straight lines along the edge of the parking area pavement or curb, including planting islands, peninsulas, and corners, and excludes access drives located beyond the last parking spaces to the point of ingress/egress.



- C. The interior area of any parking lot shall incorporate planting islands, peninsulas, and corners at a minimum ratio of one per each 16 parking spaces, or part thereof. Each planting island or peninsula shall have an area of at least 100 square feet. A minimum distance of three feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement. This distance shall be increased if the volume of snow to be plowed from the parking lot requires a larger storage area.
- D. Landscaped islands shall be dispersed evenly throughout the entire area of the parking lot in order to break up large expanses of pavement and

shall be used to separate pedestrian areas, maneuvering areas, and drives whenever possible.

- E. A minimum of one approved canopy tree shall be provided for each planting island, peninsula, or corner, with the balance of the island covered with mulch, grass, low-growing shrubs, or another suitable ground cover.
- F. A minimum of 50% of the required trees shall be installed in the interior of the parking area, and the remaining 50% may be installed on the perimeter. The required trees shall be in addition to those that may otherwise be required by this Section.
- G. Low-impact stormwater management facilities such as a bio-swale or rain garden may be utilized as landscape islands, so long as they are maintained to provide the required stormwater storage and infiltration originally designed. Maintenance of these facilities shall occur at least twice a year, once in the spring and once in the fall, and shall include the following:
 - i. Removal of fallen leaves, debris, litter accumulation, and or sediment deposits from all entry points, outlets, side slopes, and basin floors.
 - ii. Repair any facility deformation from vehicle damage, foot traffic, or erosional processes.
 - iii. Re-establish vegetation and mulch cover if any bare soil patches exist.
 - iv. Inspect the facility for evidence of standing water that remains for more than 24 hours after a rain event and clear all outlet structures or replace modified soil layers when ponding regularly exceeds the design drainage time.

Section 13d.05 – Recommended Plant Materials for Uses Requiring Site Plan Review

1. Suggested Native Plants. The use of native species is encouraged for required landscaping to support the local ecosystem. The following is a list of suggested native plant species.

Suggested Native Plants		
Plant Type	Common Name	Botanical Name
Canopy Trees	Red Oak	<i>Quercus rubra</i>
	Hackberry	<i>Celtis occidentalis</i>
	American Hornbeam	<i>Carpinus caroliniana</i>
	Black Oak	<i>Quercus velutina</i>
	Ironwood	<i>Ostrya virginiana</i>

	Kentucky Coffee Tree (Fruitless)	Gymnocladus dioicus
	Sugar Maple	Acer saccharum
	Red Maple	Acer rubrum
	White Oak	Quercus alba
	Sycamore	Platanus occidentalis
	Thornless Honey locust	Gleditsia triacanthos f. inermis
	River Birch	Betula nigra
	Osage orange (Fruitless)	Maclura pomifera
	Black Gum	Nyssa sylvatica
Ornamental Trees	American Hazelnut	Corylus americana
	Eastern Red Bud	Cercis canadensis
	Cockspur hawthorn	Crataegus crus-galli
	Pagoda Dogwood (Tree Form)	Cornus alternifolia
	Fringe Tree	Chionanthus virginicus
	Allegheny Serviceberry	Amelanchier laevis
Evergreen Trees	Eastern White Pine	Pinus strobus
	Red Cedar	Juniperus virginiana
	White Spruce	Picea glauca
	Balsam Fir	Abies balsamea
	Canadian Hemlock	Tsuga canadensis
Shrubs	Bush Honeysuckle	Diervilla lonicera
	Common Juniper	Juniperus communis
	Red osier dogwood	Cornus sericea
	Highbush Blueberry	Vaccinium corymbosum
	New Jersey Tea	Ceanothus americanus
	Carolina Rose	Rosa carolina
	Fragrant Sumac	Rhus aromatica
	Common Witch Hazel	Hamamelis virginiana
	Michigan Holly	Ilex verticillata
	Buttonbush	Cephalanthus occidentalis
	Spice Bush	Lindera benzoin
	Shrubby cinquefoil	Potentilla fruticosa
	Creeping Juniper	Juniperus horizontalis
	American Arborvitae	Thuja occidentalis
	Palm Sedge	Carex muskingumensis

Ornamental Grasses and Perennials	Little bluestem	Schizachyrium scoparium
	Switchgrass	Panicum virgatum
	Tufted Hairgrass	Deschampsia cespitosa
	Sundial Lupine	Lupinus perennis
	Bee Balm	Monarda fistulosa
	Black-Eyed Susan	Rudbeckia hirta
	Sweet Joe Pye Weed	Eupatorium purpureum
	Cardinal Flower	Lobelia cardinalis
	Butterfly Weed	Asclepias tuberosa
	New England Aster	Aster novae-angliae
	Blue Stemmed Goldenrod	Goldenrod Solidago caesia
	Columbine	Aquilegia canadensis
	Wild Blue Phlox	Phlox divaricata

Section 13a.06- Limited Use Trees

Trees listed under this category are permitted in locations with open spaces, like parks or large greens, where there is limited contact with people spaces (walkways, picnic areas, etc.), vehicles, utilities, and structures.

Limited Use Trees	
Common Name	Botanical Name
Box Elder	Acer negundo
Silver Maple	Acer Saccharinum
Catalpa	Catalpa speciosa
Black Walnut	Juglans Nigra
Mulberry	Morus rubra
Eastern Cottonwood	Populus deltoids
Black Willow	Salix nigra

Section 13a.06 - Prohibited Trees

The following trees are not permitted in an effort to protect the health, safety, and welfare of the Township. The species listed below have characteristics that make them poor fits for urban spaces, such as being prone to splitting; having wood that is brittle and breaks easily; roots that clog drains and sewers; have been identified as invasive species, or may be unusually susceptible to disease or pests.

Prohibited Trees	
Common Name	Botanical Name
Norway Maple	Acer platanoides

Tree of Heaven	Ailanthus species
Russian Olive	Elaeagnus Angustifolia
Ash	Fraxinus species (without Emerald Ash Borer resistance)
Female Ginkgo	Ginkgo biloba
Honey Locust (with thorns)	Gleditsia triacanthos (with thorns)
Lombardy Poplar	Populus nigra var. italica
Mulberry	Morus species (non-native varieties)
Bradford Pear	Pyrus calleryana 'Bradford'
Black Locust	Robinia species
Willow Tree	Salix tree species (non-native varieties)
Elm	Ulmus (without Dutch Elm disease resistance or treatment)
Chinese Elm	Ulmus Parvifolia

Section 13e – Waste Handling and Enclosures

Section 13e.00 – Purpose

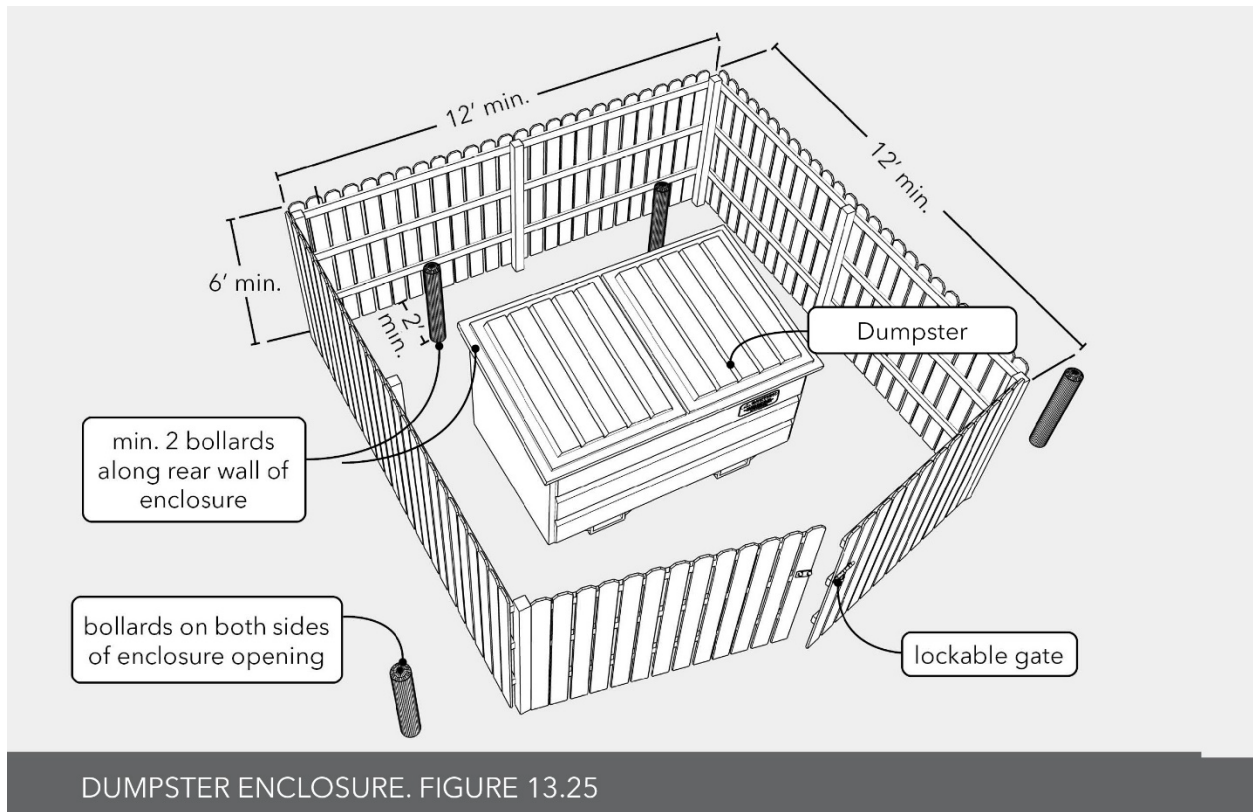
All dumpsters shall be contained within a dumpster enclosure. All such uses developed or expanded after the effective date of this Ordinance that utilize a dumpster shall comply with the provisions of this Section.

Section 13e.01 – Location of dumpster enclosures.

1. Dumpsters shall be placed in a location that is clearly accessible to the servicing vehicle. Dumpsters and dumpster structures shall not be located in any required front yard, nor upon any easement, public or private. Overhead utility lines shall be taken into consideration when locating a dumpster structure.
2. Dumpsters and dumpster structures shall be situated so as not to interfere with the access to any designed parking spaces, buildings, fire lanes, or roadways. Further, the space used by dumpsters and dumpster structures shall not be included in the calculations for establishing the required minimum parking spaces.

Section 13e.02 – Design of dumpster enclosures.

1. Dumpsters shall be screened on three sides consisting of a masonry wall, solid wood fencing, or a similar durable material not less than 6 feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides. The gate shall be constructed in such a manner as to be lockable in both the open-and-closed positions. A cyclone-type wire fence may be used for the gate provided that the fencing is screened with decorative slats interlaced in the fencing to provide sufficient screening. The minimum inside dimensions of this structure shall be 12 feet by 12 feet.
2. Dumpsters shall be placed on a concrete pad, which shall be a minimum of 8 inches in thickness and have an apron, and a joint shall separate the apron. Bollards, having a minimum outside diameter of 4 inches and extending a minimum of 42 inches above and below grade, shall be installed on both sides of the dumpster enclosure opening to prevent damage to the screening wall or fence. A minimum of 2 such bollards shall be installed across the back wall of the enclosure a minimum of 2 feet from the back wall and shall be installed in such a manner as to have an expansion joint separating the bollards from the remainder of the slab.



Section 13e.03 – Maintenance and servicing of dumpster enclosures.

1. Dumpsters and dumpster structures shall be kept clean and maintained in good repair.
2. Dumpster capacity shall be large enough to accommodate the garbage and refuse generated by the property.
3. The Zoning Administrator may require repairs to damaged fencing.
4. Gates shall be kept closed and locked except when in use or service.

Article 14 – Nonconforming Use, Structures, and Lots

Section 14.00 – Purpose

1. Within the districts established by this Ordinance or any amendments thereto, there are structures, uses, lots, or sites that were lawful before this Ordinance was adopted or amended, that would be prohibited or regulated under the terms of this Ordinance. Such structures, uses, lots, or sites are called "legally or lawfully nonconforming" or "nonconformities."
2. Since such nonconformities tend to disrupt the harmony of neighborhood and business districts, and can adversely affect the public health, safety, and welfare, it is the purpose of this Article to permit them to continue to the extent required by law, but not to encourage their long-term existence or expansion. Therefore, the purpose of this Article is to reduce rather than increase such nonconformance.
3. Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit has been issued and on which substantial construction on the property has commenced prior to the effective date of this Ordinance.

Section 14.01 – General Provisions for Nonconformities

1. An existing structure, use, or lot that does not fully comply with the provisions of this Ordinance, as amended, shall be permitted to continue subject to the requirements of this Article if one of the following conditions are met:
 - A. The structure, use, lot, or site was lawfully established before the adoption of the Zoning Ordinance or an amendment that rendered it nonconforming, or
 - B. The structure, use, lot, or site was created, developed, or commenced during a period of time when no valid Zoning Ordinance was in effect, or
 - C. The structure, use, lot, or site was lawfully established under the jurisdiction of this Ordinance (before amendment) and remains in compliance with the terms of a permit issued at that time.
2. Any structure, use, lot, or site that was established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time it was established is in violation of this Ordinance and shall not be considered lawfully nonconforming, unless appropriate steps are taken to rectify the nonconforming situation.
3. Any structure, use, lot, or site that was lawfully established under a previous Zoning Ordinance, but violates the terms of the original permit under which it was established, is in violation of this Ordinance, and shall not be considered to be legally nonconforming.
4. In the case of a dispute surrounding whether a structure, use, lot, or site is nonconforming, the person or entity alleging the dispute shall be responsible for

demonstrating the existence of a lawful nonconformity (as well as the size, scope, intensity, and extent thereof).

5. A change of tenancy, ownership, or management of any existing nonconforming structures, uses, lots, sites, or combination thereof, shall be permitted and shall not affect its nonconforming status.
6. The addition of fire escapes, wheelchair ramps, dumpster enclosures, and similar improvements made solely to improve accessibility, safety, or aesthetics shall not be considered an expansion to a nonconforming use or nonconforming structure.

Section 14.02 – Nonconforming Structures

A nonconforming structure may continue to exist so long as it remains otherwise lawful, subject to the following provisions:

1. Repairs, maintenance, and renovations necessary for health or safety reasons or to keep such a nonconforming structure in a sound condition may be made, provided that the structure is not altered in a way that increases the degree of nonconformance.
2. Should a nonconforming structure be relocated to another lot for any reason or for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located.
3. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the degree of nonconformance.
4. Where a structure is nonconforming due to its setback, the structure may be extended along the same horizontal plane as the existing nonconforming setback, provided that the setback itself is not further reduced. However, if a structure is nonconforming due to its setback, the portion of the structure within the required setback shall not be extended vertically.
5. If a nonconforming structure is damaged or destroyed by wind, fire, flood, or some other catastrophe, it may be restored to its original nonconforming status in the following circumstances:
 - A. The repair, replacement, or alteration must be undertaken within 1 year following the damage.
 - B. The degree of nonconformance with the provisions of this Ordinance shall not be increased.
 - C. If standards A-B above are not met, then the building or structure may only be altered, repaired, or replaced in compliance with all requirements of this Ordinance.
6. If any nonconforming structure is altered or modified in a way that eliminates, removes, or reduces any or all of its nonconforming characteristics, then such nonconforming characteristics shall not later be re-established.

Section 14.03 – Nonconforming Uses

A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following conditions:

1. The nonconforming use shall not be enlarged, extended, intensified, or expanded in such a way that increases the nonconforming nature of the use, such as the addition of dwelling units, additional bedrooms, additional manufacturing area, additional storage area, additional seating, or by the addition of other facilities which would allow the scope or intensity of the nonconforming use to increase.
 - A. Open and unenclosed decks, patios, stairways, and similar changes to residential structures shall not be considered an expansion of a nonconforming use, provided that:
 - i. The dimensional standards of the zoning ordinance are met.
 - ii. For a deck, the floor is not higher than the first-floor level of the main structure to which it is attached, and no portion of the deck extends higher than guardrail or hand railing height as required by the building code.
 - iii. The baluster area between the flooring and the guardrail or hand railing is at least 50% open.
 - iv. The unenclosed expansion shall not later be enclosed.
 - B. A nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for that use, and which existed at the time of the relevant adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
2. A nonconforming use shall not be reestablished if it is abandoned for more than 1 year. A nonconforming use shall be considered abandoned if one or more of the following conditions exist, which are deemed to constitute a purpose on the part of the property owner to abandon the nonconforming use:
 - A. Utilities such as water, gas, or electricity to the property have been disconnected.
 - B. The property, buildings, or grounds have fallen into disrepair or otherwise clearly indicate that the property is vacant.
 - C. Signs or other indications of the existence of the nonconforming use have been removed.
 - D. Removal of buildings, structures, equipment, or fixtures that are necessary for the continuation or operation of the nonconforming use.
 - E. Operations or activities on the property have ceased.
 - F. Other actions that constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

3. A nonconforming use may be changed to another nonconforming use only if the Zoning Board of Appeals finds that the new use would not increase the degree of nonconformance and would preserve or improve the desirability of the adjacent conforming uses. In making this determination, the Zoning Board of Appeals may require structural changes, building modifications, site improvements, or other requirements deemed necessary to meet the above requirements. However, this shall not be construed to permit the conversion of a conforming use to a prior nonconforming use, nor to waive other provisions of this Article. Such approval shall not be considered a use variance.

Section 14.04 – Nonconforming Lots

1. Legally nonconforming lots are those that do not conform to the lot area or width requirements of the district in which it is located.
2. If the lot area or lot width is already less than the minimum requirements of this Ordinance, the lot shall not be further divided or reduced to increase the degree of nonconformance.
3. A nonconforming lot may be used for any use permitted by the zoning district in which the lot is located provided that it meets all applicable setback, lot coverage, and similar requirements of this Ordinance.
4. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, which individually do not meet the lot width or other dimensional requirements of this Ordinance, such lots shall be considered as one lot for the purposes of this Ordinance.

Section 14.05 – Improvements to Nonconforming Sites

1. This Ordinance recognizes that redevelopment may occur in Locke Township on sites that do not meet the site development requirements of this Ordinance. The purpose of this section is to facilitate and encourage the redevelopment of these properties despite their nonconforming status. Thus, properties that are nonconforming by reason of nonconforming landscaping, parking, dumpster enclosures, lighting, etc. shall be deemed to be nonconforming sites. Such sites shall be permitted to continue and may be redeveloped or improved subject to the requirements of this Article.
 - A. A nonconforming site shall not be expanded, altered, removed, or modified in a manner that increases the degree of nonconformance.
 - B. Changes to a site that bring it into or closer to conformity with this Ordinance, such as parking improvements, additional landscaping, screening, or fencing, or replacing nonconforming signs shall be permitted and shall not be considered an unlawful expansion of a nonconforming structure or use.

- C. Except as otherwise required by this Section, if a building expansion, change in land use, or other changes to the property occur that require site development improvements, nonconforming sites shall only be required to be brought into full compliance with this Ordinance to the extent necessary to accommodate the proposed changes. Except as required in (D) below, the required installation of site development improvements shall not require that the entire site be brought into compliance with this Ordinance.
- D. When the re-use or redevelopment is proposed and the total project value, including building and all proposed site improvements, is equal to or greater than 75% of the total replacement value of the existing site, then the entire site shall be brought fully into compliance with this Ordinance.
- E. The Zoning Administrator or Planning Commission shall have the authority to require site improvements if existing conditions are deemed unsafe by any official charged with protecting the public health, safety, or welfare.

ARTICLE 15 – Zoning Board of Appeals

Section 15.01 – Purpose

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, together with any amendments thereto, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured, and substantial justice done.

Section 15.02 – Membership

1. The Zoning Board of Appeals shall consist of three (3) members who shall be representative of the Township population. All members shall be residents and qualified voters within Locke Township. One member shall be a member of the Planning Commission. Also, one regular member may be a member of the Township Board, but shall not serve as chairperson of the Zoning Board of Appeals. The Township Board may appoint no more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis to sit as regular members of the Board in the absence of a regular member.
2. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 15.03 – Terms

All members of the Zoning Board of Appeals shall be appointed by the Township Board. All Appeals Board members shall be appointed with staggered terms by the Township Board, but members may continue to serve until their successor has been appointed. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Members' terms may be extended if reappointed by the Township Board. Terms shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board.

Section 15.04 – Vacancies

1. In the event that a member of the Zoning Board of Appeals can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Zoning Board of Appeals for that unexpired term. Should the unexpired be two (2) years or longer, it shall be considered as a full term.

2. If a Zoning Board of Appeals member moves outside the jurisdictional boundaries of the Township, this shall constitute a resignation from the Board effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.

Section 15.05 – Absence and Removal

1. Absence. Should a member have three (3) consecutive unexcused absences from regularly scheduled meetings or miss at least fifty (50) percent of the meetings within any twelve (12) month period, it shall constitute reasonable grounds for removal. To initiate this action, the chairperson shall prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor with a request that an appointment be made to fill the vacancy.
2. Reason for Removal. Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify himself/herself from a vote in which he/she has a conflict of interest shall constitute misconduct in office.
3. Conflict of Interest. A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of conflict of interest if:
 - A. The member has a direct financial interest in the outcome of the matter at issue; or
 - B. The matter at issue involves the member's business or place of employment; or
 - C. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - D. The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

Section 15.06 – Organization

1. Rules of Procedure and Officers: The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice- chairperson, and secretary.
2. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the total membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

3. Oaths and Witnesses: The chairperson or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
4. Records: The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

Section 15.07 – Appeals

1. Administrative Review. Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order to the Zoning Administrator where it is alleged that there is error or misinterpretation in any order, requirement, decision, or refusal made by the Zoning Administrator or other administrative agency in the carrying out of the provisions of this Ordinance. The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed meets the following standards:
 - A. The decision was arbitrary or capricious.
 - B. The decision was based upon an erroneous finding of a material fact.
 - C. The decision was an abuse of discretion.
 - D. The decision was based upon erroneous interpretation of the Zoning Ordinance or zoning law.
 - E. The decision did not follow the required procedures.
2. A notice of appeal specifying the grounds thereof shall be filed with the secretary of the Zoning Board of Appeals within thirty (30) days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all records upon which the action appealed from was taken.
3. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed except upon a restraining order by the Zoning Board of Appeals or by the Circuit Court.

Section 15.08 – Interpretations

1. The ZBA shall hear and decide upon requests to:
 - A. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the ZBA shall ensure that its interpretation is consistent with the purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.

- B. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the ZBA shall declare that it is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
- C. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 13b, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the ZBA shall inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

Section 15.09 – Variances

- 1. Subject to the other provisions of this Ordinance, the Zoning Board of Appeals shall have the power to decide applications for variances for specific property where the literal enforcement of this Ordinance would involve practical difficulties:
 - A. The Zoning Board of Appeals shall have no authority to hear, consider or grant a land use variance. A land use variance is a request to initiate a land use (either permitted or special) in a zoning district where that particular use is specifically prohibited. The ZBA shall only hear, consider, and grant dimensional and non-use variances.
 - B. Dimensional and Non-Use Variance Review Standards. No variance in the provisions or requirements of this Ordinance shall be approved by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance meets all the standards below:
 - i. That the requested variance is not contrary to the public interest or to the purpose of this Ordinance.
 - ii. That the requested variance is not necessitated by any self-created condition or action taken by the applicant or property owner.
 - iii. That there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
 - iv. That strict compliance with site development standards such as lot area, setbacks, frontage, height, or parking would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - v. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

- vi. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district. Increased financial return shall not be deemed sufficient to warrant a variance.
- 2. Conditions of Approval. Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy and to promote the use of land in a socially and economically desirable manner. To ensure compatibility with adjacent uses of land, the architectural character of accessory buildings requiring variances shall be considered.
- 3. Conditions imposed shall meet all the following requirements:
 - A. It is found that there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, and that a variance is necessary for the preservation and enjoyment of a substantial property right similar to the possessed by other properties in the zone.
 - B. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, and residence immediately adjacent to land use or activity and community as a whole.
 - C. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
- 4. The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals. The Township shall maintain a record of conditions that are changed.
- 5. In the event the Zoning Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the variance or fail to follow any conditions placed thereon by the Zoning Board of Appeals. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate, and it shall be deemed a violation of this Ordinance.

Section 15.10 – Application

- 1. Application: Written application to the ZBA shall be completed and filed with the Zoning Administrator on forms established for that purpose.
 - A. Stay: An application for an administrative appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator

certifies to the ZBA after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or, on application, by court of record.

- B. Record of Facts / Transmission of Record: Upon receipt of an application for an administrative appeal, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.

Section 15.11 – Public Hearings

All applications made to the Zoning Board of Appeals shall require a public hearing. Notice shall be provided as required in Section 16.04 of this Ordinance. Any interested party may appear and be heard at such hearing in person or by agent or attorney.

Section 15.12 – Decisions

1. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
2. Upon the date for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Zoning Board of Appeals so decides.

Section 15.13 – Time Limit

If a variance is granted or other action requested by the applicant is authorized, the necessary building permit shall be secured, and the authorized action begun within six (6) months after the date and the variance is granted and completed within twelve (12) months of said date. The Zoning Administrator may, upon good cause shown, extend either the six (6) or the twelve (12) month period; and if the Zoning Board of Appeals further finds that conditions have altered or changed in the interval since the action was granted, the Zoning Board of Appeals shall revoke or rescind its approval. Should applicant fail to obtain the necessary permit or fail to commence work within such six (6) month period, it shall be conclusively presumed that the applicant has waived, withdrawn and abandoned his appeal; and all permissions, variances and permits shall be deemed automatically rescinded.

Section 15.14 – Vote Necessary for Decision

The final disposition of any matter by the Zoning Board of Appeals shall receive the concurring vote of a majority of the members of the Zoning Board of Appeals. The

Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

Section 15.15 – Minutes and Records

The Secretary or his/her designee shall keep minutes of the Zoning Board of Appeals proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The Secretary shall keep records of the Zoning Board of Appeals examinations and official actions, all of which shall be filed with the Township Clerk and be a public record. The grounds for determination made shall be so stated in any motion of approval or denial. A copy of each determination shall be sent to the Zoning Administrator and to the Planning Commission. No building permit shall be issued until such a copy has been received by the Zoning Administrator.

Section 15.16 – Limitation of the Board

The Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Zoning Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance, or where the Zoning Board of Appeals considers specific provisions are creating unnecessary hardship, the Zoning Board of Appeals shall recommend action to amend such provision as provided by law.

Section 15.17 – Appeals of Decisions

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by, or any person having an interest affected by the decision of the Zoning Board of Appeals may appeal said decision to the Circuit Court for the County of Ingham as long as said appeal is filed in said court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson.

Section 15.18 – Reapplications

In the event a petition to the Board is denied, in whole or in part, a new application (i.e. reapplication) may not be made for the same or substantially similar request within twelve (12) months of denial. A new application may be submitted if the Zoning Administrator finds that the new plan is substantially different, or there is newly discovered evidence.

ARTICLE 16 – Administration, Enforcement, and Severability

Section 16.01 - Zoning Administrator

1. The Township Board shall appoint a Zoning Administrator who shall enforce and administer this Ordinance. The Zoning Administrator may be provided with assistance from such other persons as the Township Board may direct. The Township Board shall determine the compensation for the Zoning Administrator.
 - A. The Zoning Administrator or the appointed agent shall review applications, have the power to grant certificates of zoning compliance, when all provisions of this Ordinance are met, make necessary inspections of premises to verify application information in the enforcement of this Ordinance and maintain files of applications.
 - B. It shall be unlawful for the Zoning Administrator to approve plans or issue certificates of zoning compliance for any construction or use until he or she has inspected such plans and found them to conform with this Ordinance.
 - C. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuation of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuation of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of, its provisions.
 - D. The Zoning Administrator or an official appointed by the Zoning Administrator shall be authorized to issue and serve appearance tickets on any person with respect to any violation of this Ordinance when there is reasonable cause to believe that the person has committed such an offense. The Zoning Administrator shall keep records of violations.
 - E. The Zoning Administrator shall report and attend meetings of the Planning Commission, Zoning Board of Appeals, and the Township Board, as requested by such bodies.

Section 16.02 - Zoning Permit (formerly land use permit) and Review Procedure

1. It is the purpose and purpose of this Section to establish a process for issuing permits granted pursuant to this Ordinance. A zoning compliance permit, issued by the Zoning Administrator pursuant to this Section, shall indicate that the uses and plans for which the certificate is requested comply with this Ordinance. Upon the issuance of a zoning compliance permit, an applicant may erect a building or structure only for which the zoning permit has been issued, and only after

receiving a Building Permit from the Building Inspector and co-signed by the Zoning Administrator, along with any other applicable approvals from local, state, or federal agencies having jurisdiction.

2. Permit Required. It shall be unlawful to construct, enlarge, alter, or permit the use or occupancy of a building or structure or change the use of a building until a zoning permit has been issued by the Zoning Administrator. The certificate shall state that the building, structure, lot, and use thereof conform to the requirements of the Ordinance.

Further, no excavation shall be initiated, no construction may begin, no use may commence, no building shall be erected, altered, moved, razed, and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a zoning permit been issued by the Zoning Administrator and where required, a Building Permit has been issued by the Building Official. A building permit shall not be issued until a zoning permit has been issued pursuant to this Ordinance.

3. No zoning permit shall be issued for any building or land use where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written authorization of the Zoning Board of Appeals. An application for a zoning permit shall be available from the Zoning Administrator. Further, the Building Inspector shall not issue a certificate of occupancy until the Zoning Administrator affirms that all requirements and/or conditions of the zoning permit have been satisfied.

4. Required Information. An application for a zoning permit be filed by the Owner or his or her agent, and it shall state the intended use of the land, structure, or building. In order to determine whether a proposed use, building, or structure complies with the requirements of this Ordinance, the Zoning Administrator shall require, at a minimum, the following information as applicable to be submitted with the application.

- A. Name, address, and phone number of applicants.
- B. Proof of ownership of the lot or premises.
- C. Location, dimensions, and size of the lot or premises.
- D. A drawing, aerial photograph, and/or survey with North arrow illustrating the location of the building or structure, the distance from all lot lines, the right-of-way of abutting streets, the location and number of parking spaces, and the location and type of use of buildings on adjacent land. This drawing shall also include the location of all building foundations, driveway locations, setback measurements, and lot dimensions. The applicant shall also provide building elevations and a grading plan for the property.
- E. For buildings, a written notice of acceptance or hookup fee receipt is required if public sanitary sewer service is available or required by local or state law. If public sanitary sewer service is not available, a written permit

from the Ingham County Health Department certifying the approval of a private septic system is required.

- F. When a public or private water supply system is required by law or proposed by the applicant, either a written notice of acceptance from the Ingham County Health Department or other approval from applicable agencies is required. When use of a public water supply is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
 - G. The Zoning Administrator may require additional materials to aid in determining whether a proposed use, building, or structure complies with this Ordinance.
- 5. Issuance of Permit. Within fourteen (14) days after the receipt of any application, the Zoning Administrator shall review and (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent. A copy of the permit shall also be transmitted to the Township Clerk or filed in the zoning parcel files.
 - 6. Planning Commission Approval. When the terms and provisions of this Ordinance require authorization by the Planning Commission (such as a special land use) and such authorization is given, then the Zoning Administrator shall indicate that the application has been approved by the Planning Commission. One approved copy shall be provided each to the applicant and one copy shall be retained by the Township Clerk.
 - 7. In cases where development authorized by a zoning permit has not commenced within one (1) year of issuance, the certificate shall automatically become void, and all rights thereunder shall terminate. A single one (1) year extension may be granted by the Zoning Administrator upon written application. Expiration of this extension shall require resubmittal of all applicable information as was submitted for the initial development proposal, including any required fees.
 - 8. Fees. Application fees shall be charged and collected by the Zoning Administrator in accordance with the fee schedule adopted by the Township Board. Failure to obtain a zoning permit before commencing construction or alteration or occupying land or a building or other activities for which a certificate is required shall constitute a violation of this Ordinance.

Section 16.03 - Certificates of Occupancy

- 1. No building or structure, except as otherwise provided in the Building Code, shall be used or occupied, and no change in the use of a building or portion thereof shall be made until the Building Official has issued a certificate of occupancy. Such a certificate shall affirm that the building conforms in all respects to the approved plans and all applicable provisions of this Ordinance and the Building Code.

2. A temporary certificate of occupancy may be issued by the Building Official for the use of a portion or portions of a building prior to the completion of the entire building.
3. No permit or certificate shall be issued for any illegal use existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a certificate of occupancy shall in no case be construed as waiving any provision of this Ordinance.
4. A certificate of occupancy shall not be issued until the Zoning Administrator determines that all requirements of the zoning permit have been satisfied.

Section 16.04 - Public Hearing and Notice Requirements

1. Whenever a public hearing on a zoning application is required by this Ordinance or the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.
 - A. Notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
 - B. For applications involving a specific parcel or applications involving the rezoning of ten or fewer properties, a notice of public hearing shall be mailed by way of first-class mail or by personal delivery to the following persons, at least 15 days prior to the date of the public hearing:
 - i. The owners of property for which approval is being considered.
 - ii. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and
 - iii. The occupants of all structures are within three hundred (300) feet regardless of whether the property or occupant is located in the Township.
 - iv. If the above described 300-foot boundary extends outside of the Township's boundaries, then notice must be provided outside of the Township's boundaries, within the 300-foot radius, to all persons in the above stated categories.
 - C. The notice of public hearing shall include the following information.
 - i. Description of the nature of the application/request.
 - ii. Identification/description of the property that is the subject of the application or request. The notice shall include a listing of all street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.

- iii. State when and where the application will be considered, including the date, time, and location of the public hearing on the application; and
- iv. Identify when and where written comments will be received concerning the application or request.

Section 16.05 - Zoning Amendments

1. The Planning Commission may initiate, or any interested person or public body may make, a written request to the Planning Commission for an amendment to the zoning map or text of this Ordinance in accordance with the following procedures:
 - A. The applicant shall submit a formal application to the Zoning Administrator, together with a fee as determined by the Township Board. Applications shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting.
2. Required Information. All petitions for amendment to this Ordinance shall be submitted to the Zoning Administrator on a form provided by the Township. The following information shall be provided:
 - A. The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned and a legal description and scaled map.
 - B. The nature and effect of the proposed amendment.
 - C. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-ways and easements bounding and intersecting the land to be rezoned.
 - D. The alleged error in the ordinance that would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 - E. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 - F. All other circumstances, factors, and reasons that the petitioner offers in support of the proposed amendment.
3. Review Process
 - A. The Planning Commission shall hold a public hearing, noting all comments and reports requested, or noting the absence of such. Notice of the public hearing shall be provided as required in Section 16.04.

- B. Prior to a recommendation, Findings of Fact shall be gathered, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical, formatting, or grammatical errors. The changed text shall be forwarded as above without further hearing.
 - C. The Planning Commission shall forward the proposed amendment along with its recommendation to the Township Board and Ingham County Planning Commission pursuant to Section 307 of the Michigan Zoning Enabling Act. Said recommendation shall be accompanied by a summary of the comments made at the public hearing and by written findings of fact in support of the Planning Commission's recommendation.
 - D. The County Planning Commission shall have thirty (30) days to review and comment upon the amendment prior to the Township Board taking a final action. Comments from the Ingham County Planning Commission are advisory.
 - E. Upon receipt of the recommendation from the Planning Commission and comments from the County (if received), the Township Board shall either approve or deny the requested amendment in accordance with the procedures adopted by the Board.
4. Review Criteria - Map Amendment (Rezoning). In making its recommendation on a proposed zoning map amendment (rezoning) to the Township Board, the Planning Commission shall consider the following factors:
- A. If the proposed rezoning is consistent with the Township's adopted Master Plan.
 - B. If the proposed rezoning is consistent with recent development trends in the area.
 - C. If the range of uses permitted by right and by special land use of the proposed zoning district is compatible with existing and future land uses in the vicinity of the subject site or throughout the zoning district(s) affected by the proposed amendment.
 - D. If existing or planned public infrastructure, including streets, sanitary sewers, stormwater, water mains or wells, sidewalks, and street lighting, is capable of accommodating the potential changes in land use resulting from the proposed rezoning.
 - E. If the proposed rezoning is consistent with the purpose of this Ordinance and whether the proposed amendment would protect the health, safety, and welfare of the Township.
 - F. Impact of the proposed amendment, including property values.
5. Review Criteria - Text Amendment. Prior to making a recommendation on a proposed amendment of the Zoning Ordinance text to the Township Board, the Planning Commission shall consider the following factors:

- A. If the proposed text amendment would clarify the purpose of the Ordinance or correct an error.
- B. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the Attorney General, or promote compliance with changes in other county, state, or federal regulations.
- C. If the proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.
- D. If the proposed amendment is consistent with the Township's ability to provide adequate public facilities, utilities, and services and is consistent with the Township's desire to protect the public health, safety, and welfare of the community; and
- E. In the event the amendment will add a use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district or between adjacent districts, and if there exist adequate public utilities and services to accommodate the use.

Section 16.06 - Conditional Rezoning

1. Any interested property owner may voluntarily offer in writing, and the Township Board may approve certain uses and/or development of the land as a condition to a rezoning of the land.
 - A. Application Procedure.
 - i. If the applicant wishes to submit an offer of conditions or restrictions related to the site, the proposed use or its impact on the community along with a petition to rezone land, such offer of conditions or restrictions shall be presented in writing. Proposed restrictions shall be stated clearly, as determined by the Zoning Administrator.
 - ii. The applicant may request a pre-application meeting, at which the Zoning Administrator and other Township officials may identify concerns reasonably related to the rezoning request. The Township shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning, nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the Township to rezone any land.
 - iii. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the Township time to consider the offer; and if

an offer of conditions is proposed at a Township Board meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration and recommendation.

- iv. The Planning Commission or Township Board may postpone a request to give residents of the Township more time to fully understand the offer of conditions.

2. Standards for Approval.

- A. When reviewing a rezoning request and/or an offer of conditions or restrictions, the Township may consider, but shall not be limited to, the rezoning criteria specified in Section 16.05(4).
- B. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or ordinances promulgated by, or applicable in, the Township.
- C. When considering an offer of conditions or restrictions, the Township shall determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

3. Expiration of Agreement, Reversion, and Extensions.

- A. If conditions are approved, the Township may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3(C) hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph 3(D) hereof. The approved conditions shall be in a recordable form and shall be recorded with the County register of deeds.
- B. The Township shall not add to or alter the approved conditions during the time period specified.
- C. The time period specified under subparagraph 3(A) may be extended upon the application of the property owner and approval of the Township:
 - i. The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and their recommendation on the request to the Planning Commission. The written request shall include the reasons why the extension is being solicited.
 - ii. Upon the recommendation of the Planning Commission, the Township Board may extend the time period specified under subparagraph 3(A). If the extension is approved and if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph 3(D).

- D. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. After a public hearing and after determining that the applicant has failed to satisfy the approved conditions, the Planning Commission shall make a recommendation to the Township Board. The Planning Commission shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such. The Township Board shall then consider the rezoning of the land back to its former zoning classification.
- 4. Coordination and Performance Bonds.
 - A. Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the Planning Commission prior to final approval of the rezoning and offer of conditions:
 - i. A construction schedule.
 - ii. Costs and obligations.
 - iii. Responsible parties for obtaining permits.
 - iv. Proof in writing that applicable utility or regional agencies or reviewing bodies have reviewed and approved the final design of said public improvements.
 - 5. Notices and Hearing. Rezoning or zoning reversion of land shall require notice of public hearing in accordance with Section 16.04 hereof.

Section 16.07 - Fees and Applicant Escrow Accounts

- 1. Application Fees. The Locke Township Board may establish by resolution, fees for appeals, applications for amendments, special uses, site plan reviews, certificates of zoning compliance, variances, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Hall and may be altered only by resolution of the Township Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- 2. Escrow Accounts. If the Township determines that the basic fees provided under subsection (1) above will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.

3. These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 16.08 - Performance Guarantees

1. In the interest of ensuring compliance with the Zoning Ordinance provisions, protecting the health, safety, and welfare of the residents of the Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Zoning Administrator, Planning Commission, Zoning Board of Appeals or Township Board may require the applicant to deposit a performance guarantee with the Township as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.
 - A. Performance guarantees may also be required as a condition of approval for land uses that may be temporary in nature and where the reclamation or restoration of a site to an acceptable condition will be needed, such as mining operations, wind and/or solar energy systems, and similar uses.
 - B. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator in consultation with the Township Engineer, Attorney, or other consultants as deemed appropriate. All performance guarantees shall be subject to approval by the Township Zoning Administrator.
 - C. When a performance guarantee is required, said performance guarantee shall be deposited with the Township prior to the issuance of a zoning permit or any other approval by the Zoning Administrator for the development and use of the land.

- D. In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the subject property to complete the improvements at the cost of the applicant, in the event of default by the applicant.
- E. An approved site plan or project shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin on the date of the issuance of the zoning compliance permit.
- F. Upon the satisfactory completion of the improvement for which the performance guarantee was required, and as determined by the Zoning Administrator, the Township shall return to the applicant the performance guarantee deposited.
- G. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the township and prior to the issuance of a zoning compliance permit, the applicant shall enter into an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

Section 16.09 - Planning Commission

- 1. Creation. In accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, the Planning Commission is hereby established.
- 2. Membership.
 - A. The Planning Commission shall consist of five (5) members, or such other number determined by the Township Board and authorized by law.
 - B. The Planning Commission membership shall generally be representative of the Township population and of the major interests present in the Township.

- C. Members of the Planning Commission shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township.
 - D. One (1) member of the Township Board shall be a member of the Planning Commission.
 - E. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with an affirmative majority vote of the members of the Township Board.
 - F. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- 3. Conflicts of Interest. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so, provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
 - 4. Terms. The term of each member shall be 3 years, and until a successor is appointed and qualified, except that a Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding 3 years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
 - 5. Officers. The officers of the Commission shall be the chairperson, the vice-chairperson, and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting at the first meeting of the calendar year. The Commission may, by majority vote, establish other officers at its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
 - 6. Bylaws and Record keeping. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
 - 7. Meetings of the Planning Commission.
 - A. Regular meetings of the Commission shall be held once a month on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
 - B. The Commission shall hold at least 4 meetings each year.

- C. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act (PA 267 of 1967, as amended).
 - D. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.
8. Duties and Responsibilities. The Planning Commission shall be responsible for the following planning activities, among others:
- A. To prepare, consider and approve or recommend approval of the Township's Master Plan.
 - B. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.
 - C. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
 - D. To promote understanding of and interest in the Master Plan and this Ordinance.
 - E. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
 - F. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
 - G. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, PA 33 of 2008, as amended.
 - H. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
 - I. To carry out other duties and responsibilities provided by law.

Section 16.10 - Property Surveys

1. The Zoning Administrator or Building Official shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor for one (1) or more boundary or property lines of the lot or parcel involved (including providing a sealed survey drawing by such professional surveyor and with property boundaries staked by such professional) if the Zoning Administrator or Building Official determines that it is reasonably

necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met. The Zoning Administrator or Building Official may also require that the professional surveyor place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All surveying costs shall be paid by the applicant or property owner.

2. Property surveys shall be required prior to new construction of a principal residential building, and for a nonresidential building project for which a permit is required pursuant to this ordinance. Such surveys shall show the property boundaries and the location of all proposed improvements and existing structures on the subject property.
3. In performing the survey, the surveyor shall place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes
4. The Zoning Administrator may waive the requirement for a survey when it is apparent that a survey would not be necessary to determine compliance with this Ordinance.

Section 16.11 - Penalties

1. Penalties. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, or any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
2. Procedure. Any person, firm, corporation or entity that violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

The owner, if possible, and the occupant of any property upon which a violation has occurred, shall be notified in writing to correct the violation within fourteen (14) days after service of the notice upon such person. Such notice shall be served personally or by certified mail, return receipt requested. Additional time may be granted by the Zoning Administrator where good faith efforts to correct the violation are in progress.

3. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$50	\$500
2 nd Offense	\$100	\$500
3 rd Offense or More	\$300	\$500

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

4. Remedial Action. The Township Board, Township Supervisor or Enforcement Officer appointed by the Township Board may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 16.12 - Administrative Liability

No officer, agent, employee, Building Official, Zoning Administrator, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any Person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance

Section 16.13 - Severability

This Ordinance and each section, subsection, paragraph, subparagraph, or any provision thereof, shall be deemed to be severable. If any section, subsection, paragraph, subparagraph, or any other provision of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional for any reason, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in force and effect.

Section 16.14 - Repealer

The former Locke Township Zoning Ordinance (Ord. 3 of 2005), effective November 1, 2005, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township, in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed to the extent of such conflict.

Section 16.15 - Effective Date

This Ordinance was adopted at a regular meeting of the Locke Township Board on October 13, 2026, and is ordered to take effect upon the expiration of seven (7) days following publication of adoption in the Fowlerville News & Views, a newspaper having

general circulation in the Township, under the provisions of the Zoning Enabling Act, PA 110 of 2006, except as may be extended under the provisions of such Act.

Article 17 – Appendix

Section 17a – Zoning Ordinance Amendments

Section 17a.00 - Purpose

The purpose of this Article is to provide a concise list of amendments made to the Zoning Ordinance text or Zoning Ordinance Map. All future amendments to the Locke Township Zoning Ordinance will be listed here for reference.

Section 17a.01 – Zoning Text Amendments

Amendment Number	Adoption Date	Effective Date

Section 17a.02 – Zoning Map Amendments

Amendment Number	Adoption Date	Effective Date