

**NOTICE OF ADOPTION OF NEW ZONING ORDINANCE
MAPLE GROVE TOWNSHIP, SAGINAW COUNTY**

A comprehensive new zoning ordinance regulating the development and use of land has been adopted by the Township Board of Maple Grove Township of Saginaw County, Michigan, at a regular meeting held on July 19, 2021. This new ordinance establishes zoning districts and regulations governing the development and use of land within the zoning jurisdiction of Maple Grove Township in accordance with the provisions of the Michigan Zoning Enabling Act; furthers the goals and objectives set forth in the Master Plan adopted in accordance with the Michigan Planning Enabling Act; provides for regulations governing nonconforming uses and structures; provides for a Board of Appeals and for its powers and duties; provides for a Planning Commission and for its powers and duties; provides for permits, fees, penalties and other administrative provisions to enforce this Ordinance; provides regulations regarding conflicts with other ordinances or regulations; and provides for the repeal and replacement of the prior zoning ordinance.

This comprehensive new zoning ordinance shall become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, the ordinance will take effect in accordance with MCL 125.3402.

A copy of the new zoning ordinance text and the official township zoning map may be purchased or inspected during regular business hours or by appointment in the Township Clerk's office located in the Township Hall at 17010 Lincoln Road, New Lothrop, MI 48460.

Published by Order of the Township Board
Maple Grove Township, Saginaw, Michigan
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Published Date: July 24, 2021

MAPLE GROVE TOWNSHIP
SAGINAW COUNTY, MICHIGAN

ZONING ORDINANCE

MAPLE GROVE TOWNSHIP, SAGINAW COUNTY, MICHIGAN

ZONING ORDINANCE

PREAMBLE

An Ordinance to establish zoning districts and regulations governing the development and use of land within the zoning jurisdiction of Maple Grove Township in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for a Planning Commission and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; to provide regulations regarding conflicts with other ordinances or regulations; and to provide for the repeal of the prior zoning ordinance.

The Township of Maple Grove, Saginaw County, Michigan, hereby ordains:

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ARTICLE 1: PURPOSE, SCOPE, AND GENERAL EFFECT

SECTION 1.1 TITLE

This Ordinance is known as the “Maple Grove Township Zoning Ordinance,” and will be referred to internally as "this Ordinance.”

SECTION 1.2 INTENT AND PURPOSE

This Ordinance’s purpose is to:

- A. Promote the public health, safety, comfort, and general welfare of the inhabitants of Maple Grove Township by encouraging the use of lands and natural resources in accordance with their character, adaptability, and suitability for particular purposes;
- B. Enhance social and economic stability;
- C. Prevent excessive concentration of population;
- D. Reduce hazards due to flooding;
- E. Regulate the height and bulk of buildings, yards, courts, and open spaces;
- F. Conserve and stabilize the value of property;
- G. Provide adequate open space for light and air and to preserve the rural character of the community;
- H. Allow for a variety of residential housing types and commercial and industrial land uses;
- I. Manage congestion on the public and private streets and highways;
- J. Ensure adequate transportation, sewage and drainage, water supply and distribution, education, recreation and other public services and facilities;
- K. Ensure adequate food, fiber, energy, and natural resources for the Township’s citizens;
- L. Ensure appropriate locations and relationships for uses of land;
- M. Promote the use of funds for public facilities and services by establishing standards aligned with the goals, objectives, and policies contained in the Township’s Master Plan;
- N. Strive to balance property owner’s right to the peaceful use and enjoyment of his or her property with the rights of neighboring property owners to the peaceful use and enjoyment of theirs; and
- O. Provide for the administration and enforcement of such standards.

SECTION 1.3 SCOPE

- A. Whenever this Ordinance is more restrictive than a provision imposed by deed, easement, covenant, law, or regulation, the provisions of this Ordinance will govern. This Ordinance does not affect any existing easement, covenant, or other private agreement, nor does it amend, modify, or alter plat restrictions on properties within the Township.
- B. No person may engage in any activity, conduct, use or venture in the Township that is contrary to any state or local laws or regulations. Unless otherwise provided in this Ordinance, no building may be used for a purpose other than those permitted in the appropriate zoning district. Any building, use, or lot that was unlawful on the date this Ordinance was adopted remains unlawful unless expressly permitted by this Ordinance.
- C. No setback area or lot existing at the time this Ordinance is adopted may be reduced below the minimum requirements set forth herein. Yards, lots, or setback areas created after the effective date of this Ordinance must meet at least the minimum requirements established by this Ordinance.
- D. Unless otherwise provided in this Ordinance, any conditions attached to a lot due to the operation of this Ordinance will remain in effect even if that lot changes ownership.
- E. The regulations of this Ordinance are designed to be the minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 1.4 AUTHORITY

This Ordinance is authorized by the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*, as amended.

SECTION 1.5 SEVERABILITY

If a court of competent jurisdiction determines any part of this Ordinance to be unconstitutional or invalid, the determination shall only affect the specific portion found to be unconstitutional or invalid and shall not affect the validity of the Ordinance as a whole.

SECTION 1.6 VESTED RIGHT

Nothing in this Ordinance should be construed as granting any entity a vested right, privilege, or permit in the continuation of any particular use, district, or zoning classification.

SECTION 1.7 REPEALER

- A. All prior ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

- B. The Township Board adopted this Ordinance at a meeting of the Maple Grove Township Board on _____, 2020 and it will take effect on the earliest date permitted by the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*

ARTICLE 2: DEFINITIONS AND RULES OF CONSTRUCTION

SECTION 2.1 RULES OF CONSTRUCTION

This Ordinance applies the following rules of construction:

- A. Headings are included only for clarity and are not to be considered when interpreting this Ordinance. Headings do not enlarge or restrict any portion of this Ordinance's terms or provisions.
- B. The illustrations contained within this Ordinance are hypothetical applications of its provisions, and do not enlarge or restrict this Ordinance in any way. If a conflict exists between an illustration and the text of this Ordinance, the text will govern.
- C. Unless inconsistent with the context where they appear, words used in the present tense include the future tense; words in the singular include the plural; and words in the plural include the singular.
- D. The words "shall", "will", and "must" are always mandatory and not discretionary. The word "may" is permissive.
- E. The words "building" or "structure" are used interchangeably and include any part thereof unless specifically excluded.
- F. The word "person" includes a natural person, firm, association, partnership, joint venture, corporation, trust, municipal or public entity, equivalent entity, or any combination thereof.
- G. The words "used" and "occupied," includes the phrases "intended to be," "arranged to be" or "designed to be" used or occupied when referring to any land, building, or structure.
- H. The word "erected" or "erection," includes the words "built," "constructed," "reconstructed" and "moved upon" when referring to a building or structure. These terms also include any physical operation or work affecting the land on which the building or structure is to be erected, such as excavation, filling, drainage or similar activities.
- I. The word "lot" includes the words "plot" "tract," or "parcel."
- J. The word "dwelling" includes the word "residence."
- K. The particular controls the general.
- L. Terms not defined by this Ordinance have their common meanings. A dictionary may be consulted when interpreting the meaning of such a term.
- M. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference will include any successor agency, department, law or rule.

- N. "Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules as incorporated herein.
- O. Unless context demands otherwise, the words "and," "or," "either...or, are interpreted as follows:
- P. "And" indicates that all the connected items will apply.
- Q. "Or" indicates the connected items may apply singularly or in any combination.
- R. "Either...or" indicates that the connected items, apply singularly, but not in combination.
- S. The "Township" is Maple Grove Township, Saginaw County, Michigan; the "Township Board," "Board of Appeals" and "Planning Commission" are the Township Board, Zoning Board of Appeals, and Planning Commission of Maple Grove Township, respectively.
- T. Whenever a period of time is specified by this Ordinance, the day on which the act, event, or default occurs will not be counted. The last day of that period will be included unless that day falls on a weekend or legal holiday, in which case the last day of the period will be the next business day. Legal holidays include the following:
- New Year's Day
 - Martin Luther King, Jr. Day
 - Presidents' Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Veterans' Day
 - Thanksgiving Day
 - Christmas Day

SECTION 2.2 DEFINITIONS

The following terms and words are defined as follows:

ABANDONED. The relinquishment of land or cessation of a use of the land by the owner or lessee without any intention of transferring rights to the land or of resuming that use of the land or building.

ABUT, ABUTTING. Having a common border with, or being separated from such a common border by, a right-of-way, service drive, or easement.

ACCESS DRIVE. An easement or right-of-way that provides motor vehicles access to one or more lots, parcels, or condominium sites.

ACCESSORY BUILDING. Any building on the same lot or adjoining lots with a main building, that is subordinate to the main building and whose use is customary and incidental to the main building's principal use.

ACCESSORY USE. See **USE**.

ADULT BUSINESS. An adult business includes the following:

- A. **Adult Bookstore:** An establishment having, as a substantial portion of its stock in trade, books, magazines and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult mini motion picture theatre:** An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein.
- C. **Adult motion picture theatre:** An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons herein.
- D. **Adult smoking or sexual paraphernalia store:** An establishment having, as a substantial portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marihuana, narcotics, or other stimulating or hallucinogenic drugs, or related substances.

- E. **Specified sexual activities:** Acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touch of human genitals, pubic regions, buttocks or female breasts, and/or human genitals in a state of sexual stimulation or arousal.
- F. **Specified anatomical areas:** Less than completely and opaquely covered human genitals, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

AGRICULTURE. The act or business of cultivating or using land for the commercial production of farm products including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, and trees.

AIRPORT. A place where aircraft can land and take off that is usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

ALLEY. A minor right-of-way that is dedicated to public use, and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, but is not intended for general traffic circulation.

ALTERNATIVE TOWER STRUCTURE. Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), wireless telecommunications signals or other communication signals.

APARTMENT. A room or suite of rooms, including bath and kitchen facilities, in a multiple family dwelling intended and designed for use as a residence by a single family.

ASSEMBLY HALL. A building or large room used for ballrooms, banquet halls, weddings, parties, receptions, or other events.

AUTOMOBILE. Any motorized vehicle designed for travel upon the roadway, including, but not limited to, cars, light trucks, vans, mopeds, all-terrain vehicles, and motorcycles.

AUTOMOBILE CAR WASH. An establishment being house in a building or portion thereof together with the necessary mechanical equipment use for washing automobiles and using production line methods.

AUTOMOBILE REPAIR FACILITY. An establishment where the following services may be carried out: general repair of automobiles, including, but not limited to: engine rebuilding; transmission repair; oil changes; collision services such as body, frame, or fender straightening and repair; painting; glass work; upholstery; muffler repair or replacement; tire repair or replacement; and similar activities.

AUTOMOBILE SERVICE STATION. Any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, or the minor servicing or repair of automobiles such as engine tune-ups, lubrication, details, washes or routine maintenance and minor repair, but not including services such as engine overhauls, automobile painting, transmission repair, or other typical body-shop activities or any service which requires overnight storage. An automobile service station may include incidental uses such as convenience stores and fast-food restaurants.

BACKHAUL NETWORK. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long-distance providers, or the public switched telephone network.

BANK. See "Financial Business".

BAR. A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

BASE AREA. The area, which is the length multiplied by the width, in square feet as of the effective date of this Ordinance.

BASEMENT. That portion of a building that is partly underground and that has most of its floor-to-ceiling height below grade. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be deemed a first story.

BED AND BREAKFAST. A use which is subordinate to the principal use of a dwelling as a single-family dwelling unit where transient guests stay overnight for no longer than fourteen (14) consecutive days and are provided a sleeping room and a breakfast in return for payment.

BERM. A mound of earth graded, shaped and improved with landscaping in such a fashion to be used for visual and/or audible screening purposes.

BUFFER AREA. A strip of land with landscaping, berms, or walls, singularly or in combination, designed to limit the impact to less-intensive neighboring uses from the noise, light, traffic, clutter, and litter associated with a particular land use.

BILLBOARD. See **SIGN.**

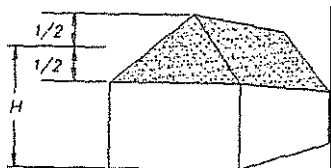
BUILDING. A structure covered by a roof and enclosed by exterior walls built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind, including temporary structures.

BUILDING FRONT LINE. The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

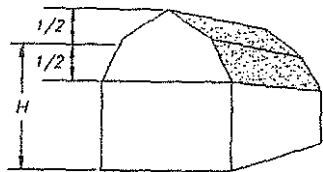
BUILDING HEIGHT. The vertical distance from the average grade to the highest point of the coping of a flat roof; the deck line of a mansard roof; the highest point of the highest gable of a pitch or hip roof; or the lowest point and highest point on a shed roof but not including vents, mechanical equipment, chimneys, or other such incidental appurtenances.



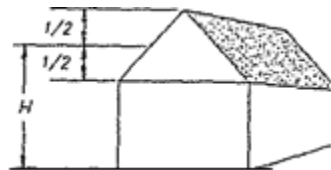
H
Mansard Roof



Hip Roof



Gambrel Roof



Gable Roof



Flat/Shed Roof.

BUILDING LINE. A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.

BUILDING PERMIT. The building inspection's written authority for the construction, removal, moving, alteration, or use of a building found to be in conformity with the provisions of the building code.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which it is located.

BUILDING SITE. A single parcel that provides the area and the open space required by this Ordinance for the construction of a building, not including all vehicular and pedestrian rights-of-way or any other easement that prohibits the surface use of the property by the owner thereof.

CALIPER. The diameter of a tree trunk measured at a height six (6) inches above the existing grade.

CAMPING. Five or fewer tents, travel trailers, or recreational vehicles, located on a single property, for use as a temporary dwelling for a period not exceeding thirty (30) days in one year.

CAMPGROUND. The use of a property for six (6) or more tents, cabins, travel trailers, or recreational vehicles, located on a single property, for use as a temporary dwelling for a period not exceeding fourteen (14) continuous days.

CARPORT. A structure that is open on a minimum of two sides and is designed or used to shelter not more than three vehicles, and which does not exceed twenty-four feet at its longest dimension.

CEMETERY. Land used for the burial of deceased humans or customary household pets, including crematoriums, mausoleums, columbaria, and mortuaries.

CERTIFICATE OF OCCUPANCY. A certificate issued by the building inspector, indicating conformity with the applicable building code and which authorizes legal occupation of the premises for which it is issued.

CHURCH. A building where persons assemble for religious observance or expression and that is maintained and controlled by a religious body or organization, together with permitted accessory buildings and accessory uses.

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

CLUB. Fraternal and fellowship organizations, charitable service organizations, or the like, operating on a non-profit and members-only basis not open to the general public. Clubs do not include entertainment establishments such as a nightclubs or similar facilities.

CO-LOCATION, TOWER. Location by two or more telecommunication providers of facilities on a common structure, tower, or building, to reduce the overall number of structures required to support telecommunication antennas within the Township.

COMMERCIAL MEDICAL MARIHUANA FACILITY. Any one of the following:

- A. “Provisioning Center,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
- B. “Processor,” as that term is defined in the MMFLA;
- C. “Secure Transporter,” as that term in the MMFLA;
- D. “Grower,” as that term is defined in the MMFLA; or
- E. “Safety Compliance Facility,” as that term is defined in the MMFLA.

COMMERCIAL STABLE. A land use where equine are bred, reared, trained, and/or boarded for payment.

CONDOMINIUM UNIT. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential office, industrial, business, recreational, use as a time-share unit, or any other type of use.

CONSERVATION AREA. A private or public area set aside for the protection of wildlife, or the preservation of natural resources, including, but not limited to, nature preserves. The purposeful storing of wild animals for hunting is not permitted in conservation areas.

CONTRACTOR’S ESTABLISHMENT. A business providing a service including, but not limited to, the performance of work or the provision of construction services substantially similar to the following: paving and seal coating; remodeling; caulking; chimney construction and

repair; concrete work; carpentry; demolition; dry wall repair; electrical; excavating; fire and water restoration; foundation construction or repair; garage construction; gazebo construction; geothermal heating and cooling; grading; heating and ventilation; home improvements; kitchen remodeling; landscaping; masonry; mud jacking; painting; patio and deck construction; paving; pest control; pile driving; plastering; plumbing; road construction; roofing; septic or sewer services; siding installation; stucco and exterior coating; telecommunications installation; tile installation; tree removal; landscape design; snow removal; lawn maintenance; and plumbing services.

DAY CARE FACILITIES. The following definitions shall apply in the application of this Ordinance:

- A. DAY-CARE CENTER.** A facility, other than a private residence, registered or licensed under Child Care Organization (PA 116 of 1973, MCL 722.11 et seq., as amended), receiving more than one or more individuals for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the individual.
- B. FAMILY CHILD CARE HOME.** A private home, registered or licensed under Child Care Organization (PA 116 of 1973, MCL 722.11 et seq., as amended), in which one but more than six individuals are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting individuals related to an adult member of the family. It includes a home that gives care to an unrelated individual for more than four weeks in a calendar year.
- C. GROUP CHILD CARE HOME.** A private residence, registered or licensed under Child Care Organizations (PA 116 of 1973, MCL 722.11 et seq., as amended), in which seven but not more than twelve individuals are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting individuals related to an adult member of the family. It includes a home that gives care to an unrelated individual for more than four weeks in a calendar year.

DECK. A floored structure, connected to a dwelling and raised above grade, typically consisting of footings, posts, and steps which may or may not include a railing.

DENSITY. The number of dwelling units situated on, or proposed to be situated on, an acre of land, excluding any area devoted to public rights-of-way or easements.

DEPTH. For the purposes of interpreting the Dimensions Table, depth is the distance from a property line to a structure

DETENTION AREA. A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate.

DISTRICT. A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply.

DRIVEWAY. That portion of a lot upon which or through which vehicles travel from a road or approved alley to a dwelling or other improvement located on a lot or parcel.

DRIVE-THROUGH BUSINESS. A retail or service establishment, including restaurants, that is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in their vehicles.

DWELLING. Any structure erected on property designed or used for permanent residential purposes.

DWELLING, MULTIPLE-FAMILY. A structure containing three (3) or more single dwelling units under one common roof.

DWELLING, SINGLE-FAMILY. A dwelling used primarily as a residence by one family for permanent occupancy.

DWELLING, TWO-FAMILY (DUPLEX). A structure containing two separate dwelling units, designed for residential use by no more than two (2) families and connected by either a common wall or an attached private garage area.

DWELLING UNIT. A structure, or part of a structure, providing complete living facilities, including provisions for sleeping, cooking, eating, and sanitation, and which is designed for a dwelling to be used by no more than one family.

ESSENTIAL SERVICE. The erection, construction, alteration, or maintenance by public utilities, municipal departments, or other public or private agencies of underground, surface or overhead emergency lines, gas, fuel, electrical, communication, steam or water transmission, or distribution, collection, supply or disposal pipelines of the same. Essential services includes any facilities incidental to the aforementioned activities, including, but not limited to: poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police and other call boxes, traffic signals, hydrants, electric sub-stations, gas regulator stations, fire, police and EMS stations, but not offices, buildings, or yards used by the entity providing the essential service. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennae are not essential services under this Ordinance.

EVENT BARN. A use of accessory agricultural structures, including barns, for organized meeting space for uses including weddings, birthday parties, corporate picnics, and other such events.

EVENT BARN SPONSOR. The renter of an Event Barn, or the person(s) or entity responsible for hosting, operating, facilitating, organizing or supervising an event taking place primarily within an Event Barn.

FAA. Federal Aviation Administration.

FAMILY. An individual, or group of two (2) or more persons related by blood, marriage, adoption, or guardianship living together as a single household. A family is also defined as not more than six (6) persons living together as a single household who are not related by blood, marriage, adoption, or guardianship.

FARM. The land, plants, animals, structures, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FCC. Federal Communications Commission.

FENCE. An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element, but not including a barrier made of vegetation.

FINANCIAL BUSINESS. Any institution managing funds on deposit for its customers and/or lending funds to borrowers. This includes, but is not limited to, banks, savings and loan institutions, credit unions, stock and bond brokerages, and insurance agencies.

FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

FLEA MARKET. A shop or open market doing periodic sales in antiques, used household goods, curios, and the like.

FLOOD HAZARD AREA. The relatively flat areas or lowlands adjoining a river, stream, water course, or lake that are inundated by a flood discharge that results from a one hundred (100) year storm frequency of twenty-four (24) hour duration, including the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

FLOODPLAIN. For a given flood event, that area of land adjoining a continuous watercourse that has been covered temporarily by water.

FLOOR AREA, GROSS. The sum of the gross horizontal floor areas of all stories of a building as measured to the exterior face of the exterior walls. Floor area does not include cellars, basements, attached private garages, attics, unheated breezeways, or porches except where they are utilized for commercial purposes.

FLOOR AREA, USABLE. All ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers, but not including floor area used or intended to be used principally for the storage or processing of merchandise, or for utilities.

FOOTPRINT. The ground area within the exterior foundation walls of a structure, excluding any detached accessory buildings and any unenclosed or un-walled portions of a building or structure, such as decks or balconies.

FRONTAGE. The continuous length along which a parcel of land fronts on a road or street, measured along the line where the property abuts the street or road right-of-way. For the purpose of meeting minimum frontage requirements on a street cul-de-sac, or for other odd-shaped lots, the lot width may be measured at the minimum setback or principal building line. In the case of waterfront lots, the term frontage also applies to the total continuous length of the rear lot line.

FUNERAL HOME. A building, or part thereof, used for funeral services such as *(i)* embalming and the performance of services used in preparation of the dead for burial; *(ii)* the performance of autopsies and other surgical procedures; *(iii)* the storage of caskets, funeral urns and other related funeral supplies; and *(iv)* the storage of funeral vehicles, but not including facilities for cremation. Where a funeral home is permitted, a funeral chapel is also permitted.

GARAGE, PRIVATE. An accessory structure used for the storage of vehicles and for other incidental storage.

GARAGE, PUBLIC. A structure, whether standalone or accessory, operated commercially, which allows the public or a subset of the public to temporarily park vehicles.

GOLF COURSE. A tract of land used for playing golf, including any buildings and structures incidental and subordinate to that use, but not including standalone driving ranges or miniature golf courses.

GOVERNMENT FACILITY. Uses, structures, and services associated with governmental activities or services such as administrative buildings and offices, fire stations, and police stations.

GRADE. The average level of natural or finished ground on a particular parcel.

GROUND COVER. Low-growing plants, including grasses, that form a dense, extensive growth after one (1) complete growing season and which tend to prevent weed growth and soil erosion.

GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit, or such other instrument acceptable to the Township.

HAZARDOUS MATERIALS. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental to the health of any person coming into contact with them.

HEIGHT, TOWER. The distance measured from the finished grade of a parcel to the highest point on the tower or other structure, including the base pad and any antenna.

HIGH IMPACT LIVESTOCK OR POULTRY RAISING. Any farm with a sufficient number of animals on the premises to equal or exceed a total of twenty (20) “Animal Units”, as defined below. It is characterized by the confinement of livestock or poultry where the confinement area accumulates manure that must be removed, or where a sustained ground cover (crops, vegetations, forage growth or post-harvest residue) cannot be maintained over the normal growing season through the area where the animals are confined.

ANIMAL UNITS. A measure of the relative volume of waste material produced by various types of animals. The Michigan Department of Natural Resources has defined the following standards to be equal to twenty (20) animal units: twenty (20) slaughter or feed cattle, fourteen (14) mature dairy cattle (whether milked or dry), fifty (50) swine each weighing fifty-five (55) or more pounds, ten (10) horses), two hundred (200) sheep or lambs, one thousand one hundred (1100) turkeys, two thousand (2000) laying hens or broilers in a facility having a continuous overflow watering system, six hundred (600) ducks or geese. The Department of Natural Resources shall be contacted for standards regarding any species or waste collection techniques not listed here. After such information is obtained, the Board of Appeals shall make a determination regarding Animal Unit equivalencies for that species.

HOME-BASED BUSINESS. A business carried on by an occupant on the same property on which the occupant lives, including manufacturing, services, sales of goods and services made or provided on the premises. The use is intended to allow residents to conduct economic activities on their property at a scale greater than a home occupation but less than a full-scale commercial or industrial enterprise.

HOME IMPROVEMENT CENTER. A commercial retail facility for the sale of building materials, tools, and hardware customarily used in the construction of structures, including facilities for the storage of materials.

HOME OCCUPATION. An occupation or profession, including instruction in a craft or fine art, carried on by an occupant of a dwelling unit, within that structure only, as a secondary use which is clearly ancillary to the use of the dwelling for residential purposes.

HORTICULTURE. Plant agriculture dealing with garden crops, generally fruits, vegetables, flowers, and ornamental plants.

HOSPITAL. An institution providing health service and medical or surgical care of the sick or injured, primarily for inpatients. The term also includes related institutional facilities, such as laboratories, adjoining out-patient departments, training facilities, central service facilities and staff offices.

INCARCERATION FACILITY. Any jail, prison, holding facility, work camp or detention center of any kind.

INCINERATOR. An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

JUNK. Any vehicle, machinery, appliance, product, scrap metal, or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage or any other trash, rubbish, or refuse, whether or not the same could be put to any use. Junk includes any inoperable or abandoned vehicle that is not currently licensed for use upon the highways of the State of Michigan and shall also include, whether so licensed or not, any motor vehicle that is inoperative for any reason and that is not in a completely enclosed building.

JUNK YARD. Any parcel of land where junk, waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including any premises upon which two (2) or more unlicensed or inoperable vehicle are kept or stored for a period of thirty (30) days or more.

KENNEL. Any parcel on which two (2) or more dogs, cats or other domestic animals over four (4) months old are either permanently or temporarily kept for sale, boarding, breeding or training, whether or not for a fee. The keeping of two (2) or more dogs, cats or other domestic animals, whether or not for a fee, shall constitute a kennel.

LANDSCAPING. The treatment of the ground surface with live plant materials such as grass, ground cover, trees, shrubs, and vines, or decorative natural materials such as wood chips, rocks, boulders, or mulch. Structural features such as fountains, pools, statues, and benches are also considered a part of landscaping if provided in combination with live plant material.

LAUNDROMAT. A commercial retail facility where patrons wash, dry, and/or dry-clean clothing in machines that are operated by the patron. Laundromats also include similar facilities where fabrics are accepted from patrons for future, off-site cleaning, with limited, if any, actual cleaning of those garments occurs.

LOADING SPACE. An off-street space at least (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

LOT. A continuous piece of land under uniform ownership which is occupied or intended for occupancy by a principal building or use and any accessory structures or uses thereto. Every parcel shall abut upon and have permanent access to a public street.

LOT AREA. The total area included within a property's lot lines, excluding any portion within the public right-of-way.

LOT COVERAGE. The percentage of a lot that is covered by structures, including porches, decks, arbors, breezeways, patio-roofs and accessory buildings, but not fences, walls, or hedges.

LOT, CORNER. Any lot having frontage on two intersecting streets or upon two portions of a turning street forming an interior angle of less than 135°.

LOT DEPTH. The average of the shortest and longest distances from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE. Any lot other than a corner lot having frontage on two roughly parallel streets.

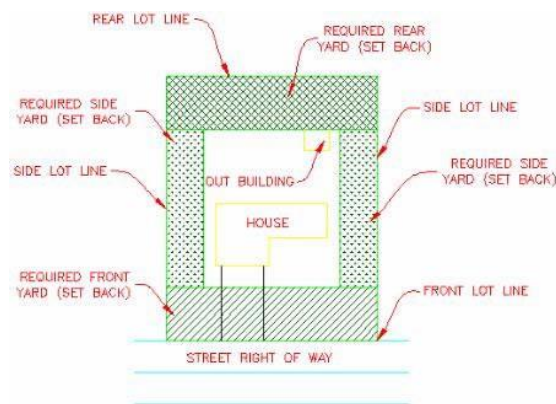
LOT LINE. The line that separates the lot, parcel, or general common element from another lot, parcel, general common element, existing street right-of-way, approved private road easement, or the ordinary high-water mark.

LOT LINE, FRONT. In the case of an interior lot, a line separating a lot or parcel from a street right-of-way (Refer to Figure 1). In the case of a corner lot, a line separating the narrowest street frontage of a lot from the street.

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line. In the case of an irregular- or triangular-shaped lot, a line at least 10 feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (refer to Figure 1). In the case of a lake or canal lot, the ordinary high-water mark.

LOT LINE, SIDE. Any lot line not a front or rear lot line (refer to Figure 1).

Figure 1: Lot Lines and Minimum Required Yards



LOT LINE, STREET. The lot line that divides a lot from the outside edge of the right-of-way.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County officials, and which actually exists as shown thereon.

LOT WIDTH. The average horizontal distance measured between side lot lines parallel to the front lot line.

LOW IMPACT LIVESTOCK OR POULTRY RAISING. Any farm with a sufficient number of animals on the premises that is less than a total of twenty (20) “Animal Units”, as defined in the above definition of “High Impact Livestock or Poultry Raising”. It is characterized by the confinement of livestock or poultry where the confinement area accumulates manure that must be removed, or where a sustained ground cover (crops, vegetations, forage growth or post-harvest residue) cannot be maintained over the normal growing season through the area where the animals are confined.

MARIHUANA. That term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

MANUFACTURING HOUSING COMMUNITY. Any site, lot, field, or tract approved by special use permit for use by three (3) or more mobile homes, including any building, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park licensed and regulated by the Michigan Mobile Home Commission.

MANUFACTURING, HEAVY. A land use used to produce and assemble goods from raw materials using a variety of industrial processes such as the use of chemicals, heat, and heavy machinery. Examples of heavy manufacturing include, but are not limited to, tool and die manufacturing facilities, plastic molding facilities, and machinery manufacturing facilities.

MANUFACTURING, LIGHT. A land use associated with the production and assembly of goods from primarily finished materials using limited industrial processes such as the use of chemicals, heat, and heavy machinery. Examples of light manufacturing include, but are not limited to, jewelry assembly, bottling, dry-cleaning chemical processes, and the packaging of agricultural products.

MASTER PLAN. The Maple Grove Township Master Plan adopted pursuant to the Michigan Zoning Enabling Act or the Michigan Planning Enabling Act.

MASTER DEED. The condominium document recording a condominium project, including any exhibits or attachments such as bylaws, subdivision plans, and any other requirements of the Michigan Condominium Act, as amended, MCL 559.101 *et seq.*

MEDICAL MARIHUANA. That term as defined in MCL 333.26423.

MARIHUANA ESTABLISHMENT. Any one of the following establishments as they are defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Act 1 of 2018 (“MRTMA”):

- A. Marihuana Retailer
- B. Marihuana Microbusiness
- C. Marihuana Processor
- D. Marihuana Secure Transporter
- E. Marihuana Grower
- F. Marihuana Safety Compliance Facility.

MINING AND EXTRACTION OPERATIONS. Any excavation operation for the purpose of searching for, removing, or processing peat, gravel, sand, clay, earth, or other soils, or marble, stone, slate, or other non-metallic mineral in excess of one thousand (1,000) cubic yards in any calendar year, including the overburdening, storage or transporting of such items on a mining and extraction site, or the reclamation of the site after removal or excavation of such items, but not including an oil or gas well. The following activities are not mining and extraction operations and are exempt from the special use permit requirements of this Ordinance:

- A. Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- B. Excavation that by its nature is of limited scope and duration and that is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, access way construction, septic tanks, swimming pools, graves, etc.
- C. Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural management practices.

MOBILE HOME (MANUFACTURED HOME). A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes plumbing, HVAC, and the electrical system in the structure. "Mobile home" does not include a recreational vehicle or motor home not designed for permanent installation on a structural foundation.

MOBILE HOME PARK. Any site, lot, field, or tract regulated by the Michigan Mobile Home Commission and approved for use by two or more mobile homes, including any buildings, vehicle, or enclosure used or intended for use as part of the equipment of the mobile home park.

MOTEL. A building, or part of a building, consisting of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet, or dwelling units, used for the commercial accommodation of transients for compensation, with either a common entrance or separate entrances for individual units. The term shall include any building or building groups designated as a hotel or resort, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

NATIVE VEGETATION, TREES, OR LANDSCAPE. Plant species that are native to Michigan and characteristic of the pre-settlement landscape.

NONCONFORMING BUILDING. A building, or portion thereof, lawfully existing at the time this Ordinance or amendments become effective, which does not conform to the requirements of this Ordinance.

NONCONFORMING USE. See “Use.”

NUISANCE. An offensive, annoying, unpleasant, or obnoxious thing or practice, especially a continuing or repeated invasion of any physical characteristics of an activity across a property line that affects a reasonable person of normal sensitivities. Nuisances include, but are not limited to, the generation of an excessive or concentrated movement of people, noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, or the invasion of street frontage by traffic generated from an adjacent land use that lacks sufficient parking and circulation facilities.

NURSERY. A commercial sales establishment for the growth, display, and sale of plants, shrubs, trees, or other materials used in indoor or outdoor planting and landscaping.

NURSING HOME. A structure for the care of the aged or infirm, or a place of rest for those suffering bodily disorders who require continuous nursing care and supervision, and which typically provide support services such as meals, laundry, housekeeping, transportation, and social and recreational activities.

OPEN AIR BUSINESS. A business that involves the display and sale of goods, products and objects outside of a building, including the display and sales of motor vehicles, bicycles, trailers, swimming pools, snowmobiles and boats; rental equipment and services; mobile homes; flea markets, lawn furniture, playground equipment, and other home garden supplies and equipment, cemetery monuments, and similar items.

OPEN SPACE. That part of a lot that is open and unobstructed by any build features and is accessible to all residents of the lot. This area is intended to provide light and air, and is designed for environmental, scenic, agricultural, or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands, and water courses. Open space shall not be deemed to include required setbacks for lots, storm water retention and detention areas, driveways, parking lots or other surfaces designed or intended for vehicular travel except for buildings and access routes to support the uses described above.

OFF-STREET PARKING LOT. A facility providing vehicle parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for ingress and egress associated with the temporary parking of vehicles.

ORDINARY HIGH-WATER MARK. The line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law it means the highest established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, levee, or other water controlling device, this shall be the natural ordinary high-water mark.

OUTDOOR RECREATION ESTABLISHMENT. A facility designed and equipped for sports, amusement or leisure time activities conducted outside of an enclosed building such as tennis courts, archery ranges, and children's amusement parks.

OUTDOOR STORAGE. The continuous keeping, displaying, or storing of any goods, materials, merchandise, or equipment on a lot for more than a twenty-four (24) hour period.

PARCEL. See Lot.

PARK. Outdoor recreation areas where individuals and families gather for outdoor eating, socialization, and recreation. Park does not include any type of commercial development and/or any permanent artificially created thrill or amusement rides.

PARKING SPACE. An area of definite width and length designated for parking a single motor vehicle.

PERSON. A natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.

PERSONAL SERVICE ESTABLISHMENTS. Commercial establishments primarily engaged in providing services involving the care of persons or their apparel, such as cosmetics shops, dressmaking, shoe sales and repair, tailoring, and repair of small appliances, watches or jewelry.

PLANNED UNIT DEVELOPMENT (PUD). A form of land development comprehensively planned via a unitary site plan that permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of residential and nonresidential uses.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and has not expired.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.

PRIMARY CAREGIVER. A person qualified under MCL 333.26423(g) to assist with a patient's medical use of marihuana.

PRIMARY CAREGIVER OPERATION. A location where a primary caregiver can lawfully operate as permitted by the Michigan Medical Marihuana Act and this Ordinance.

PROFESSIONAL OFFICE. Rooms or buildings used for the provision of professional, executive, management, or administrative purposes, including by members of a recognized professions, such as, lawyers, accountants, engineers, and architects, but not including clinics.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, telephone, transportation, water service, or sewer service.

QUALIFYING PATIENT. A "registered qualifying patient" or a "visiting qualifying patient" as those terms are defined by MCL 333.26421, et seq.

RECREATIONAL VEHICLE. A vehicle intended and designed primarily for recreational use, such as a motor home, camper trailer, boat, snowmobile, off-road or all-terrain vehicle, or similar vehicle or trailer. The term "recreational vehicle" shall not include a motorcycle or motorbike or other similar means of transportation intended primarily for daily on-street use.

RESTAURANT. An establishment where the principal business is the sale of foods, desserts, and/or non-alcoholic beverages to customers in ready-to-consume states, and where the design or principal method of operation includes at least one (1) of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or
- B. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

RETAIL STORE. Any building or structure which sells goods, wares, or merchandise to consumers for direct consumption and not for resale. Typical retail stores sell goods, apparel, accessories, furniture, home furnishing, small wares, small appliances, hardware, and/or food, either in isolation or combination.

RIGHT-OF-WAY. A street, service drive, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. A right-of-way is delineated by legally established lines or boundaries.

ROAD. A public right-of-way dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. The term “road” also includes the term “street.”

ROADSIDE STAND. A “roadside stand” is a structure for the display of agriculture products, with no space for customers within the structure itself.

SAWMILL. A structure used to manipulate wood using saws and other processes to create consumer wood products such as lumber.

SCREEN. A structure providing an enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.

SEASONAL. A recurring activity or use, temporary in nature and in existence for no more than six (6) months of any particular calendar year, directly related to the time period in which it recurs.

SETBACK. The minimum distance between the designated lot line and the principal and accessory buildings. A setback does not contain buildings, but may contain fences, trees, shrubs, and subterranean installments such as sewers, septic tanks, and drain fields.

SHOPPING CENTER. A group of separate commercial retail and service establishments, generally planned, constructed, and managed by a single entity, which provides customers and employees with a variety of goods and services in a single location, along with on-site parking, delivery and loading areas separated from customer access, and an aesthetically uniform design.

SHOOTING RANGE. Any land use that is designed to facilitate the regular discharge of potentially dangerous projectiles by either apparatus or hand. Conduct encompassed under this definition includes, but is not limited to, discharging a firearm or air rifle, using a bow and arrow, crossbow, or slingshot, and similar activities. Shooting ranges include land uses commonly referred to as “hunt clubs” where members hunt various wildlife maintained on the land use.

SIDEWALK. A facility intended to provide the safe movement of pedestrians along rights-of-way or between buildings.

SIGN. Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a “public area”). Signs do not include cemetery markers, vending machines, mailboxes, seasonal decorations, or a building's permanent architectural feature. Specific signs are defined as follows:

- A. **Animated Sign.** Any sign that uses movement or change of lighting to depict or create a special effect or scene, or by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
- B. **Billboard.** Meaning any free-standing sign on a parcel of land which does not include another principal structure. Such sign shall be established as a principal use.
- C. **Externally Illuminated Sign.** A sign which is illuminated externally from an external light source intentionally directed upon it.
- D. **Flag.** A sign consisting of a piece of cloth, fabric or other non-rigid material that is attached to a bracket or pole.
- E. **Freestanding Sign.** A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.
- F. **Internally Illuminated Sign.** A sign which has the source of light not visible to the eye and entirely enclosed within the sign.
- G. **Roof Sign.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- H. **Temporary Sign.** A sign intended for a use not permanent in nature.
- I. **Wall Sign.** A sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.
- J. **Window Sign.** Any sign that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window.

SITE CONDOMINIUM PROJECTS. Land developments constructed in accordance with the Condominium Act (Public Act 59 of 1978), as amended, MCL 559.101 *et seq.*

SITE PLAN. The documents, drawings, and related materials required by this Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three (3) horses are boarded.

STATE-LICENSED RESIDENTIAL FACILITY. A structure that is constructed for residential purposes that is licensed pursuant to Public Act 218 of 1979, MCL 400.701 et seq. or Public Act 116 of 1973, MCL 722.111 et seq. which provides resident services for six (6) or fewer persons.

STORAGE UNITS. A building or group of buildings in a controlled access or fenced area that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's personal or household goods that are generally not used on a daily basis, along with any individual portable unit designed for the same.

STORY. That portion of a building included between the surface of any floor and surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it, excluding any mezzanine, balcony, basement, or attic.

STREET. See ROAD.

STRUCTURE. Anything constructed, assembled or erected, the use of which is intended to be permanent or lasting and requires location on the ground or attachment to something having a location on or in the ground. A structure does not include wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

TAVERN. Any place where alcoholic beverages are sold for consumption on the premises.

THOROUGHFARE, MAJOR. An arterial street which is intended to serve as a large-volume right-of-way for both the immediate Township area and the region beyond and may be designated as State highway or county primary road.

THOROUGHFARE, SECONDARY. An arterial street which is intended to serve as a right-of-way serving primarily the immediate Township area and serving to connect with major thoroughfares, including county local roads.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

TRUCKING TERMINAL. A facility for the parking, refueling, and repair of semi-trucks, whether with or without accessory facilities for the sale of food and other retail items, restaurants, or the loading, unloading, or temporary storage of cargo on a regular basis.

UNDEVELOPED STATE. Undeveloped state shall have the same meaning as specified in Act 177 (PA 201); that is, a natural state preserving natural resources, natural features, or scenic or wooded condition: 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. The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied. The following types of uses are recognized in Maple Grove Township:

- A. **Permitted Use.** A use specified in a zoning district that is allowed by right.
- B. **Special Use.** A use specified in a zoning district only allowed following issuance of a special use permit.
- C. **Accessory Use.** A use not specified in a zoning district that is incidental to, customarily found in conjunction with, subordinate to, and located on the same zoning lot as the principal use to which it is exclusively related.
- D. **Principal Use.** The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.
- E. **Nonconforming Use.** A use, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. A nonconforming use may also be defined as provided by relevant law.

VARIANCE. Written authority of the Zoning Board of Appeals that permits the departure from the literal requirements relating to the dimensional requirements of this Ordinance, such as setbacks, building height, lot width, and/or lot area.

VEHICLE. Any device in, upon, or by which any person or property is or may be transported or moved upon any street, highway, trail, or waterway, excepting devices used exclusively upon stationary rails.

VEHICLE SALES FACILITY. A commercial facility offering for displaying vehicles for sale directly to customers. Commonly referred to as a “dealership”, these facilities include, but are not limited to, automobile dealerships, recreational vehicle dealerships, and farm equipment sales facilities.

VETERINARY CLINIC. A building operated by a licensed veterinarian used for the medical treatment of domestic pets and livestock.

VISUAL SCREEN. A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.

WAREHOUSE. A building or area used for the storage and distribution of goods and materials which may include facilities for a wholesale or retail outlet.

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and that is commonly referred to as a bog, swamp, fen, marsh, or wet meadow.

YARD. The unoccupied and unobstructed open spaces on the same lot with a principal building. Yards are measured from the exterior faces of a structure to lots lines. Roof overhangs and cornices that project one (1') foot or less from the exterior face are not included in yard measurements. Yards are measured from the outer edge of roof overhangs or cornice extending more than one (1') foot from the exterior face of structures. Front and side yards and corner lots, and rear yards that abut a public or private street, are measured from existing public street right-of-way or private street easement lines. All required yards must be located parallel and adjacent to property lines, or to transition strips where required.

- A. **Front Yard.** The yard extending the full width of the lot and situated between a street line and the front building line, parallel to the street. The depth of the front yard is measured at right angles to the street. For double frontage lots, all yards abutting a right-of-way are consider front yards.

B. **Rear Yard.** The yard, extending the full width of the lot, between the side lot lines, and directly opposite of the front yard, parallel to the rear lot line. For double frontage lots, the rear yard shall be determined by the street address of the lot in question. In the event the rear yard of a double frontage lot also abuts a right-of-way, the stricter regulation of either rear or front yard requirements will be applied.

C. **Side Yard.** The yard situated between the side building line and the adjacent side lot lines, extending between the front yard and rear yard.

ZONING ADMINISTRATOR. The administrative official responsible for enforcement and implementation of this Ordinance.

ZONING MAP. The map incorporated by reference in this Ordinance that designates the boundaries of the zoning districts.

ZONING PERMIT. The written permit issued by the Zoning Administrator indicating that a proposed structure or use of land is in compliance with the requirements of this Ordinance.

ARTICLE 3: NON-CONFORMING, LOTS, USES, AND STRUCTURES

SECTION 3.1 INTENT AND PURPOSE

This Ordinance provides for the use of land and buildings throughout the Township. Uses that were lawfully established prior to the effective date of this Ordinance, or amendments to this Ordinance, remain valid and may continue even though those uses are prohibited or regulated differently under this Ordinance. Despite this, such land uses, lots, and buildings are incompatible with this Ordinance. The regulations of this Article are designed to adequately regulate the conflicts between conforming and nonconforming uses and buildings.

SECTION 3.2 NONCONFORMING LOTS

Any non-conforming lot of record on the date this Ordinance was adopted is a buildable lot for the construction of a single-family dwelling and accessory buildings. The dimensional requirements of this Ordinance, other than lot area and width requirements, must be met for such a lot to be considered buildable under this Section.

No portion of the non-conforming lot may be used or sold in a manner that diminishes compliance with lot area or lot width requirements of the district in which it is located, nor may any division of the non-conforming lot be made that creates a lot with area or width less than the requirements of the district in which it is located.

SECTION 3.3 NONCONFORMING USES OF LAND

If a lawful use on a parcel exists that becomes nonconforming under the terms of this Ordinance, that use may be continued, so long as it remains otherwise lawful, and is neither expanded nor extended. The following standards apply to nonconforming uses:

- A. A nonconforming building may change from one nonconforming use to another nonconforming use, as long as no structural alterations are made to that building, and the proposed new use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. The Zoning Board of Appeals is responsible for determining whether the proposed use will result in a more suitable use and may require appropriate conditions or safeguards to ensure compliance with this Section. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- B. No nonconforming use may be enlarged, extended, or increased to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- C. No nonconforming use may be moved to any other portion of a lot.
- D. A nonconforming use may not be extended to occupy any land outside of the structure.

- E. A nonconforming use may be extended to any part of a building which existed at the time of the adoption or amendment of this Ordinance, but not to any new building, or to any land outside that building.
- F. A nonconforming use may not be resumed after being converted to a permitted or special use under this Ordinance.

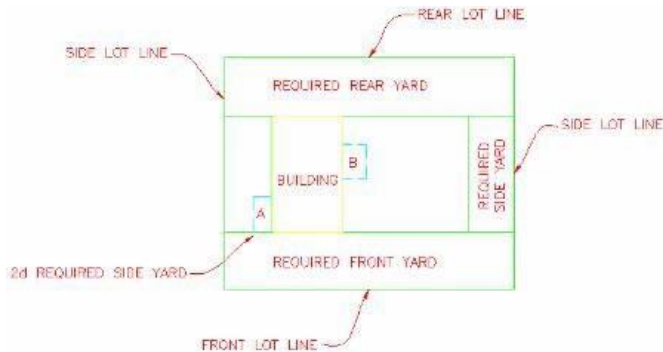
SECTION 3.4 NONCONFORMING STRUCTURES

Where a lawful structure exists at the time this Ordinance is adopted or amended, and could not be built under the terms of this Ordinance due to the area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, that structure may be continued so long as it remains otherwise lawful, subject to the following provisions (refer to Figure 2 below):

- A. If a nonconforming structure is damaged such that more than fifty percent (50%) of its assessed value has been eliminated, that structure may not be restored unless it is in conformity with the regulations of this Ordinance. A building that has lost fifty percent (50%) or less of its assessed value may be repaired, but any repair or reconstruction must be completed within one (1) year of the date the damage occurs.
- B. A non-conforming structure that is moved from its original location must conform to the regulations for the district to which it is moved and will no longer be considered a lawful nonconforming use.
- C. No nonconforming structure may be enlarged or altered in a way which would increase its nonconformity.
- D. Removal or destruction of a lawful nonconforming structure will eliminate the lawful nonconforming status of the land surrounding the structure, and all subsequent uses and structures on the land must conform to the regulations of this Ordinance.
- E. Structural alterations on load-bearing walls or foundations of lawful nonconforming structures are prohibited unless a building official orders the alterations to restore the structure to a safe condition.

Figure 2: Nonconforming Structures

Proposed addition "A" is not permissible unless authorized by variance, as it increases nonconformity. Proposed addition "B" is permissible without variance as it does not increase nonconformity.



- A. A nonconforming building may be maintained in the ordinary course. This Ordinance does not prevent the strengthening or restoration of any building to ensure that building is in a safe condition upon the order of any official charged with protecting the public safety.
- B. Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than fifty (50%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.
- C. Change in tenancy, ownership, or management of any nonconforming use or building is permitted, as long as there is no change in the nature or character of the nonconforming use.

SECTION 3.5 ABANDONMENT OF NONCONFORMING USE

- A. The discontinuance of any use on a premises for a period in excess of six (6) months is presumed to demonstrate an intent to abandon that use. A use shall not be considered abandoned if a subsequent property owner wishes to resume an identical use in the future.
- B. An abandoned use may not be reestablished unless a petition demonstrating extraordinary circumstances is filed with, and approved by, the Zoning Board of Appeals

SECTION 3.6 ILLEGAL NONCONFORMING USES

A nonconforming use that was unlawful prior to the adoption of this Ordinance will not be considered a lawful nonconforming use and will remain an illegal nonconforming use.

SECTION 3.7 INVENTORY OF NONCONFORMING PROPERTIES.

- A. Beginning on the effective date of this Ordinance, the Township Zoning Administrator is required to establish and maintain an Inventory of Legal Nonconforming Properties that are known to the Township. Listed properties shall be arranged in the order of the Township Assessor’s parcel identification numbers.

- B. Properties shall be added to or deleted from the Inventory as circumstances changes or as Township officials become aware of previously unlisted situations.

SECTION 3.8 HISTORIC PROPERTIES

Any nonconforming property in the Township that is listed on the State or National Register of Historical Places is specifically excluded from any requirement of Article 3 or 4 that would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan’s State Historic Preservation Office shall be requested in writing not less than 30 days before any regulatory action may take effect.

SECTION 3.9 ELIMINATION OF NONCONFORMITIES

It should be recognized that state laws permit the Maple Grove Township Board to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the Township. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.

ARTICLE 4. DISTRICT REGULATIONS

SECTION 4.1 ESTABLISHMENT OF DISTRICTS

The Township is divided into the zoning districts as shown on the Zoning Map, which, together with all explanatory matter, is adopted by reference as a part of this Ordinance. To carry out the purposes of this Ordinance, the Township is divided into the following zoning districts:

- A-1 Agriculture: Primary District
- A-2 Agriculture: General/Woodlot
- R-1A Residential: Transitional District
- B-1 Commercial: Neighborhood District
- B-2 Commercial: Community District
- M Industrial: Light District

SECTION 4.2 INTERPRETATION OF BOUNDARIES

Where uncertainty exists regarding the boundaries of any of the districts on the Zoning Map, the following rules will apply:

- A. Boundaries shown following streets or highways are presumed to follow the center line of these roadways.
- B. Boundaries shown approximately following Township boundary lines or property lines are presumed to follow these lines.
- C. Boundaries following the shoreline of a stream, lake, or other body of water are construed to follow such shorelines. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water are construed as following those centerlines.
- D. Boundaries indicated as approximately following railroad lines are construed as following the midway point between the main tracks.
- E. Where, due to the scale, lack of detail, or illegibility of the Zoning Map, there is a reasonable question as to the placement of district boundaries, the Zoning Board of Appeals will interpret boundary lines upon a written application or on its own motion.
- F. Where the application of these rules leaves a reasonable doubt as to the boundaries of a district, the more restrictive district's regulations govern.
- G. The degree of restrictiveness for the Zoning Districts proceeds from greatest to least in the following sequence: A-1, A-2, R-1A, B-1, B-2, and M.

H. When a Zoning District boundary line divides a parcel, any use permitted as a use by right in the less restrictive portion of the parcel may be extended to the entire parcel if both of the following conditions are met:

1. One-half (1/2) or more of the area of said parcel shall be in the less restrictive Zoning District.
2. Any part of a less restricted use extending into the more restrictive Zoning District shall be confined entirely within an enclosed building.

SECTION 4.3 SCHEDULE OF REGULATIONS

Unless this Ordinance provides otherwise, the following height, bulk, density and area regulations apply:

Table of Schedule of Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height ^a	Minimum Floor Area	Minimum Yard Setback (Per Lot, in Feet)		
					Front	Side	Rear
A-1: Agriculture	1 acre	150 ft	35 ft	960 sq ft	40 ft	15 ft	40 ft
A-2: Agriculture	1 acre	150 ft	35 ft	960 sq ft	40 ft	15 ft	15 ft
R-1A: Residential	Sfd: 1 acre; Tfd: 1 acre Mfd: 28,000 sq ft ^b	Sfd: 150 ft; Tfd: 150 ft Mfd: 120 ft	Sfd: 35 ft Tfd: 40 ft Mfd: 40 ft	960 sq ft, except as to Mfd ^c	40 ft	15 ft	15 ft
B-1: Commercial Neighborhood	12500 ft	100 ft	40 ft	1000 sq ft	25 ft	20 ft	20 ft
B-2: Commercial Community	12500 ft	100 ft	40 ft	1000 sq ft	25 ft	20 ft	20 ft
M-1: Industrial Light	1 acre	45 ft	45 ft	960 sq ft	40 ft	20 ft	25 ft

Sfd = single-family dwelling; Tfd = two-family dwelling; Mfd = multiple-family dwelling; sq ft = square feet.

A. **Footnotes to Schedule of Regulations.** Unless specifically stated otherwise, the height limitations generally applicable to districts specified by this Ordinance do not apply to:

1. The A-1 District, buildings and structures used in connection with and necessary for a farm or a farm operation, including but not limited to barns, silos, grain elevators and windmills, which are permitted to a maximum height of up to one hundred fifty (150)

feet. All such structures over eighty (80) feet must be set back from a lot line a distance equal to the height of the building.

2. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment, which are permitted a maximum height of fifty-five (55) feet in the Commercial Community Zoning District and sixty (60) feet in the Industrial: Light Zoning District.
3. Church spires.
4. Public monuments.
5. Wireless Communications Towers.
6. Water Towers.

This provision shall not be construed as preventing the Township from specifying a specific height limitation for any of these structures as a part of a special use permit, or specifically defining a height limitation applicable to these structures elsewhere in this Ordinance. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance or any applicable regulations promulgated by the FAA.

1. For multiple-family dwellings, a minimum lot size of 28,000 square feet is required for the first dwelling unit. An additional 4,000 square feet is required for each additional dwelling unit.
2. For multiple-family dwellings, the minimum floor area per dwelling unit is as follows:
 - a. 400 square feet for units without a separate bedroom, such as studio apartments or efficiency units.
 - b. 550 square feet for one-bedroom units.
 - c. 750 square feet for two-bedroom units.
 - d. 850 square feet for three-bedroom units.
 - e. 1,000 square feet for four-bedroom units.

B. Schedule of Regulations – Site Development Requirements

1. The depth of a lot cannot exceed four (4) times its width.
2. The front yard setback is measured from the road right-of way line.

3. A new residential structure must maintain a minimum one hundred fifty (150) feet setback from all lot lines of an existing concentrated livestock operation.
4. Minimum setback requirements are increased to seventy-five (75) feet in the case where the yard of a commercial or industrial district abuts an Agricultural or Residential District.
5. Mobile Home Parks shall meet the dimensional requirements established under the authority of the Mobile Home Commission Act, Public Act 96 of 1987.
6. Commercial Airports shall meet the dimensional requirements of appropriate state and federal regulators.
7. Any construction related to any type of zoning approval shall be commenced only after a building permit has been obtained.

SECTION 4.4 ZONING OF VACATED AREAS

Whenever official government action vacates a street, alley, or public land, the vacated area will automatically attach to neighboring parcels under applicable law. Once attached, the vacated area is subject to the zoning regulations of the neighboring parcel.

ARTICLE 5: AGRICULTURE: PRIMARY (A-1) DISTRICT

SECTION 5.1 PURPOSE AND INTENT

The purpose and intent of this district is to ensure that land areas within the Township which are well-suited for production of farm products are retained, unimpeded by the establishment of incompatible uses which could hinder farm operations and unnecessarily deplete agricultural lands. This district also provides opportunities for the conversion of limited farmland for residential use in a manner compatible with the continuation of agricultural activities. Persons considering residing within this district should be aware that the traditional smells, noises, and other generally recognized agricultural activities associated with farming will continue on a long-term basis in this district.

SECTION 5.2 PERMITTED USES

The following uses are permitted by right in the A-1 District:

- A. Agriculture
- B. Cemeteries
- C. Forestry
- D. Home Occupations
- E. Horticulture
- F. Hunting and Fishing Areas
- G. Low-Density Livestock or Poultry Raising
- H. Nature Preserves
- I. Orchards
- J. Outdoor Plant Nurseries Not Selling Retail on the Premises
- K. Pasture Vineyards
- L. Roadside Stands for Selling Only Produce Grown on the Premises
- M. Single-Family Dwellings
- N. Sod Farming

SECTION 5.3 SPECIAL USES

The following uses are permitted upon securing both a special use permit and site plan review approval:

- A. Airports
- B. Campgrounds
- C. Churches
- D. Event Barns
- E. Greenhouses Not Selling at Retail on the Premises
- F. Golf Courses
- G. High Impact Livestock or Poultry Raising
- H. Home-Based Businesses
- I. Outdoor Recreation Establishment
- J. Parks
- K. Primary Caregiver Operations
- L. Public Meeting Halls
- M. Mining and Extraction Operations
- N. Private Airplane Landing Strips Without On-Site Fuel Storage
- O. Schools
- P. Shooting Clubs / Ranges
- Q. Utility Service Yards
- R. Utility Substations
- S. Wireless Communication Facilities

ARTICLE 6: AGRICULTURE: GENERAL/WOODLOT (A-2) DISTRICT

SECTION 6.1 PURPOSE AND INTENT

The purpose and intent of this district is to permit appropriate non-farm uses of land while preserving the rural nature of the area. To permit a gradual transition from agricultural preservation areas to more intensive uses without giving way to urban sprawl.

SECTION 6.2 PERMITTED USES

The following uses are permitted by right in the A-2 District:

- A. Campgrounds
- B. Cemeteries
- C. Churches
- D. Greenhouses Not Selling Retail on the Premises
- E. Home Occupations
- F. Hunting and Fishing Areas
- G. Nature Preserves
- H. Parks
- I. Public Meeting Halls
- J. Roadside Stands for Selling Only Produce Grown on the Premises
- K. Schools
- L. Single-Family Homes
- M. Utility Service Yards
- N. Utility Substations

SECTION 6.3 SPECIAL USES

The following uses are permitted upon securing both a special use permit and site plan review approval:

- A. Airports
- B. Driving Range
- C. Event Barns

- D. Golf Courses
- E. High Impact Livestock or Poultry Raising
- F. Home-Based Businesses
- G. Hospitals
- H. Miniature Golf
- I. Outdoor Recreation Establishment
- J. Primary Caregiver Operations
- K. Private Airplane Landing Strips Without On-Site Fuel Storage
- L. Riding Stables
- M. Shooting Clubs / Ranges
- N. Mining and Extraction Operations
- O. Veterinary Hospitals, Clinics, or Kennels
- P. Wireless Communication Facilities

ARTICLE 7: RESIDENTIAL TRANSITIONAL (R-1A) DISTRICT

SECTION 7.1 PURPOSE AND INTENT

The purpose and intent of this district is to encourage and preserve attractive neighborhood environments consisting of single-family dwellings on individual lots and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.

SECTION 7.2 PERMITTED USES

The following land uses are permitted by right in the R-1A district:

- A. Art Galleries
- B. Cemeteries
- C. Day Nurseries
- D. Family Child Care Homes
- E. Home Occupations
- F. Horticulture
- G. Libraries
- H. Museums
- I. Orchards
- J. Single-Family Dwellings
- K. Veterinary Clinics
- L. Vineyards

SECTION 7.3 SPECIAL USES

The following uses are permitted upon securing both a special use permit and site plan review approval:

- A. Churches
- B. Clubs
- C. Driving Range
- D. Golf Courses
- E. Government Buildings

- F. Group Child Care Homes
- G. Home-Based Businesses
- H. Hospitals
- I. Manufactured Homes/Mobile Home Parks
- J. Multi-Family Dwellings
- K. Nursing Homes
- L. Outdoor Recreation Establishment
- M. Parks
- N. Public or Private Meeting Halls
- O. Schools
- P. Recreational Vehicle Parks
- Q. Two-Family Dwellings

ARTICLE 8: COMMERCIAL NEIGHBORHOOD (B-1) DISTRICT

SECTION 8.1 PURPOSE AND INTENT

The Commercial Neighborhood District provides opportunities for retail stores and service establishments that primarily address the local day-to-day retail and service needs of residents and visitors. The intent is to promote development of offices in a manner that will compliment surrounding neighborhoods and intensive commercial area, as well as to permit development to multiple-family dwellings under appropriate conditions.

SECTION 8.2 PERMITTED USES

The following uses are permitted by right in the B-1 District:

- A. Churches
- B. Financial institutions
- C. Funeral Homes
- D. Government Buildings
- E. Horticulture
- F. Hospitals
- G. Libraries
- H. Retail Stores under 5,000 square feet
- I. Orchards
- J. Parks, Museums, or Galleries
- K. Personal Service Establishment or Office under 5,000 square feet
- L. Retail Nurseries or Greenhouse
- M. Vineyards

SECTION 8.3 SPECIAL USES

The following uses are permitted upon securing both a special use permit and site plan review approval:

- A. Bars
- B. Billboards

- C. Gas Stations
- D. Multi-Family/Apartment Dwellings
- E. Private Schools
- F. Public or Private Meeting Halls
- G. Restaurants, Not Including Drive-ins
- H. Veterinary Hospitals, Clinics, or Kennels

SECTION 8.4 PERFORMANCE STANDARDS

- A. Ingress and egress drives shall be kept to a minimum. Service drives within the district are required. Flares or turning lanes at highway entries may be required.
- B. Parking shall be accomplished in the least conspicuous manner possible, which will ordinarily consist of locating parking in the rear of a structure, and complete enclosing all parking areas in an opaque fence or landscape barrier.
- C. Lighting shall not be visible beyond property lines, nor shall it adversely affect neighboring uses or property. All lighting shall be directed downward and shall be properly shielded in order to prevent entry onto any nearby properties.
- D. Storage, refuse containers, utility boxes, air handling units, or similar appurtenances shall be landscaped and screened from public view. Storage shall include trucks of one-ton or greater capacity. Trailers and transit containers must be housed within the principal structure or within an approved permanent accessory structure.
- E. Buffer areas and proper storm drainage devices shall be provided to ensure protection of Township creeks, streams, and lakes.
- F. Landscaping shall adhere to the requirements of this Ordinance.

ARTICLE 9: COMMERCIAL COMMUNITY (B-2) DISTRICT

SECTION 9.1 PURPOSE AND INTENT

The Commercial Community District’s intent is to accommodate commercial land uses which address retail and service needs of both local and regional populations, as well as the needs of the automobile traveler on major thoroughfare streets.

SECTION 9.2 PERMITTED USES

The following uses shall be permitted by right in the B-2 District:

- A. Arcades
- B. Automobile Service Stations
- C. Bingo Halls
- D. Bowling Alleys
- E. Building Supply Yard
- F. Clubs
- G. Financial Institutions
- H. Funeral Homes
- I. Government Offices
- J. Retail Stores
- K. Home Improvement Centers
- L. Horticulture
- M. Hotels/Motels
- N. Libraries
- O. Museums or Galleries
- P. Orchards
- Q. Personnel Service or Office
- R. Police or Fire Service Facilities
- S. Private Schools

- T. Public or Private Meeting Halls
- U. Retail Nurseries or Greenhouses
- V. Self-Storage, Mini-Storage, or Personal Storage
- W. Shopping Centers
- X. Skating Rinks
- Y. Theaters
- Z. Truck Stops and Terminals
- AA. Vehicle Sales and Services
- BB. Veterinary Hospitals, Clinics, or Kennels
- CC. Vineyards
- DD. Whole-Sale Businesses, Not Including Fuel Dealers

SECTION 9.3 SPECIAL USES

The following uses are permitted upon securing both a special use permit and site plan review approval:

- A. Arenas or stadiums located over 1000 feet from any dwelling
- B. Bars or Night Clubs
- C. Billboards
- D. Bus Terminals
- E. Restaurants
- F. Drive-in Theaters
- G. Farm Equipment Sales and Service
- H. Food Suppliers
- I. Gas Stations
- J. Grain and Seed Elevators
- K. Industrial, Commercial, or Construction Equipment Sales and Service
- L. Miniature Golf

- M. Multi-Family/Apartment Dwellings
- N. Printing and Publishing (all activities must be completed enclosed in a building)
- O. Storage Centers, including Self-storage, Mini-storage, or Personal Storage
- P. Tool and Die Shops or Machine Shops under 5000 square feet (all activities must be completed enclosed in a building)
- Q. Warehouse

SECTION 9.4 PERFORMANCE STANDARDS

- A. Ingress and egress drives shall be kept to a minimum. Service drives within the district are required. Flares or turning lanes at highway entries may be required.
- B. Parking shall be accomplished in the least conspicuous manner possible, which will ordinarily consist of locating parking in the rear of a structure, and complete enclosing all parking areas in an opaque fence or landscape barrier.
- C. Lighting shall not be visible beyond property lines, nor shall it adversely affect neighboring uses or property. All lighting shall be directed downward and shall be properly shielded in order to prevent entry onto any nearby properties.
- D. Storage, refuse containers, utility boxes, air handling units, or similar appurtenances shall be landscaped and screened from public view. Storage shall include trucks of one-ton or greater capacity. Trailers and transit containers must be housed within the principal structure or within an approved permanent accessory structure.
- E. Buffer areas and proper storm drainage devices shall be provided to ensure protection of Township creeks, streams, and lakes.
- F. Landscaping shall adhere to the requirements of this Ordinance.

ARTICLE 10: INDUSTRIAL: LIGHT (M-1) DISTRICT

SECTION 10.1 PURPOSE AND INTENT

The Industrial: Light District's intent is to encourage attractive industrial development that is in keeping with the Township's character; to permit manufacturing, processing, assembling, packaging, or treatment of products when these activities take place only inside a building; to permit compatible sales or service uses; and to prohibit residential or intensive retail uses in industrial locations.

SECTION 10.2 PERMITTED USES

The following uses shall be permitted by right in the M-1 District.

- A. Adult-Only Businesses
- B. Automobile Repair Facility
- C. Billboards
- D. Building Supply Yards
- E. Forestry
- F. Sod Farming
- G. Horticulture
- H. Government Buildings
- I. Grain and Seed Elevators
- J. Industrial activities not involving any outdoor storage of raw materials, finished products. Work in process, waste or scrap, fuel or containers
- K. Industrial, Commercial, or Construction Equipment Sales and Service
- L. Oil and Gas Wells and/or Pipelines
- M. Orchards
- N. Truck Terminals
- O. Vineyards
- P. Wastewater Treatment and Disposal Facilities
- Q. Water Treatment and Storage Facilities
- R. Wholesale Business, Except Fuel Dealers

SECTION 10.3 SPECIAL USES

The following uses are permitted upon securing both a special use permit and site plan review approval:

- A. Contractor's Establishment
- B. Fuel Dealers
- C. Incarceration Facility
- D. Industrial activities that involve storage of raw materials, finished products, work in process, fuel or containers
- E. Junk Yards
- F. Landfills or Incinerators
- G. Mining and Extraction Operations
- H. Outdoor Storage of Materials
- I. Rail Freight Yards
- J. Roadway or Utility Service Yards

SECTION 10.4 PERFORMANCE STANDARDS

- A. Ingress and egress drives shall be kept to a minimum. Service drives within the district are required. Flares or turning lanes at highway entries may be required.
- B. Parking shall be accomplished in the least conspicuous manner possible, which will ordinarily consist of locating parking in the rear of a structure, and complete enclosing all parking areas in an opaque fence or landscape barrier.
- C. Lighting shall not be visible beyond property lines, nor shall it adversely affect neighboring uses or property. All lighting shall be directed downward and shall be properly shielded in order to prevent entry onto any nearby properties.
- D. Storage, refuse containers, utility boxes, air handling units, or similar appurtenances shall be landscaped and screened from public view. Storage shall include trucks of one-ton or greater capacity. Trailers and transit containers must be housed within the principal structure or within an approved permanent accessory structure.
- E. Buffer areas and proper storm drainage devices shall be provided to ensure protection of Township creeks, streams, and lakes.
- F. Landscaping shall adhere to the requirements of this Ordinance.

ARTICLE 11: PLANNED UNIT DEVELOPMENT

SECTION 11.1 PURPOSE AND INTENT

Planned Unit Development regulations furnish a beneficial and productive means to design development plans within areas designated in the Master Plan for housing, commercial, and other uses. These regulations, while adhering to the underlying densities specified in the various districts of this Ordinance, provide for better design and planning of land uses by making the geography and environment of the area the standards and determinants of design, rather than the singular enforcement of lot sizes and standard setbacks.

These regulations intend to promote the efficient and thoughtful use of the land which preserves open space, while encouraging a diversity of housing types, and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation and improvement of the character of the Township.

SECTION 11.2 AUTHORIZED ZONING DISTRICTS

PUDs are permitted to be developed within the following zoning districts, or any combination of the following zoning districts, subject to the requirements of this Article, without the need for a rezoning to a different zoning district:

- A. A-2 Agriculture (General/Woodlot) District
- B. R-1A Residential (Transitional) District
- C. C-1 Commercial (Neighbor) District
- D. C-2 Commercial (Community) District

SECTION 11.3 AUTHORIZED USES

The following uses may be authorized as part of a Planned Unit Development, after appropriate review and authorization as described herein.

A. Residential Uses

1. Family Child Care homes
2. Multiple-family dwellings
3. Single-family dwellings
4. State licensed residential facilities
5. Two-family dwellings
6. Any residential uses permitted by right, by conditional use permit or by special use permit in any of the underlying zoning districts.

7. Accessory uses to any of the above.

B. Non-residential Uses

1. Churches

2. Food Retail Space

3. Group Child Care homes

4. Indoor and/or outdoor recreation establishments

5. Offices

6. Non-Food Retail Space

7. Schools, public or private

8. Parks

9. Any non-residential uses permitted by right, by conditional use permit or by special use permit in any of the underlying zoning districts

10. Accessory uses to any of the above

SECTION 11.4 DIMENSIONAL REQUIREMENTS

The minimum project area for any PUD is 5 contiguous acres of land. However, an area bounded on all sides by a public street, railroad or other external barriers may be considered for PUD regardless of acreage.

A. **Number of Dwelling Units.** The maximum number of dwelling units shall be determined by dividing the PUD area by the minimum residential lot area per dwelling unit required by the district in which the PUD is located. If the PUD is located in more than one zoning district, the number of dwelling units shall be computed for each district separately.

B. **Lot Area.** The minimum lot area that would otherwise be required may be reduced, but to no more than 2/3 below that required in the zoning district in which the project is located.

C. **Setback and Yards.** The minimum setback and yard or open space requirements may be reduced or increased at the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere within the PUD.

D. **Lot Frontage.** The minimum lot frontage and width that would otherwise be required may be reduced to not less than 2/3 of the minimum lot frontage and width required in the underlying zoning district.

- E. **Open Space.** Every PUD shall set aside, as part of the total development, an amount of open space at least equal to the aggregate accumulation of lot size reduction below the minimum lot area as a whole.

SECTION 11.5 DEVELOPMENT AND PERFORMANCE STANDARDS

The following development and performance requirements shall apply to all Planned Unit Developments (“PUD”):

- A. The PUD shall be compatible with and complement existing uses in the vicinity of the project site, as well as the Master Plan. Designs should include features demonstrating efforts to mitigate any potential negative impacts of the PUD on surround properties.
- B. Open space must be left undeveloped but may be landscaped. If it is landscaped, provisions for its maintenance must be provided. If land is to remain undeveloped, measures shall be taken to mitigate the negative impacts of construction, to improve natural habitat, and to prevent erosion and control drainage. A PUD should be designed in such a way that open spaces will adjoin the open spaces of neighboring properties. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents or the general public.
- C. All public streets within or abutting the proposed PUD shall be improved to Township and Saginaw County Road Commission specifications. If a developer intends to include private streets within a PUD, those streets must be maintained in a manner acceptable to the Township and Saginaw County Road Commission by the developer at is sole cost.
- D. PUDs shall be in harmony with the topography of the site and shall preserve watercourses, drainage areas, wooded areas, and similar natural features and areas.
- E. All utilities within a PUD shall be placed underground, unless such a requirement is determined to be non-feasible by the Planning Commission. If total underground utility installation is not possible, any above-ground utilities shall be placed in the most unobtrusive manner possible, with as much of the utility as possible being placed underground.
- F. A PUD must specify the building areas and/or plots within the development in which structures will be located. The PUD must also provide plans illustrating the geology and ecology of any building sites, as well as the uses, geology, and ecology of surrounding properties.
- G. Unless the common land within a PUD will be retained by the developer, a property owners' association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Any conditions associated with the approval of a PUD must be included via deed restrictions, restrictive covenants, within the condominium master plan, or through similar legal restriction.

- H. The PUD must meet all the standards and requirements of the various State, County, and local agencies that have jurisdiction over the development area. No PUD will be granted final approval until all necessary approvals are obtained, but conditional approval may be granted pending the approval of the relevant State, County, and local agencies.
- I. A development schedule, including all contiguous or adjacent land owned or controlled by the applicant, shall be submitted indicating planned phases, including construction of roads, utilities, dwellings, and amenities. An annual updated schedule shall be submitted to the Planning Commission until the entire development is completed. This annual report shall include, at minimum, the percentage complete to date and forecasted construction schedule for the remainder of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission. Failure to submit an updated annual plan shall result in the automatic revocation of PUD approval.
- J. If deemed necessary, the PUD shall include appropriate screening along its the perimeter.

SECTION 11.6 CONCEPTUAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS

The following shall be submitted with any application for a PUD:

- A. Twelve (12) copies of a PUD development plan encompassing all phases of the proposed PUD, prepared at a scale of not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres, and one (1) inch equals one hundred (100) feet in all other cases, containing the following information:
 - 1. Name of development, applicant name, preparer name, date of preparation, written and graphic scale, North arrow, property lines and dimensions, and size of property in acres.
 - 2. Zoning and existing uses of all adjoining properties.
 - 3. Existing natural features of the site, including predominant vegetative cover, major tree stands, and existing drainage ways.
 - 4. Existing site improvements, including existing buildings or other structures, existing utilities and the size and location of those utilities, and any existing easements of record.
 - 5. Existing site elevation contours at a minimum of ten-foot intervals.
 - 6. If applicable, existing shoreline, existing 100-year flood hazard area, and existing wetlands.
 - 7. Existing right-of-way lines, pavement edges, names of public streets, and the proposed layout of new public streets.

8. Layout and dimensions of proposed lots, including building plots or pads. If the proposed PUD includes construction of buildings or other structures, a conceptual development plan shall identify proposed footprints and dimensions, as well as the proposed number of stories for each building, the proposed uses located within the PUD, and the acreage allotted to each use.
 9. Locations of proposed access driveways and parking areas.
 10. If multi-phase development is proposed, identify areas included in each proposed phase.
 11. Lot lines.
- B. A legal description of the land to be included in the PUD.
 - C. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the PUD. A list of any parcels within three hundred (300) feet of the PUD shall also be included.
 - D. Details of proposed project signage and lighting.
 - E. A copy of any of the following documents applicable to the project:
 - F. Proposed deed restrictions;
 - G. Proposed restrictive covenants;
 - H. Proposed condominium master plan;
 - I. Proposed landowner/homeowner association documents;
 - J. Details of the area and percentage of the project to be covered by building sites, impervious surface coverage, and open, undeveloped space.
 - K. The location, number, and size of parking spaces, if applicable.
 - L. A narrative statement describing the overall objectives of the PUD.
 - M. A complete application on a form supplied by the Township.
 - N. Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the PUD project review. Additional payments may be required if the initial fee is inadequate to cover the costs of the Township's review of the proposed development, including all reasonable fees of the Township Engineer, Planner, or Attorney.

SECTION 11.7 PLANNING COMMISSION REVIEW

The Planning Commission shall review the conceptual development plan at a public hearing. The Planning Commission's review of the conceptual development plan will be based on the standards for approval of a PUD contained in this Article, and on the intent of this Ordinance as a whole. The Planning Commission may hire qualified professionals to help review a proposed development plan at the applicant's expense.

A. **Review procedure.** The Planning Commission shall review the PUD development plan to ensure that:

1. The proposed uses, buildings, and structures are compatible with surrounding uses of land, or can be made compatible by imposing conditions that will mitigate the negative or incompatible effects of a PUD on surrounding land uses.
2. The plan meets the applicable development and performance standards of this Article and of the underlying zoning district in which it is proposed to be situated.
3. The plan meets the purposes and intent of this Article.

B. **Decision.** Based on the findings of its review, the Planning Commission shall do one of the following:

1. Approve the PUD development plan.
2. Approve the PUD development plan subject to conditions and the submission of a revised site plan.
3. Deny the PUD development plan, stating the specific reasons for the denial.
4. The Planning Commission's decision shall not be subject to appeal to the Zoning Board of Appeals.

SECTION 11.8 APPLICATIONS FOR REZONING

Once the Planning Commission has granted conceptual site plan approval, an applicant may apply to amend the Zoning Map to have the relevant property re-zoned as a PUD. The approved conceptual site plan shall be made part of the application and shall be considered part of the rezoning request.

SECTION 11.9 AMENDING AN APPROVED PLANNED UNIT DEVELOPMENT

A. No changes to an approved development plan for a PUD shall be made except by mutual agreement of the applicant and the Planning Commission. Revisions to an approved final development plan or to any conditions imposed on an approval, except minor administrative changes which do not alter the layout, number of units or other details of the plan by more than five percent (5%), shall be processed in the same manner as an application for approval of a site plan.

- B. Minor administrative changes may be made by the Planning Commission, or the Commission may delegate this responsibility to the Zoning Administrator.

SECTION 11.10 TIME LIMITATION FOR APPROVED PLANNED UNIT DEVELOPMENTS

- A. Construction of an approved PUD shall commence and shall proceed meaningfully toward completion within one year from the date of the approval of the planned development by the Planning Commission.
- B. If the PUD contains between one (1) and fifty (50) dwelling units, seventy-five percent (75%) of the dwelling units must be physically constructed prior to any nonresidential construction.
- C. If the PUD contains more than fifty (50) dwelling units, fifty percent (50%) of the dwelling units must be physically constructed prior to any nonresidential construction.
- D. The owner or applicant of the PUD may apply to the Planning Commission for an extension of the original approval for additional one-year terms. These extensions may be granted in the Planning Commission's sole discretion. In considering such authorization, the Planning Commission will consider the following, along with any other factors it deems to be relevant in a particular case:
 - 1. The PUD has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
 - 2. The PUD is likely to commence and to be completed according to the schedule submitted by applicant.
- E. If the PUD has not commenced and proceeded meaningfully towards completion at the end of the initial one-year time period, or permitted extensions thereof, then the PUD approval shall automatically be deemed void.
- F. Notwithstanding any of the above, no PUD shall remain incomplete for a period longer than five (5) continuous years. A PUD not completed within five (5) years of being approved shall be required to reapply for new PUD approval pursuant to this article prior to commencing or continuing construction.

ARTICLE 12: SUPPLEMENTAL USE REGULATIONS

SECTION 12.1 PURPOSE AND INTENT

In addition to the development and performance requirements set forth above, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. This Article's intent is to set forth provisions that will regulate the uses allowed in all districts.

SECTION 12.2 STANDARDS APPLICABLE TO DWELLINGS

All dwellings shall conform to the following standards:

- A. Must conform to the minimum dwelling size required per zoning district.
- B. Only one (1) dwelling is permitted per lot. No building in the rear of or on the same lot with a principal building shall be used for residential purposes, except for elderly or handicapped family members, or farm laborers.
- C. The primary portion of the structure has a minimum width of twenty (20) feet or such greater width as may be required in the district where it is located and must comply with all minimum heights for habitable rooms.
- D. All one or two-family dwellings, other than mobile homes located inside mobile home parks, must have a pitched roof, the principal portion of which has a slope of not less than one (1) vertical unit to four (4) horizontal units. The eaves of the roof must project no less than six (6) inches beyond the walls.
- E. It complies in all respects with the Michigan Construction Code, as amended, including minimum height for habitable rooms. If the dwelling is a mobile home, all construction, insulation, plumbing and/or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Construction Code, the stricter standards or regulations will govern.
- F. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Construction Code and shall have a foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a Mobile Home, it shall be installed pursuant to the manufacturer's instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a foundational perimeter wall as required above. In addition, each Mobile Home shall be installed with the wheels, axles, and towing mechanisms removed, and shall have no exposed undercarriage or chassis. Each mobile home must have a perimeter wall or skirting which has the same dimensions

as the dwelling. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law.

- G. It is connected to a public sewer and water supply, or to similar private facilities approved by the local health department.
- H. It has at least two (2) exterior doors with at least one (1) door in either the rear or side of the dwelling. Where a difference in elevation requires stairs, such stairs shall be permanently attached.
- I. It contains no additions or rooms or other areas that are not constructed with similar quality workmanship and materials similar in quality as the original structure. All such additions shall be permanently attached to the principal structure and installed with a permanent perimeter foundation.
- J. It complies with all pertinent building, construction and fire codes.
- K. It has a roof overhang of not less than six (6) inches on all sides and contains steps connected to said exterior door areas where a difference of elevation requires the same.
- L. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time, by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.

SECTION 12.3 TWO-FAMILY AND MULTIPLE-FAMILY DWELLINGS

Two-family and multiple-family dwellings shall be subject to the following requirements:

- A. Multiple-family dwellings shall contain no more than 6 dwelling units.
- B. The use must not be injurious to neighboring properties.
- C. Adequate off-street parking must be provided.
- D. Sight distances and traffic flow on adjacent streets shall not be impaired.
- E. Where there are no public water or sewer services minimum land requirements shall be as follows:
 - 1. Minimum lot frontage shall be two hundred (200) feet.
- C. Minimum lot area shall be fifty thousand (50,000) square feet for dwellings containing two (2) dwelling units, with an additional ten thousand (10,000) square feet require for each additional dwelling unit.

SECTION 12.4 CONDOMINIUMS

- A. **Purpose and Intent.** The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality and design to property divided and developed by other methods.
- B. **Review Requirements.** In order to ensure compliance with this Ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences that may otherwise not be required to prepare a site plan. In addition to the information required for site plan review generally, all applicants for condominium site plan review shall submit the following information:
1. A copy of the proposed condominium master deed, which must clearly state the responsibility of the owner and co-owners and that all amendments to the master deed must conform with applicable Township, county, and state laws and regulations. The master deed must also include any variances granted by Township, county, or state authorities and must include a hold harmless clause. All provisions of the condominium subdivision plan which are approved by the Planning Commission will be incorporated in the master deed for the condominium subdivision.
 2. A copy of the proposed condominium subdivision plan, which may replace the site plan normally required for site plan review.
 3. A copy of the proposed condominium association bylaws.
- C. **Zoning Ordinance Standards.**
1. **Lot Size.** In conventional condominium developments, the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and its associated limited common area are considered equivalent to a “lot” and must meet the minimum lot size requirements for the zoning district the parcel is located in.
 2. **Setbacks.** In conventional condominium developments, the buildings must be setback from the site’s boundaries as required in the zoning district where the parcel is located, while the setback from other buildings must meet the building setback requirements applicable to multiple-family residences.
 3. **Roads.** All roads within condominium developments must be paved and built to the standards of the Saginaw County Road Commission.

SECTION 12.3 ACCESSORY BUILDINGS AND USES

Reasonable accessory buildings, structures, and uses supplemental to a permitted principal use are permitted when located on the same lot or same parcel, provided that such accessory buildings and uses conform to the requirements for the relevant district. An accessory building may not be located on a separate lot from the principal building without a special use permit. Accessory buildings, except as otherwise permitted in this Ordinance, are permitted in all zoning districts unless otherwise specified, and shall be subject to the following regulations:

- A. Accessory buildings structurally attached to a principal building are subject to all regulations applicable to the principal building and are considered a part thereof.
- B. Accessory buildings and structures must be set back a minimum of twenty-five (25) feet from the front yard in any Commercial District, but in no case may an accessory building or structure be placed in a front yard in a Residential District. All rear yard setbacks for accessory buildings and structures shall be a minimum of fifteen (15) feet in all districts. All side yard setbacks for accessory buildings and structures shall be a minimum of fifteen (15) feet in all Agricultural and Residential districts.
- C. The following items shall be considered to be accessory structures, even though they may be attached to a principal building and may project into required side or rear yards for the principal building. Setbacks for accessory structures as defined in this Ordinance must be adhered to.
 - 1. Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2 1/2) feet.
 - 2. Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5) feet.
 - 3. Signs, subject to the provisions of this Ordinance.
 - 4. Buildings accessory to residential buildings one (1) story or less in height may occupy no more than forty percent (40%) of the rear yard.
 - 5. Private garages structurally attached to a main building, except where otherwise noted, are subject to and must conform to all regulations applicable to the main buildings. Additionally, the private garage shall have the same exterior appearance as the primary structure on the lot.
 - 6. Any accessory structure with a floor area of one hundred (100) square feet or less does not require a zoning permit.
 - 7. All detached accessory structures accessory to a residential structure must be located at least ten (10) feet away from all other structures on the lot.
 - 8. No temporary storage structures or trailers may be used as an accessory building.

9. Free-standing satellite dishes must conform to the setbacks, yard restrictions, and height restrictions of this Section, except as otherwise permitted by federal law.
10. No accessory building or structures may be used or occupied as a dwelling.

D. Nothing in this Ordinance shall be construed to prohibit the following accessory uses:

1. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
2. Gardens, garden ornaments and usual landscape features within required yard space.
3. Fences within required yard space, provided they meet the standards as defined in this Ordinance.
4. Retaining walls.
5. Public playgrounds.
6. Off-street parking for licensed motor vehicles and recreational equipment, not including trucks over one (1) ton rated capacity.
7. Use of premises as a voting place.

SECTION 12.4 STORAGE OF GARBAGE

All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage, junk, or rubbish may be stored for a period of more than two weeks, or stored in a manner to cause hardship, health hazard, or annoyance to adjoining properties.

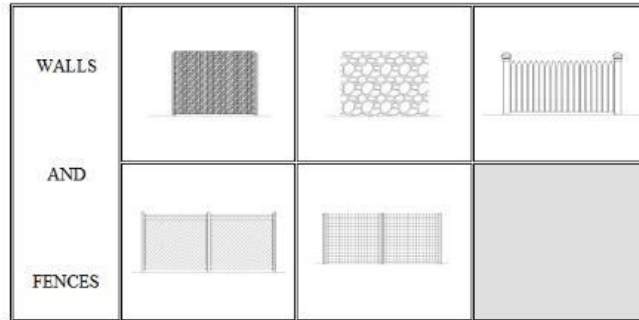
SECTION 12.5 PORCHES, DECKS, AND TERRACES

- A. Open, unenclosed porches, decks, or gazebos may project into a required rear, side or front yard, provided that the porch, deck or gazebo is located no closer than twenty-five (25) feet to any front or rear lot line, and no closer than fifteen (15) feet to any side lot line.
- B. On waterfront lots, non-covered porches or decks that do not unreasonably obstruct the view of adjacent properties may extend to the water's edge.
- C. Gazebos and covered decks are accessory buildings and must adhere to accessory building requirements.

SECTION 12.6 FENCES, WALLS, AND SCREENS

- A. **Fences**

1. Fences, walls, or screens are permitted in all yards, subject to height restrictions in some districts and sight distance requirements at drives and roadways.
2. Fences may only be constructed of wood, masonry, vinyl, chain link, wrought iron, page wire, or another material approved by the Planning Commission. Fences constructed within any Residential Zoning District must be constructed in such a way that they can be seen through for the length of the fence.



3. No fences may be constructed with barbed wire, unless required by law.
4. Snow fences may be erected temporarily to control snow, snow machines, and other nuisances only from November 1 to March 31 of the following calendar year.
5. Solid fences must adhere to a minimum setback of twenty (20) feet from any road right of way.
6. In all districts, up to six (6) foot fences otherwise consistent with the requirements of this Ordinance are permitted in the side and rear yard. Fences constructed in the front yard may not exceed thirty-six (36) inches in height.

B. Walls

1. Required walls shall be located on the lot line, except where utilities would interfere with the placement of said wall, or where required to conform to front yard setbacks in lots abutting Residential Districts.
2. Walls and screening barriers shall not have openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance, or with the approval of the Zoning Administrator.
3. Walls shall be constructed of materials approved by the Zoning Administrator, and shall be constructed of durable, weather resistant, rust-proof, and easily maintained materials such as brick, pressure treated wood, or comparable nonporous facing materials.

4. Masonry walls shall be erected on a concrete foundation which has a minimum depth of forty-two (42) inches below grade, and shall be not less than four (4) inches wider than the wall to be erected.
5. Wood walls shall be sight obscuring and sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not exceed twenty percent (20%) of the surface in any square section (measured by height and width). Such openings shall be spaced so as to maintain the obscuring character required and shall not reduce minimum height requirements.
6. Walls must be maintained in good condition by the property owner.
7. Bumper blocks shall be required where parking is adjacent to walls.
8. For all non-residential districts abutting a residential district, an obscuring wall satisfying the following standards is required:
 9. Off-Street Parking Area: 4-6 feet high wall.
 10. Business District: 4-6 feet high wall.
 11. Industrial District: 5-8 feet high wall.
 12. Screening Standards:
 - a. Required berms shall be landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall or terrace. Any earthen slope shall be constructed with a slope not to exceed one (1) foot of vertical rise to every three (3) feet of horizontal distance.
 - b. Required landscaping shall consist of one (1) tree and four (4) large shrubs per each twenty-five (25) linear feet linear feet along the property line. Trees shall be either deciduous canopy trees or evergreen trees.

C. General Requirements

1. No fence, wall, shrubbery, or other obstruction to vision more than thirty (30) inches tall is permitted in the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
2. The requirements of this Section may be freely waived by the Planning Commission, if, in its discretion, these requirements would be excessive, unduly burdensome, or would not benefit the applicable property or neighboring lots. Notwithstanding the

above, the maximum height requirements of this Section may not be waived without a variance.

3. A screening buffer area may be substituted for any required wall, unless context would indicate otherwise.
4. In either the R-1 or R-2 district, entranceway structures such as walls, columns, and gates serving as entrances to a dwelling may be permitted, provided that such entranceway structures comply with all applicable laws, including the setback and other requirements of this ordinance.

SECTION 12.7 LOT REGULATION

- A. No portion of any lot or parcel used once to comply with the provisions of this Ordinance for yards, lot area, or any other requirement herein shall be used a second time to satisfy said requirements for any other structure or building.
- B. In calculating lot area for lots adjoining an alley, half (1/2) the width of the alley abutting the lot is considered part of that lot.

SECTION 12.8 ESSENTIAL SERVICES

Essential services are permitted in all districts, provided that the services are authorized, regulated, and in compliance with all other applicable laws, ordinances and regulations. Buildings accessory to such services, however, are subject to the requirements set forth in this Ordinance. Telecommunication towers and antennas are not essential services.

SECTION 12.9 ROAD ACCESS REQUIREMENTS

- A. Each lot shall have access to a public road or dedicated easement to provide safe access for emergency vehicles.
- B. All road accesses for a structure or use requiring a driveway, street or service drive must be approved before a zoning permit and/or special use permit is issued.
- C. Road access locations and separation distances, clear vision areas, throat widths and designs, queuing or stacking requirements, deceleration and acceleration lanes, service drives and other shared means of access requirements shall be reviewed as part of the zoning permit, site plan review, or special use permit process.
- D. All land divisions, including subdivisions, condominiums, lot splits, and metes and bounds divisions, shall be reviewed under these regulations to ensure that adequate frontage will be available for proper future driveway and roadway locations and separations. No lot may be created that will cause a condition where prescribed access separations cannot be met.
- E. No driveway areas or easements may be less than thirty-three (33) feet wide.

- F. All driveways must adhere to the access requirements and standards of the Saginaw County Road Commission.
- G. Access drives may be placed in front or rear side yards to provide access to rear yards or accessory structures.

SECTION 12.10 TEMPORARY OUTDOOR USES

- A. Temporary outdoor uses may be permitted in any zoning district, provided that the temporary use is similar in nature to those uses permitted in the district, as determined by the Zoning Administrator. A zoning permit identifying the location, sponsoring group or individual, and beginning and ending dates of the use shall be obtained from the Zoning Administrator. The Zoning Administrator will determine whether the use is appropriate at the proposed site within the district and determine any necessary conditions to address potential nuisances such as off-street parking and other health, safety and welfare issues.
- B. Temporary outdoor uses, except camping, may be authorized on lots of five (5) acres or more in an agricultural or residential district for not more than a thirty (30) day period, and not less than thirty (30) days shall elapse between the end of one authorized temporary outdoor use period and the beginning of another for the same proposed site within the district.
- C. Camping may be authorized as a temporary outdoor use pursuant to the following standards:
 - 1. Camping may be permitted for seven (7) days in an agricultural or residential district on lots smaller than five (5) acres. Once per year, a camping permit described by this subsection may be extended for up to fifteen (15) days by the Zoning Administrator.
- D. Camping may be permitted for thirty (30) days in an agricultural or residential district on lots five (5) acres or larger. Once per year, a camping permit described by this subsection may be extended for up to fifteen (15) days if approved by the Zoning Administrator.
- E. At least thirty (30) days must elapse between each period discussed above.
- F. This Subsection shall not be construed as applying to approved campgrounds.

SECTION 15.11 OUTDOOR SALES

Outdoor sales shall be subject to the following requirements:

- A. All lighting shall be shielded from residential districts.
- B. Ingress and egress to the outdoor sales area shall be setback at least twenty-five (25) feet from any intersection or residential district.

C. The fencing and screening requirements of this Ordinance must be satisfied.

SECTION 12.12 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

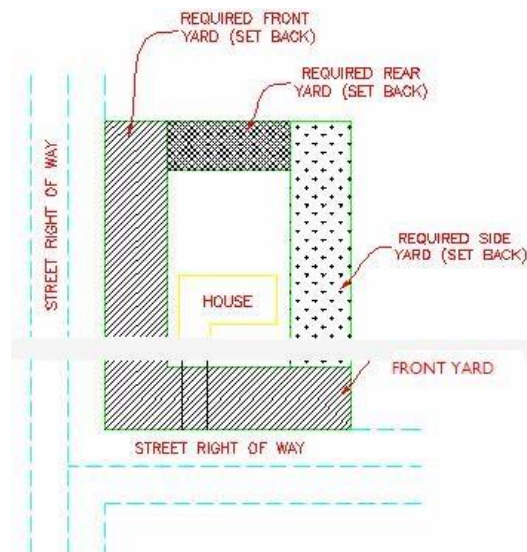
No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, or industrial waste. All such installations and facilities shall conform to the requirements of the Saginaw County Health Department and applicable state agencies, and all applicable permits authorizing said facilities shall be obtained. The owner or applicant for any zoning permit must demonstrate the availability of potable water and public sewer connections or adequate space for septic fields with appropriate reserve areas and setbacks specific to site conditions. In no case should a septic field be closer than ten (10) feet to a lot line.

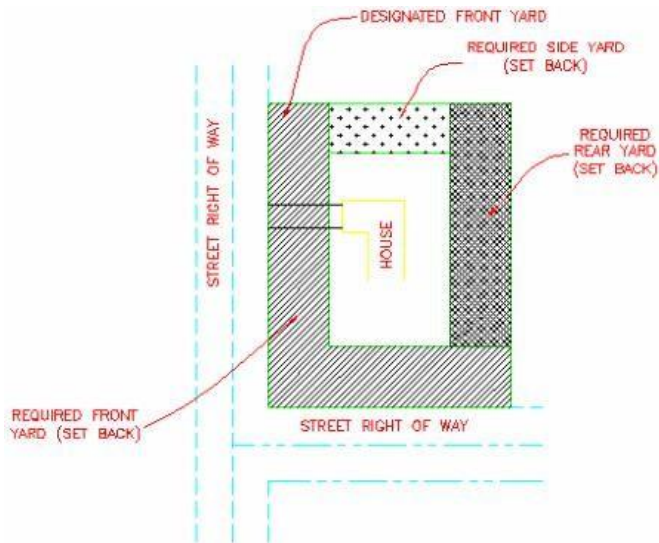
SECTION 12.13 CORNER LOTS

Lots or parcels which have frontage on two (2) or more streets are subject to the following (refer to Figure 3 below):

- A. All yards having frontage on a street are considered front yards for the purposes of satisfying dimensional requirements.
- B. The mailing address of a property shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.
- C. No fence, wall, shrubbery, sign, or other visual obstruction above a height of thirty (30) inches is permitted within the triangular area formed by the intersection of any street right-of-way lines as measured by a straight line drawn between the right-of-way lines at a distance along each line of forty (40) feet from their point of intersection.

Figure 3: Corner Lots





SECTION 12.14 SUBDIVISIONS OF LAND

Beginning on the effective date of this Ordinance, all plats or proposed land divisions newly submitted to the Township Board pursuant to the Land Division Act, PA 591 of 1996 (formerly the Subdivision Control Act of 1967, PA 288) as amended shall be reviewed by the Township Assessor and Zoning Administrator. The Assessor and Zoning Administrator will review all proposed divisions to determine whether those divisions are consistent with the requirements of this Ordinance and any other applicable law. All plats shall be subject to the use provisions of the Zoning District in which they are located.

SECTION 12.15 GRADING

The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be designed so that surface water will flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result.

SECTION 12.16 LIVING AREA

No area shall be considered a living area where more than four (4) feet of walls are below outside grade unless one wall is entirely above the grade line of the lot adjacent to the wall and has an entrance to the out-of-doors through the wall, furnishing access to and from such finished quarters.

SECTION 12.17 REQUIRED LOT AREA OR SPACE

- A. No lot, or parcel of un-platted land, shall be so reduced that the yard, setback, open space, or area is less than the minimum requirements of this Ordinance.
- B. In determining lot and yard requirements, no area shall be ascribed to more than one (1) main building or use, and no area necessary for compliance with the space requirements for one (1) principal building shall be included in the calculations of the space requirements for any other building or use.

- C. All lots platted, subdivided, or otherwise created after the effective date of this Ordinance shall conform to the minimum lot size and lot width required for the district in which such lot shall be established.
- D. Square footage and setbacks of all newly created lots will be measured excluding any public right of way.
- E. If a lot of record abuts one or more lots of record in the same ownership, such lots shall be combined and considered as one lot for the purposes of this Ordinance. No portion of the combined lot shall be used or sold in a manner that diminishes compliance with lot area or lot width requirements of the district in which it is located, nor shall any division of the combined lot be made that creates a lot with area or width less than the requirements of the district in which it is located.

SECTION 12.18 DEMOLITION

The demolition of any structure requires an application for a zoning permit. Demolition shall include removal of any elements of a structure's previous construction, including its foundation or related superstructure. Any party engaged in the demolition of a structure is responsible for restoring the property to as close to its natural state as is possible, including the restoration of natural grade, the removal of any and all building materials, junk, or scrap materials, and the planting of appropriate grasses or other vegetation. Demolition activities shall be completed no more than thirty (30) days from the date they are commenced.

SECTION 12.19 EXTERIOR LIGHTING

All lighting for parking areas or for the external illumination of buildings and uses shall be directed away and be shielded from adjacent residential districts and shall also be arranged as to not adversely affect driver visibility on adjacent thoroughfares. All lighting must comply with the following standards.

- A. Unless part of a street lighting or access road lighting program, lighting must be confined to the parcel or lot it illuminates.
- B. In no case may more than one foot-candle of light-power cross a lot line five (5) feet above the ground in a residential district.
- C. Luminaires must emit light in a downward direction.
- D. No light source may exceed a height of twenty-five (25) feet, except as otherwise permitted in connection with a special use or PUD, in which case it shall not exceed the maximum height permitted by that district.
- E. No light source may exceed a height of fifteen (15) feet in residential district, unless approved as part of a special use, in which case it shall not exceed the maximum height permitted by that district.

- F. The following light sources are exempt from these regulations: (1) seasonal holiday lighting; (2) decorative and residential lighting sources under six (6) feet in height; and (3) neon lighting.

SECTION 12.20 PONDS

- A. The altering, digging, enlarging, or constructing of any type of pond requires a permit from the Maple Grove Township Building Department.
- B. In order to obtain a permit, the applicant must provide the Building Department with the following:
1. Specific Location of the Pond.
 2. Locations of Safety Stations.
 3. Intended use of the pond.
 4. General Size and Depth of the Pond.
 5. The Method to be used to assure the pond's cleanliness.
- C. Ponds shall be subject to the following standards:
1. A minimum of five (5) acres of land shall be required for the construction of a pond.
 2. No pond shall exceed three (3) acres in size.
 3. The drainage area above the pond must be protected against erosion, and grading shall be maintained as to not cause undo surface run-off or flooding of adjacent landowners.
 4. The minimum setback distance for the outside edge of the pond is fifty (50) feet from any property line.
 5. There shall be a minimum of fifty (50) feet between the outside edge of the pond and any building or road right-of-way.
 6. There shall be a setback of at least two hundred (200) feet from any overhead transmission lines.
 7. A setback of at least seventy-five (75) feet from any septic field, septic tanks, feedlots, farmsteads, corrals, and similar sources.
 8. Slopes of the excavation may not exceed a ratio of one (1) vertical foot to four (4) horizontal feet.

9. Emergency access, which requires a ratio of one (1) vertical foot to six (6) horizontal feet.
 10. All areas disturbed during construction will be seeded with grasses, rip-rap, stone sand or other material and be maintained in good condition to prevent erosion.
 11. The Zoning Administrator may require the installation of a fence no less than four (4) feet tall to protect the health, safety, and welfare of neighboring residents or the community generally.
 12. The applicant shall demonstrate that water can be continuously maintained in the pond once it is constructed.
 13. Evidence shall be presented at the time of application that the Saginaw County Public Works Commissioner, the County enforcing agency for soil erosion and sedimentation control, and the Michigan Department of Environment, Great Lakes, and Energy, as well as any applicable utility, if applicable, have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
- D. Safety stations shall be located within twenty-five (25) feet of all ponds having water depths exceeding three (3) feet. Minimum requirements for this rescue station shall be:
1. A post two (2) inches by four (4) inches or larger, a minimum of six (6) feet tall and a minimum of two (2) feet into the ground.
 2. An anchored ring buoy.
 3. A forty (40) foot length of rope securely tied to the ring buoy.
 4. a pole at least twelve (12) feet long.
- E. Evacuated material not removed from the site shall be spread to a height not to exceed three (3) feet above the original surface with the top of fill graded to a continuous slope which does not exceed one (1) foot vertical to three (3) feet horizontal away from any water body. As an alternative, the material may be shaped in berms which assume a natural angle of repose from the material and which blend visually with the landscape. The top of the slope of such berms shall be no closer than twelve (12) feet to the edge of the water in any pond formed by such an excavation

SECTION 12.21 PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 12.22 LANDSCAPED BUFFER AREAS

A landscaped buffer area is required in rear and side yards for all uses requiring site plan review. The buffer area must be located within the required setback. The Planning Commission may require a landscaped buffer area to be placed anywhere within the front yard or along any right-of-way based on the specific characteristics of the lot and may also require a detailed landscape plan as part of the site plan. Required buffer areas shall meet the following standards:

- A. **Materials.** The buffer area shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.
- B. **Spacing.** The buffer area shall include one evergreen tree per fifty (50) linear feet and one deciduous tree per one hundred fifty (150) linear feet, unless the Planning Commission determines that homogenous vegetation is preferable.
- C. **Arrangement.** Buffer area trees should be arranged to stimulate a natural setting such as massing or staggered rows, except where the Planning Commission determines a more formal arrangement is more consistent with the existing character of the area.
- D. **Visibility.** Landscaping must be arranged to ensure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants. Plant materials within twenty-five (25) feet of the right-of-way shall be not more than thirty (30) inches in height.
- E. **Waiver.** In the case where a lot has side or rear yards that are not adjacent to an agricultural or residential district, the Planning Commission may lessen or waive the required number of tree plantings and the necessity for a berm, wall, or fence upon a finding that the lessening or waiving of such buffer measures does not undermine the compatibility of the proposed use with the existing or future development of adjacent lots or with the desired character of the district. Any of the requirements of this Article may be modified through site plan review proceedings, provided the Planning Commission first makes a written finding that specifically identifies characteristics of the site that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.
- F. **Installation and Completion.** All landscaping required by this Ordinance must be planted prior to obtaining a zoning permit unless the applicant can demonstrate that seasonal conditions make the installation of the landscaping not feasible. All landscaping and landscape elements must be performed according to commercially accepted planting and grading procedures.
- G. **Minimum Plant Material Planting Size.** Plant material must conform with the following standards at the time of planting:
 - 1. Evergreen trees shall be a minimum of five (5) feet in height.

2. Deciduous canopy trees shall be a minimum of twelve (12) feet in height or two and one half (2.5) inches caliper.

H. **Plant Material Spacing**

1. Plant materials shall not be placed closer than four (4) feet from the property line.
2. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows and/or grouped informally to create a natural appearance.
3. Evergreen trees shall be planted not more than fifteen (15) feet on center.
4. Deciduous canopy trees shall be planted not more than twenty-five (25) feet on center.
5. The overall landscape plan shall demonstrate a variety of plant material with not more than fifty percent (50%) of any one species utilized throughout the design.

I. **Landscaping Plan.** A landscaping plan must be submitted to the Planning Commissioner and is subject to the approval of the Planning Commissioner. The Landscaping plan must include a description of all plant species that are intended to be used and the location of each of the specific species.

J. **Existing Tree Preservation Incentives.** The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, with Planning Commission approval, toward the required trees for buffer zones, greenbelts, and within parking lots.

1. All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.
2. Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.
3. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the Planning Commission. The Planning Commission, as part of site plan approval, may allow credit for such plant material preservation if it will maintain and encourage the intent of the Ordinance. To obtain credit consideration the preserved trees shall be of a high quality and at least two (2) inches caliper.
4. Credit Consideration for preserved trees shall be:

Preserved Tree Caliper (inches)	Number of Trees to be Credited
12 inches and over	3
8 inches to 11.99 inches	2
2 ½ inches to 7.99	1

5. To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree dripline is prohibited.
6. If preserved trees die within three (3) years after construction, the property owner shall replace those trees with trees of the amount and type as would have been required if the tree had not been preserved. Said trees shall be replaced within sixty (60) days of written notice from the Township or within a greater period at the Township's discretion.
7. The minimum number of required trees shall not be reduced to less than fifty percent (50%) through the use of approved tree credits.

K. Installation and Maintenance

1. All plant materials must be installed in a sound and workmanlike manner.
2. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements of this Article. If construction is completed in an off-planting season, the certificate of occupancy will be issued only after the owner provides an adequate performance bond to ensure installation of required landscaping during the next planting season.
3. Tree stakes, guy wires and tree wrap are to be removed one (1) year after planting.
4. Required buffer areas and plant materials shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, and which is neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, it shall be replaced within thirty (30) days.

- L. **Compliance for Pre-Existing Sites.** In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or the use is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards of this Article. Increases to the building and/or parking areas of a lot are to be measured cumulatively against the original site plan.

SECTION 12.23 VOTING PLACES

Nothing in this Ordinance should be construed as interfering with the temporary use of any property serving as a voting place in connection with a public election, as provided by law.

SECTION 12.24 OPEN SPACE PRESERVATION

To encourage flexibility and creativity through the development of Open Space Communities (OSC) that more effectively preserve the Township's open spaces, natural resources, sensitive environmental areas, and rural character, this Section allows for various deviations from the general requirements of this Ordinance. Specifically, this Section is designed to allow for the grouping or clustering of new homes on smaller lots than would be typically required, deviations from dimensional requirements, setbacks, and building height standards in exchange for the preservation described above.

Deviations from these requirements are subject to the following restrictions:

- A. When submitting a site plan for an OSC, the applicant must also provide a plan for conventional development that would fully comply with the regularly applicable requirements of this Ordinance.
- B. The plan required by this Section must identify the total number of lots and dwellings reasonably attainable, as well as all open space to be maintained. Density requirements of this Ordinance may be altered as follows if the Planning Commission determines that those alterations will not adversely affect public services such as water and sewer service, road conditions or capacity, parks and recreation, police and emergency services, schools, the character of the area, or similar matters.

Reductions in dimensional requirements under this Section shall be evaluated based on furtherance of the following objectives:

1. The creation of a more desirable living environment through the preservation of the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
 2. The encouragement of developers to use a creative approach in the development of residential areas.
 3. The encouragement of the efficient, aesthetic, and desirable use of open space while recognizing a reduction in the associated costs of development by allowing developers to bypass natural obstacles.
 4. The preservation of open space within a reasonable distance of all lots developed within a residential development, and the promotion of corresponding recreational areas.
- C. A minimum of fifty (50) percent of any OSC parcel must be permanently dedicated as open space. Subdivision of open space land, or its use for activities other than

recreational, conservation, agricultural, or preservation activities where the land remains undeveloped, is strictly prohibited.

Accessory buildings to these uses are permitted, but may not exceed, in the aggregate, one (1) percent of the total dedicated open space.

- D. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.
- E. An applicant for an OSC community must provide a satisfactory guarantee that open space will be preserved in perpetuity. This may include, without limitations, deed restrictions or similar binding commitments on all successors and future owners. Such restrictions shall:
 - 1. Indicate the proposed allowable use(s) of the dedicated open space.
 - 2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - 3. Provide standards for scheduled maintenance of the open space.
 - 4. Provide for maintenance to be undertaken by the Township, at the owners' expense, if the open space is inadequately maintained.
- F. Uses in OSC lands should be primarily limited to Single Family or Two Family dwellings. Additional compatible uses may be appropriate when an applicant can demonstrate to the Planning Commission that residential uses will predominate all others, and that additional uses would not create significant risk of nuisance activities.
- G. Commercial uses predominantly designed to serve persons other than those who reside in the OSC area are not permitted.
- H. An OSC must provide for the undergrown installation of all utilities. OSC status will not be granted unless public water and sewer is available, appropriate storm water facilities have been installed, and fire protection measures are in place to ensure adequate on-site water for use by the local fire department. The OSC must comply with all requirements of the Saginaw County Department of Public Health for residential water supply and wastewater disposal.
- I. The nearest edge of any entrance or exit drive for OSC may not be located closer than two hundred (200) feet from any existing intersection. Access to dwellings within an OSC must be from an interior road. The Planning Commission may require the installation of a pedestrian circulation system along all internal roads, and to facilitate access to designated open space areas.
- J. An OSC development may be constructed in phases, subject to the following:

1. Each phase of the project must be designed so that it will be fully functional with respect to services, utilities, circulation, facilities, and open space.
2. Each phase requires an individual site plan.
3. At least seventy-five (75) percent of all dwelling units for each phase must be completed before the commencement of construction for any approved non-residential component.
4. Each phase must be commenced within twelve (12) months of the date identified on a schedule submitted with an approved site plan. A single extension may be granted by the Planning Commission in its sole discretion.

K. The OSC will comply with all requirements of the Land Division Act.

SECTION 12.25 MOVING BUILDINGS

Existing buildings or other structures may only be relocated or moved to other parcels if the location on the new parcels meets all applicable provisions of this Ordinance.

SECTION 12.26 MINIMUM LOT FRONTAGE

The front lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the front lot line for the required width. "Flag lots" are not permitted. All parcels that are created shall have improved access to a public street.

SECTION 12.27 GARAGE SALES

Garage sales are considered temporary accessory uses and are permissible within any residential zoning district. Such sales of used material from a single family dwelling, church, or charitable organization do not require a zoning permit, but may not exceed a seven (7) day period and in no instance may one location hold more than two (2) garage sales within any twelve (12) month period.

SECTION 12.28 KEEPING OF HORSES

Residents may only raise and keep horses as an accessory use to a principal use in a residential district if the accessory use complies with the following factors:

- A. The occupants of the principal use must own the horses.
- B. The occupants must keep the odor, sounds, and movements of the horses as well as any activities associated with storing the horses from becoming a nuisance to adjacent properties.
- C. The first horse kept on a property requires a minimum lot area of two (2) acres and every additional horse kept requires an additional one (1) acre of lot area.
- D. All facilities used to house the horses must be constructed and maintained to avoid dust and run-off.

SECTION 12.29 ENVIRONMENTAL PROTECTION

A. Discharges

1. Uses under this Ordinance may not release dust, fumes, or noxious, odorous matter discernible beyond the lot where they originate besides agricultural operations carried out in conformance with the most current Generally Accepted Agricultural Management Practices published by the Michigan Department of Agriculture. Any land uses which require a permit from the Michigan Department of Environment, Great Lakes, and Energy or federal government for atmospheric discharges must obtain the required permit as a condition for their approval under this Ordinance.
2. It is a violation of this Ordinance to discharge any materials in such a way that can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the Michigan Department of Environment, Great Lakes, and Energy or federal government.

- B. **Sensitive Lands.** Where reasonably feasible, new development may only occur on portions of parcels devoid of wetlands, marshes, hydric soils, or flood plains.

The Township will only approve developments on sensitive lands if that approval is conditioned on the applicant's receipt of all applicable county, state, or federal permits. The Township may require mitigation measures to replace resources materially disturbed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

- C. **Clearing, Grading, and Drainage.** In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules apply to all construction activities requiring a zoning permit:

1. No topsoil may be removed from a lot prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas. "Disturbed areas" means any area of a lot altered grading or other construction activities and is not proposed to be paved or otherwise built upon.
2. The final grade of ground areas surrounding a building or structure must be designed and landscaped to make surface waters flow away from the building or structure and to avoid excessive increased flow onto adjacent properties or public roads to the extent feasible.
3. All lots must retain storm water runoff on-site or detain the run-off to prevent substantial impacts on adjacent lands, streams or water bodies above the existing pre-

development runoff impact. No land uses are permitted which will materially increase the rate of runoff discharge from a lot or parcel or otherwise cause significant erosion or direct sedimentation upon abutting properties including an abutting street. No land uses are permitted which will materially reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless the necessary improvements are made or in the progress of being made.

SECTION 12.30 FLOOD HAZARD AREAS

Flood hazard areas are divided into areas known as the Floodway and Floodway Fringe by the Flood Insurance Study for Maple Grove Township. Elevations of the 100- and 500-year floods for various Township locations are identified by this Study, which is issued by the Federal Emergency Management Agency.

- A. **Required Permit.** Structures proposed for location in Floodways must first obtain State permit. They shall not be designed for human occupancy and shall have no, or a very low, flood damage potential. Storage of material or equipment in Floodway areas is allowed only if same is readily removable upon flood warning.
- B. **Fill or Storage.** Non-structural uses shall not unduly restrict the capacity of tributaries, drainage ditches, or other drainage facilities.
- C. **Elevated Structures.** Structures located in the Floodway Fringe must be so constructed that the bottom of the lowest structural member supporting the lowest floor of the structure, or of any mechanical or electrical equipment (including duct insulation that may be subject to water damage), must be located above the Base Flood Elevation. The actual elevation of said structural items shall be certified by an architect or engineer licensed to practice in Michigan, and a record of this certification shall be maintained by the Township and filed with the building permit which authorized the structure.
- D. **Structures Parallel to Flood Flow.** Permitted structures shall be erected so as to offer their longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow line as adjoining structures.
- E. **Embankments for Homes.** Residential buildings must be placed on fill embankments which extend at or above the 100-year flood elevation for at least fifteen feet (15') on all sides of the building.
- F. **Floodproofing for Certain Structures.** If there are compelling reasons why a nonresidential structure cannot be built to comply with the preceding paragraphs, it still may be permitted if a civil engineer licensed to practice in Michigan certifies that it will be "flood proof". That is, it must be of watertight construction and capable of resisting hydrostatic and hydrodynamic pressures that would be exerted by floodwaters of a 500 year flood at said location.

SECTION 12.31 DRIVEWAYS AND CURB CUTS

All plans to erect, alter, move, or reconstruct structures must contain, as part of the site plan, proposed driveway access to the premises. Driveways accessing a premises must connect to a public street or driveway under this Ordinance. Driveways and curb cuts must meet the following standards.

- A. When feasible, driveways must be perpendicular to an existing street or road.
- B. No driveway providing access to non-residential uses or structures may cross residentially-zoned property.
- C. Two single-family dwellings may share a driveway only with prior written approval by the Planning Commission. The Planning Commission will evaluate written requests for shared driveway requests upon satisfactory evidence submitted by the applicant showing:
 - 1. The shared driveway has direct access to a public.
 - 2. The Saginaw County Road Commission approves the location of the shared driveway intersection with the public.
 - 3. The property owners will record an access and maintenance easement in the form of a deed restriction for all parcels accessed by the driveway, which shall provide for the shared access and maintenance responsibilities of the driveway.

SECTION 12.32 HOME OCCUPATIONS

Home occupations shall comply with the following requirements:

- A. Not more than two (2) persons shall work in furtherance the home occupation, one of whom must be an occupant of the dwelling.
- B. The home occupation shall be carried on within the dwelling or within an accessory building on the parcel. The use shall be incidental and subordinate to its principal purpose.
- C. The area devoted to a home occupation may not occupy an area greater than 30 percent of the total floor area of the dwelling.
- D. A home occupation may operate in an accessory structure, provided that the accessory structure shall be no larger than one thousand eight hundred (1,800) square feet. Only one accessory structure may be used for home occupation operations.
- E. No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes.
- F. The occupation shall not necessitate the use of more than one (1) vehicle requiring a commercial license.

- G. Customers shall not generate excessive traffic or monopolize on-street parking. No parking may occur in the front yard. Off-street parking shall be provided.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal human senses beyond the property lines of parcel on which the home occupation is conducted.

ARTICLE 13: PARKING

SECTION 13.1 INTENT AND PURPOSE

This Article is intended to ensure adequate parking facilities to support various uses, and to ensure that they are adequately maintained. Off-street parking as required by this Ordinance must be in accordance with the following provisions.

SECTION 13.2 OFF-STREET PARKING REQUIRED

For all uses, adequate off-street parking to prevent conflicts with vehicular traffic is required. Off-street parking areas shall have enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Uses must provide direct access to off-street parking areas from a public road. Parking within street rights-of-way do not satisfy the requirements of this Ordinance except as permitted by specific districts and uses in this Ordinance.

SECTION 13.3 DEVELOPMENT STANDARDS

- A. State and federal handicapped parking requirements shall be followed.
- B. Striping and lighting may be required.
- C. Parking lot design and construction is subject to site plan review.

SECTION 13.4 OFF-STREET PARKING REQUIREMENTS

- A. The following uses shall provide approved surface parking areas that comply with the minimum standards established by this Section.
- B. Total parking required is the sum of spaces for all land uses proposed on the site plus employee parking, as defined below.

Table of Off-Street Parking Requirements

The Following Uses Must at a Minimum Have Gravel Surfaced Parking

Land Use	Number of Spaces	Per Activity Unit
Single and Two-Family Dwellings	2	Dwelling Unit
Campground and Recreational Vehicle Parks	1	Campsite
Roadside Stands for Selling Produce	5	Stand
Grain and Seed Elevator	4	Business
Cemetery	2	1 Acre

Game Area and Nature Preserve	1	10 Acres
Parks and Golf Course	1	2 Acres
Driving Ranges	1	Tee

The Following Uses Must at a Minimum Have Paved Parking

Manufactured Homes/Mobile Home Parks	2	Dwelling Unit
Multi-Family/Apartment Dwellings	2	Dwelling Unit
Group Child Care Homes	1	4 Children, per license
Veterinary Hospitals, Clinics, or Kennels	2	Exam or Treatment Room
Retail Area, Office, Personal Service Establishment, Financial Institutions	1	150 Square Feet of Public Area
Vehicle Sales	1	500 square feet of public area
Automobile Service Stations	2	Wash, Stall, or Fuel Pump
Truck Stops and Terminals	5*	Fuel Pump (12 ft x 70 ft/ truck)
Bars, Night Clubs, or Restaurant (Not Drive-in)	1	2 Seat
Drive-In Restaurant	1	200 Square Feet Gross Floor Area
Hotel or Motel	1	Guest Room
Public or Private Meeting Halls, Bingo Hall, Skating Rink	1	4 Persons allowed in Building based on Fire Code Rules
Bowling Alleys	4	Lane
Wholesale Business and Industrial Activities	1	2000 square feet gross floor area
Church, Theater, Arena, Stadium	1	3 Seats or 5 feet of Bench or Pew Seating
Grade School	1	10 All Day Students at Maximum Capacity
High School (Excluding Stadium, Auditorium)	5	5 Students at Maximum Capacity
Hospital, Visitor Parking	1	3 Beds
Hospital, Medical Staff Parking	1	2 Medical Staff Members
Nursing Home	1	6 Beds
Museum and Gallery	1	600 Sq. Ft. Gross Floor Areas

1. **All Other Uses.** Any use not listed on the above table is required to have a hard surface for parking.
2. **Heavy Trucks.** Overnight parking of commercial vehicles in excess of one (1) ton-rated capacity, including all semi-trucks tractors and trailers, is prohibited within any Residential Zoning District.
3. **Joint Provision of Off-Street Parking.** Where two or more abutting parcels in any Commercial Zoning District provide paved vehicular access between hard surfaced parking areas, allowing travel from one parcel to another without the use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%) in addition to reductions allowed by other provisions of this Section.
4. **Reductions for Further Public Benefits.** In any Commercial or Industrial Zoning District, uses on parcels fronting on County Primary Roads or Highways, and meeting a minimum of three (3) of the following conditions, may reduce the number of parking spaces required by ten percent (10%), which is in addition to reductions allowed by other provision of this section.
 - a. The parcel has no driveway opening onto the major road.
 - b. No Freestanding signs are located in the required front yard setback area for the building.
 - c. The principal building is set back at least one hundred (100) feet from the major road right of way.
 - d. A portion of the parcel is equivalent to at least thirty five percent (35%) of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.
 - e. Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier-free non-motorized travel.
5. **Expansions or additions.** Additional parking consistent with the requirements of this section shall be provided in the event of an increase in floor area, a change from a less-intensive land use to a more-intensive land use as determined by the Planning Commission, or the expansion of a building's use capacity.
6. **Screening for Residential Areas.** Where a required parking area of more than ten (10) spaces adjoins a parcel zoned for residential use, the parking area shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planning strip. The planting strip shall provide a solid visual barrier at least five (5) feet high and may include a berm.

7. **Parking deviations.** Where an applicant can substantiate a different parking need than those indicated above, the Planning Commission may allow a deviation.
8. **Temporary parking.** Temporary use of unpaved area for parking associated with special or non-routine events may be authorized through the issuance of a temporary parking permit by the Zoning Administrator.
9. **Uses not listed.** The parking requirements for a use not listed above shall be required to have a hard surface.
10. **Prohibited conduct.** It shall be unlawful to use any off-street parking areas required by this Ordinance for any purpose other than the parking of licensed vehicles. This includes, but is not limited to, the storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles in required off-street parking is prohibited.
11. **Fractional spaces.** If this Article would result in the requirement of a fractional space, an additional space will be required.

SECTION 13.5 OFF-STREET PARKING AREA CONSTRUCTION REQUIREMENTS

- A. Where the Off-Street Parking Requirements requires off-street parking areas to be hard-surfaced, they shall be constructed out of concrete or an asphalt surface laid over a base of compacted stone.
- B. Any off-street parking area larger than twenty-five (25) spaces must include one handicapped parking space, meeting the size requirements outlined in this Ordinance, for each one hundred (100) spaces in the parking area, or fraction thereof. Such spaces shall be located as close as possible to the principal barrier-free entrance of the building and clearly signed for use only by handicapped persons. Curb cuts, ramps, or other necessary devices shall be provided to overcome all barriers to access between these parking spaces and the building entrance.
- C. Off-street parking areas require storm water collection, drainage, and retention structures which comply with all requirements set by the Saginaw County Road Commission and Saginaw County Public Works Commissioner.
- D. Parking spaces shall meet the following dimensional requirements:
 1. **Standard.** Parking Spaces constructed to meet the requirements of this Ordinance shall be nine (9) feet wide by twenty (20) feet long.
 2. **Handicapped.** Spaces designed for use by handicapped persons shall comply with the dimensional requirements of the Americans with Disabilities Act of 1990, 42 USC ch 126 § 12101, *et seq.*

- E. Parking spaces for certain vehicles, such as large trucks or cars with boat trailers, must conform to dimensions as noted in the Off-Street Parking Requirements.
- F. Driveways and aisles for any off-street parking area built to accommodate over twenty (20) vehicles shall meet the following dimensional requirements:
 - 1. Aisles in off-street parking areas shall be at least twenty (20) feet wide.
 - 2. Each driveway shall be a minimum of fifteen (15) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a ninety (90%) degree angle.
 - 3. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each three hundred (300) feet of frontage, or fraction. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (15) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line or within fifty (50) feet of a street intersection.
 - 4. Where the speed limit posted for public thoroughfare is in excess of thirty (30) miles per hour, driveway opening onto said thoroughfare must be served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway.
 - 5. All spaces must provide adequate access by means of drive aisles. Backing directly onto a street is prohibited.
 - 6. All drive aisle widths must permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- G. Driveways for any off-street parking area shall be clearly defined and must comply with the following requirements:
 - 1. Each driveway lane must be a minimum of twelve (12) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be defined.
 - 2. Driveways must intersect abutting streets at a ninety-degree angle.
 - 3. Driveways to off-street parking may not be located in the R-1 or RR Districts and shall maintain a setback of at least twenty-five (25) feet from any adjacent property zoned R-1 or RR.
 - 4. Driveways shall be setback at least twenty-five (25) feet from any intersection.

5. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each four hundred fifty (450) feet of frontage, or fraction thereof.
6. If a driveway cannot fulfill these requirements because of an existing driveway on another parcel, the new driveway will be located to maximize compliance with these standards.
7. All lighting of a required off-street parking area shall be arranged in such a manner and shall be of such height that the illumination is shielded and directed toward the ground and is not directed toward a public thoroughfare or adjacent properties. Lighting fixtures shall comply with height and setback requirements for accessory structures within the applicable Zoning District.
8. Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be provided with sufficient lighting to allow safety for users at any time.
9. Parking and loading areas in general shall be located beside or behind structures, but in no case closer than twenty (20) feet to any road right-of-way. Off-Street parking areas shall be no closer than five (5) feet to any principal building and bumper guards or curbs shall be install to prevent yard encroachment.
10. Any off-street parking area shall have a wall at least five (5) feet high between the parking area and adjacent property zoned for residential uses.
11. A zoning permit is be required for construction of any parking area.

SECTION 13.6 LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING AREAS

A. Off-street parking areas shall comply with the following requirements for parking lot trees and parking lot islands:

Parking Lot Tree and Parking Lot Island Requirements

Zoning District	1-100 Parking Spaces	101-200 Parking Spaces	Over 200 Parking Spaces
Commercial	1 canopy tree per 10 spaces	1 canopy tree per 10 spaces	1 canopy tree per 12 spaces
Industrial	1 canopy tree per 12 spaces	1 canopy tree per 15 spaces	1 canopy tree per 15 spaces

1. **Tree Location.** Required trees must be placed within the off-street parking area or within fifteen (15) feet of the outside edge of the off-street parking area. A minimum of one-third of all required trees shall be placed within the interior of the off-street parking area.

2. **Tree Base.** Each tree shall be surrounded by an area of grass or living ground cover at least one hundred fifty (150) square feet in size to provide for adequate air and water. Tree plantings must be protected from automobiles with curbing or another suitable device.
3. **Design of Parking Lot Islands.** Parking lot islands must be curbed, with a minimum area of one hundred fifty (150) feet. Each island must be at least ten (10) feet wide, with a depth of two (2) feet shorter than the depth of the adjacent parking space.
4. **No Credit.** Required parking lot trees shall not be credited towards barrier area or screening requirements.

SECTION 13.7 OFF-STREET LOADING AND UNLOADING

Loading and unloading spaces are required for every structure where trucks or other commercial vehicles supply the structure with merchandise or other materials. These spaces are in addition to any off-street parking spaces required above. Spaces must comply with the following requirements.

- A. Loading and unloading spaces shall be located within the rear yard for all properties other than those with a side yard abutting a commercial or industrial district. Properties with a side yard abutting these districts may locate loading and unloading spaces within the side yard if all setbacks can be satisfied.
- B. Loading and unloading spaces must be at least ten (10) feet by sixty (60) feet, or six hundred (600) square feet in area, with clearance of at least fifteen (15) feet in height.
- C. Loading docks approaches shall be paved with asphalt or cement to provide a permanent, durable and dustless surface. All spaces in the Industrial District shall be provided as follows:
 1. **Multi-Family Residential.** In buildings where the principal entrances to dwelling units are from a common hallway, one off-street loading space shall be provided for each one hundred (100) dwelling units. Said loading space shall have barrier free access to the ground level common hallway and to an elevator, if one is present.
 2. **Retail.** Buildings used for retail sales or eating and drinking establishments shall include one off-street loading space for every six thousand (6000) square feet of public area, or fraction thereof.
 3. **Office.** Each office building taller than two stories shall include one off-street loading space.
 4. **Wholesale Or Warehouse.** Each building for such uses shall have at least one (1) off-street loading space for every fifty thousand (50,000) square feet, or fraction thereof.

5. Industrial. Each industrial building shall have one (1) off-street loading space for every twenty thousand (20,000) square feet or fraction thereof.

ARTICLE 14: SIGNS

SECTION 14.1 PURPOSE AND INTENT

The purpose of this Article is to regulate signs and advertising within the Township in a content-neutral manner so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in Maple Grove Township. This Article intends to make Maple Grove Township attractive to residents, visitors, and commercial, industrial and professional businesses while maintaining a sustainable economy through an appropriate signage program. The elements of this program will:

- A. Recognize that the principal intent of commercial signs is to serve the public interest, for providing accurate information to the public, not for creating visual blight, and not for compromising traffic safety.
- B. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- C. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- D. Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the placement of signs.
- E. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- F. Preserve and improve the aesthetics and character of the township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- G. Provide regulations that focus on the time, place, manner, and physical characteristics of signs, but not the content of signs in accordance with the First Amendment of the United States Constitution.

SECTION 14.2 DEFINITIONS

- A. **Abandoned Sign.** A sign that has ceased to be used, and the owner intends no longer to have used it for the display of sign copy, or any sign not repaired or maintained properly, after notice pursuant to the terms of this Article.
- B. **Billboard.** Meaning any free-standing sign on a parcel of land which does not include another principal structure. Such sign shall be established as a principal use.
- C. **Candela per meter squared.** A unit of measure of the intensity of light radiating from a surface equal to one candela per square meter of surface.

- D. **Canopy, Awning or Marquee Sign.** Any sign attached to or constructed within or on a canopy, awning or marquee.
- E. **Electronic Message Sign/LED.** A sign with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means.
- F. **Flag.** A sign consisting of a piece of cloth, fabric or other non-rigid material.
- G. **Foot Candle.** A unit of measure of the intensity of light falling on a surface equal to one (1) foot from a given surface.
- H. **Free-standing or Ground Sign.** A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.
- I. **Height of Sign.** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- J. **Shopping Center.** A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different from the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- K. **Sign.** Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Placards not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises shall not be considered signs.
- L. **Temporary Sign.** A sign that is intended to be displayed for a limited period of time.
- M. **Wall Sign.** A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- N. **Window Sign.** A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

SECTION 14.3 GENERAL SIGN REGULATIONS

The following regulations apply to all signs in Maple Grove Township:

- A. **Illuminated Signs.**

1. Agricultural and Residential Districts – only indirectly illuminated signs shall be allowed provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
2. Commercial and Industrial Districts - indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
3. No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to public or private celebrations. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in this Article's temporary sign regulations.

B. Measurement of Sign Area. The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.

C. Height of Signs. No free-standing sign shall exceed a height of ten (10) feet unless otherwise authorized in this article. Where, because of topography of the location or other obstruction in relation to the primary road accessing a business, the visibility of its sign cannot be seen from its primary road access, the Planning Commission may give consideration to increasing the permitted maximum height of a free standing sign provided that the following information is presented as part of a Site Plan submission:

1. A map showing both existing and proposed topography of the area between and around the proposed location of the proposed sign and its primary road access.
2. A topographical profile showing the difference in elevation between the permitted height of the sign at its proposed location and the points along the primary road accessing the property from which the sign can be most reasonably seen.
3. An indication on the topographical profile of the obstructions which prevent the sign from being reasonably seen from the primary road of access.
4. A primary road of access shall be determined by the Planning Commission as that road which in its judgment will most reasonably provide visibility of the sign on the property.

5. Setback Requirements for Signs. Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of ten (10) feet as measured from the road right-of-way line.

SECTION 14.4 PERMITTED SIGNS BY DISTRICT

The following signs are permitted upon securing a sign permit from the Zoning Administrator.

A. Signs in Non-Commercial and Non-Industrial Districts:

1. For dwelling units, one (1) non-illuminated wall sign not exceeding two (2) square feet in area.
2. For structures other than dwelling units, one (1) non-illuminated wall sign not to exceed eighteen (18) square feet in area.
3. For multiple-family dwellings or neighborhoods, one externally-illuminated freestanding identification sign not exceeding thirty-two (32) square feet in area is permitted at each point of ingress and egress, provided that the same is setback at least one hundred (100) feet from any residence and glare is reasonably shielded from nearby roads and residential uses.
4. Residential Television Antennas or Flag Poles shall be permitted to a maximum height of forty-five (45) feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height or the roof peak by more than fifteen (15) feet.

B. Signs in Commercial and Industrial Districts:

1. One (1) wall sign not to exceed thirty (30) square feet in area.
2. One (1) freestanding sign not to exceed fifty (50) square feet in area and twelve (12) feet in height is permitted in the required front yard, provided that the same is setback two hundred (200) feet from any residential use.
3. External or internal illumination is permitted, provided that the glare is shielded from any nearby residential use or roadway.
4. For businesses with frontage on two (2) or more public roads, one (1) additional wall sign and one (1) additional freestanding sign is permitted for each public road, so long as there is no more than one (1) sign per public road.

- C. For all uses and structures, one (1) flag not to exceed twenty-four (24) square feet in area may be displayed from a flag bracket or flag stanchion. Up to two (2) additional flags not exceeding twenty-four (24) square feet in area each may be displayed from a flagpole located on the parcel, provided that the flagpole does not exceed sixty (60) feet in height.

- D. Signs in the M-13 and M-57 highway corridors must also meet all requirements of the Michigan Department of Transportation Sign Ordinance.

SECTION 14.5 BILLBOARDS

Billboards are permitted in the B-2 and M-1 Districts, provided the following requirements are met:

- A. The billboard is set back at least one thousand (1,000) feet from any other billboard abutting either side of the same highway.
- B. Not more than three (3) billboards may be located per linear mile of highway, regardless of the fact that such billboards may be located on different sides of the highway.
- C. The billboard does not exceed a height of thirty (30) feet, measured from grade.
- D. The billboard does not exceed an area of three hundred (300) square feet per sign face.
- E. The billboard does not have more than two (2) sign faces.
- F. The billboard is setback at least three hundred (300) feet from any residential zoning district, existing residence, church or school. If the billboard is illuminated, the required setback is five hundred (500) feet.
- G. The billboard complies with the same setback standards as other principal buildings in its zoning district.
- H. The billboard is setback at least seventy-five (75) feet from a property line adjoining a public right of way or ten (10) feet from any interior boundary lines of the parcel on which the billboard is located.
- I. The billboard may be illuminated, provided that such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises. A billboard may not have flashing, rotating, oscillating or intermittent lights.
- J. No billboard may be on top of, cantilevered, or otherwise suspended above the roof of any building.
- K. The billboard is constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. The billboard must be maintained so as to assure proper alignment of the structure, continued structural soundness and continued readability of the message.
- L. All billboards must also comply with Section 19.4(E) of this Ordinance.

SECTION 14.6 EXEMPT SIGNS; PROHIBITED SIGNS; CONSTRUCTION AND MAINTENANCE

A. **Exempt signs.** A sign permit is required for any erection, construction, enlargement, or movement of any sign, except for those signs described below:

1. Temporary signage painted on the window or constructed of paper, cloth, or similar expendable material affixed on the window, wall, or building surface, which meets the following requirements:
 - a. The total area of such signs does not exceed the greater of twenty-five percent (25%) of the window area or twelve (12) square feet.
 - b. Such signs are not displayed for more than fourteen (14) continuous calendar days or thirty (30) days total each calendar year.
2. Other temporary signage, which is unlit and less than four (4) square feet in area or five (5) feet in height, and which is removed within sixty (60) days of installation unless a longer period is permitted by law.
3. Any sign authorized by law, or by regulation or administrative rule of a governmental entity, having appropriate jurisdiction.
4. House numbers, addresses, name plates, memorial signs, erection dates and building names when cut into, inlaid or mounted against a building surface.
5. Traffic control devices.
6. Any sign, other than a window sign, located entirely inside the premises of a building or an enclosed space.
7. For all uses and structures, one (1) flag not to exceed twenty-four (24) square feet in area may be displayed from a flag bracket or flag stanchion. Up to two (2) additional flags not exceeding twenty-four (24) square feet in area each may be displayed from a flagpole located on the parcel, provided that the flagpole does not exceed fifty (50) feet in height.

B. **Prohibited signs.** All signs not expressly permitted are prohibited in all zones, including but not limited to the following:

1. Revolving, swinging, or rotating signs.
2. Signs within the public right-of-way (except those required by a governmental agency). No sign may be placed, erected or constructed on a utility pole, traffic device, traffic sign, or warning sign or so as to impede access to any public improvement, or to obstruct the vision of any such signs, except as expressly permitted by this Article.

3. Signs located on public property except as expressly permitted by this Article.
4. Signs blocking doors or fire escapes.
5. Wall signs that project beyond or overhang the wall upon which they are mounted.
6. Roof signs that project above or beyond the highest point of the roof.
7. Any sign that by reason of size, location, movement, content, coloring or illumination would be confused with a traffic control sign, signal or device or lights of emergency and road control vehicles.
8. Signs containing obscenity according to state or federal law.
9. Signs that emit or project audible sound or visible matter.
10. Animated signs.
11. Signs displayed without the consent of the legal owner of the property on which the sign is mounted or displayed.

C. Construction and maintenance

1. Every sign shall be manufactured, assembled, and erected in compliance with all applicable building, electrical or other codes, and all applicable state, federal, and local regulations.
2. Every sign shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any cracked or broken surfaces and malfunctioning or damaged portions of a sign must be repaired or replaced within thirty (30) calendar days following notification by the Zoning Administrator. Any maintenance which does not involve a structural change is permitted.
3. All sign installers must comply with any necessary licenses, certifications and all applicable codes, laws and ordinances.
4. No sign may be erected, constructed or altered until a sign permit has been issued by the Zoning Administrator, unless otherwise exempted from permitting requirements by this Ordinance.
5. Signs larger than 100 square feet must be erected on structural or tubular steel supports. No guy wires are permitted.
6. Any non-temporary sign shall be constructed to withstand a 30 pound per square foot wind-stress factor. Any temporary sign must be constructed so that it is not dangerous to the public.

SECTION 14.7 DESIGN STANDARDS

Each sign shall be designed to complement the buildings and the surroundings of its intended location. To the extent possible, a sign located on a commercial site in a predominantly residential area shall take into consideration compatibility with the residential area.

- A. **Landscaping.** Each freestanding sign shall be located, wherever possible, in a planted landscaped area which is of a shape, design and size that will provide a compatible setting and ground definition to the sign. The planted landscaped area shall be maintained in a neat, healthy, and thriving condition. Plantings must be no higher than three (3) feet.
- B. **Illumination and motion.** Signs must be nonmoving, stationary structures (in all components), and illumination, if any, must be stationary and constant in intensity and color, which may not exceed three thousand (3,000) lumens.
- C. **Relationship to streets.** Signs must be designed to avoid obstructing any pedestrian, bicyclist, or driver's view of right-of-way. Signs shall comply with a ten (10) foot setback from any right of way, or with a greater setback if such is deemed necessary for the safety or convenience of motorist, pedestrians, or neighboring properties.
- D. **Nuisance.** Notwithstanding any other provision of this Article, no sign shall be installed, maintained, or operated in manner that creates a nuisance.

SECTION 14.8 NONCONFORMING SIGNS

- A. **Intent.** It is the intent of this section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this Article is as important as the prohibition of new signs that would violate these regulations.
- B. **General requirements.** A nonconforming sign may not be:
 - 1. Changed to another nonconforming sign.
 - 2. Structurally altered to extend its useful life, except for ordinary maintenance.
 - 3. Expanded, moved or relocated.
 - 4. Reestablished after damage or destruction of more than fifty percent (50%) of the sign's state equalized value.
 - 5. In poor repair.
- C. **Historical signs.** Signs which have historical significance to the community but do not conform to the provisions of this Article may be issued a permit to remain, provided that the Planning Commission makes the following findings:
 - 1. The sign has a bona fide historical significance for the community;

2. The sign does not constitute a traffic hazard;
3. The sign does not diminish the character of the community;
4. The sign is properly maintained and structurally sound; and
1. The sign does not adversely affect adjacent properties.

D. **Abandoned Sign.** Any sign that is associated with a business that has not been operational for a period of six (6) months shall be deemed to be abandoned. All such signs shall be removed by the current property owner, and no land use, construction, or restoration of an existing use may occur unless the sign is removed, replaced, or brought up-to-date with the standards of this Section.

ARTICLE 15: SITE PLAN REVIEW

SECTION 15.1 INTENT AND PURPOSE

Land development affects the character of the community and its public health, safety, and general welfare. This Article describes all land uses subject to site plan review, as well as the standards and procedures associated with that review.

SECTION 15.2 SCOPE

Site plan review by the Planning Commission is required for all uses in residential districts other than single-family or two-family dwellings. The Planning Commission shall conduct site plan review for the following uses:

- A. All land developments, excluding single-family or two-family dwellings located on a single lot in a residential district and agricultural uses not subject to a special use permit, including structures to be erected, moved, externally altered, added to, or to have any change in use which would affect their approved off-street parking, landscaping, site drainage, or any other requirements.
- B. All land uses within any commercial or industrial zoning districts.
- C. All planned unit developments.
- D. All special land uses.
- E. All land uses are subject to the subdivision requirements under Land Division Act, as amended MCL 560.101 *et seq.* and the requirements under the Condominium Act, as amended, MCL 559.101 *et seq.*

Site plans for all other uses will be reviewed by the Zoning Administrator according to the same procedures, requirements, and standards used by the Planning Commission.

No person may undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, nor shall a building or zoning permit be issued for which site plan approval is required by this Ordinance, without first obtaining site plan approval, nor shall such activity proceed prior to obtaining any necessary soil erosion and sedimentation control permits, wetlands permits, or floodplain permits.

SECTION 15.3 APPLICATION AND FEE

- A. An application for site plan review shall be made by filing the Township-supplied application form, the required information, and the required fee with the Township Zoning Administrator. The application fee shall be set by resolution of the Township Board. Once accepted by the Zoning Administrator, no portion of the application fee shall be returned to the applicant, unless authorized by the Township Board.

- B. The Zoning Administrator, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Applicant must also comply with any applicable zoning escrow resolutions or other ordinances adopted by the Township. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

SECTION 15.4 REVIEWING AUTHORITY

The Planning Commission, or its qualified designee, will review site plan applications in accordance with the standards of this Article. The Planning Commission will review the site plan application and will approve, approve with conditions, or deny the request for site plan approval. The Planning Commission may hire qualified professional(s) at the applicant's expense to aid in its review of a site plan.

SECTION 15.5 MAJOR AND MINOR DEVELOPMENT PROJECTS

- A. A minor project, for the purposes of this Article, is defined as follows:
1. The remodels, alterations, or additions to commercial and industrial buildings of less than twenty-five percent (25%) of the square footage of the existing structure.
 2. Improvements to, erection of, or reconstruction of accessory buildings and structures, parking areas, and similar facilities.
 3. A change from one permitted use to another.
 4. Site changes that do not exceed twenty-five percent (25%) of the existing developed site area.
- B. Major projects are all projects not listed above, including, without limitation, site condominium projects, multiple-family dwellings, commercial and industrial buildings

and additions, and any alterations or redevelopment of buildings or sites in greater amounts than listed above.

SECTION 15.6 CONCEPTUAL SITE PLAN REVIEW

Applicants are encouraged to submit conceptual site plans for review by the Planning Commission to ensure that errors, miscalculations or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and will not bear directly upon later reviews.

The Planning Commission will offer the applicant feedback after reviewing a conceptual site plan. Conceptual site plans should contain the following information on a drawing or map at a scale of not less than one (1) inch equals fifty (50) feet for site of three (3) acres or less or not less than one (1) inch equals two hundred (200) feet for site larger than three (3) acres:

- A. Property dimensions
- B. Significant vegetation
- C. Topography
- D. Water courses and water bodies
- E. Existing public right of ways, pavements, and/or private easements
- F. Existing uses, buildings, structures, and lots
- G. Zoning classification of abutting properties

SECTION 15.7 SITE PLAN REVIEW; REQUIRED INFORMATION

For major projects, site plan review shall entail the examination of all the items in Subsection C of this Section. For minor projects, the abbreviated review described in Subsection B is allowed. The Planning Commission may waive any of the following requirements if the Planning Commission specifically finds that certain information is not required because it is not pertinent to the property or proposed use or if the Planning Commission determines that certain requirements would create an unnecessary burden for the applicant due to the nature or scope of the proposed use, provided that in either case the lack of such information will not materially undermine the Planning Commission's ability to adequately evaluate the application.

- A. Required submittals, minor projects. All project applicants must submit to the Zoning Administrator a site plan application and five (5) copies of a detailed site plan. The Zoning Administrator has the authority to either approve the project or require the applicant to submit the application to the Planning Commission for further review. The detailed site plan shall consist of the following items:
 - 1. The name, address, and telephone number of the applicant (and owner, if different). If the owner is different than the applicant, a statement certifying the applicant is acting on behalf of the owner is required.

2. A site plan, drawn to scale, with a North arrow and legal description, showing the property boundaries, the proposed location of structures and other improvements, including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, loading areas or docks, truck bays, landscaped areas, lighting, fences and walls.
3. The dimensions, height, and bulk of existing and proposed structures.
4. The proposed number of dwelling units or employees, as applicable.
5. Configuration and dimension of yards, driveways, parking lots, including handicap parking spaces and existing or proposed right-of-way or easements.
6. A conceptual landscape plan, including required greenbelts, existing vegetation, watercourses, wooded areas or isolated trees over six inches in diameter, topography, wetlands, and other significant site features, and proposed new plantings.
7. Accurate scale drawings of all signs indicating their size, material, color and illumination, if any, and the method of installation of any freestanding sign.
8. Conceptual grading and drainage plans with existing and proposed elevations.
9. Such other data as may be required by the Planning Commission to ensure that the purposes of this Article are satisfied.

B. Required submittals, major project.

1. The following are among the items to be included on the detailed plan for major projects. Site plans should be accurately drawn at the scale of at least one (1) inch equals fifty (50) feet showing the site and all land and structures within five hundred (500) feet of the site. The Planning Commission may require details to be provided at a scale as little as one (1) inch equals 20 feet. If multiple sheets are used, each must be labeled and dated, and the preparer identified. For lots with area greater than three (3) acres, a scale of one (1) inch equals two hundred (200) feet is acceptable.
2. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
3. A vicinity map drawn at a scale of a minimum of one (1) inch equals two thousand (2,000) feet with a North arrow indicated.
4. Existing topographic elevations at two-foot intervals, proposed grades and directions of drainage flows.
5. The location and type of existing soils on the site and any certifications of borings.
6. Boundaries and elevations of existing and proposed watercourses and water bodies, including county drains and man-made surface drainage ways, floodplains and

wetlands within five hundred (500) feet of the project site and proposed erosion control measures.

7. Location, screening, dimensions and heights of existing and proposed buildings, including accessory buildings and uses, and the intended or actual uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed or existing methods of screening such equipment, where appropriate.
8. Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing right-of-way and pavement widths.
9. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryways and entryway sign locations should be separately depicted with elevation views.
10. Location, design, and dimensions of existing and proposed curbing, barrier-free access, garages, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signage associated therewith.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all trails, walkways, bicycle paths, and other areas for public use.
13. Location of water supply lines and/or wells, including fire hydrants and shutoff valves, and the location and design of storm sewers, retention or detention areas, wastewater lines, cleanout locations, and connection points and treatment systems, including septic systems, if applicable.
14. Location and routing of all other utilities on the site, including but not limited to natural gas, electric, and data and telecommunication transmissions.
15. Proposed location, dimensions, and details of common open spaces and common facilities, such as community buildings or swimming pools, if applicable.
16. Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used.
17. Location and specifications for all fences, walls, and other screening features, with cross sections.
18. General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6) inches or more in diameter, four and one half (4 ½) feet above the ground, if not located in a forest. Forests or large vegetation areas to be preserved shall be demarcated and designated as such.

19. Locations and specifications for all proposed perimeter and internal landscaping and other buffering features.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing, proposed, or required above- or below-ground storage facilities for any chemicals, salts, or flammable or hazardous materials, as well as any containment structures or clear zones required by government regulations and a pollution incident prevention plan as required by the Michigan Natural Resources and Environmental Protection Act, MCL 324.3101 *et seq.*
22. Location of any areas which are known or suspected to be contaminated, together with the status of any site cleanup.
23. Identification of any significant or unique site features.
24. Indication of any significant views onto or from the site.
25. The zoning classifications of the site and adjacent properties.
26. Proposed landscaping, including quantity, size at planting, and botanical and common names of plant materials.
27. Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100-year flood plain.
28. Signs, including location, height, and sizes.
29. Development plans for residential projects shall include the following additional information:
 30. Minimum floor area of the dwelling units.
 31. Total number of units proposed.
 32. Number of bedrooms per unit in multiple family developments.
 33. Areas to be used for open space and recreation.
 34. Space allowance for accessory buildings.
35. The name, signature, seal, and address of the architect, planner, designer, or engineer responsible for preparation of the site plan.
36. Such other data as may be required by the Planning Commission to ensure that the purposes of this Article are satisfied.

SECTION 15.8 SITE PLAN REVIEW PROCEDURE

- A. The Zoning Administrator will notify the Chair of the Planning Commission when an applicant has submitted all of the information required by this Article for site plan review.
- B. The Chairman will place the site plan review on an available meeting agenda for discussion by the Commission and shall notify the applicant of this action.
- C. Within a reasonable time and based upon the standards of this Article, the Planning Commission will either approve, conditionally approve, or deny the request for site plan approval, or table the application to allow the Applicant an opportunity to provide additional information.
- D. If an application is denied, the Planning Commission will provide the applicant with a written statement of its reason(s) for the denial.

SECTION 15.9 REVIEW STANDARDS

The following standards shall be used in the review of all site plans:

- A. Adequate ingress and egress to public right of ways is required.
- B. Landscaping and landscaped buffer areas shall be provided and designed in accordance with the provisions of the Zoning Ordinance.
- C. All elements of the site plan shall take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the Zoning Ordinance.
- D. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of the Zoning Ordinance. Tree stumps and miscellaneous debris from clearing of the property shall not be buried in rights-of-way, potential rights-of-way, or potential building sites.
- E. The site plan shall provide reasonable visual and sound privacy for all dwelling units. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
- F. All buildings or groups of buildings shall be arranged to allow emergency vehicle access.
- G. Streets and drives that are part of an existing or planned street pattern for the service of adjacent developments shall be of a width appropriate to the traffic volume they will carry and have a dedicated right-of-way equal to that required by the Saginaw County Road Commission.

- H. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, and to prevent erosion and/or dust. The use of detention and retention areas may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.
- I. All loading, unloading, and outside storage areas that face or are visible from residential districts or public thorough- fares shall be screened by an opaque wall or landscaped screen at least six (6) feet in height.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights are not permitted.
- K. Buffer areas are required where a non-residential use is adjacent to residential areas.
- L. Every structure or dwelling unit must have access to a public street, walkway, or other area dedicated to common use.
- M. All parking areas must be designed to promote efficient and safe vehicular and pedestrian circulation, minimize congestion at intersecting roads, and minimize the negative visual impact of such parking areas.
- N. Development should avoid curb cuts and use shared drives and/or service drives when possible.
- O. The Planning Commission may determine that existing landscaping or screening will provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to a parcel prevents development of required buffer areas or off-street parking area landscaping. If such determination is made, the Planning Commission may waive or partially waive the landscaping provisions of this Section. Criteria for a waiver includes:
 - 1. Existing natural vegetation;
 - 2. Topography;
 - 3. Existing wetland, floodplain and poor soil areas;
 - 4. Existing and proposed building placement;
 - 5. Building height;
 - 6. Adjacent land uses;
 - 7. Distance between land uses;

8. Dimensional conditions unique to the parcel;
9. Traffic sight distances;
10. Traffic characteristics;
11. Visual, noise and air pollution levels; and
12. The health, safety and welfare of the Township and its residents.

SECTION 15.10 FINAL APPROVAL

- A. Complete drawings, plus all certified final drawings and plans which are subject to site plan review and contain all necessary modifications or additions required shall be submitted before final site plan approval is granted.
- B. **Conditions of final approval.** Site plans may be approved subject to the performance of certain conditions the Planning Commission deems to be appropriate. A site plan may be conditioned upon necessary or required approvals by other local, county, state, or federal agencies.
 1. **Performance guarantee for required conditions.** Security may be required to ensure performance of required conditions. The applicant may be required to furnish security in the form of a bond, certified check, or an irrevocable letter of credit, acceptable to the Township, in the amount fixed by the Planning Commission. If security is required, the Zoning Administrator shall not issue a zoning permit until the required performance guarantee is received and verified by the Township Clerk and Township Treasurer.
 2. **Provisions of required improvements.** Whenever a site plan is approved subject to conditions, compliance with those conditions shall be determined and verified by the Zoning Administrator.
 3. **Nonperformance of required conditions.** If the applicant fails to comply with required conditions, the Township has the right to use the applicant's security to satisfy the conditions, and to enter onto the property to do so. If the performance guarantee is insufficient to cover the Township's costs, including attorney fees and court costs, if any, the applicant shall be required to pay the Township the deficiency.
 4. **Condition declared void.** If a court of competent jurisdiction declares a condition void or ineffective, site plan approval is immediately and automatically revoked.
 5. **Violation of required condition or conditions.** Failure to observe conditions imposed on site plan approval is a violation of this Ordinance, and may result in the revocation of that approval by the Township.

- C. **Conformity to Approved Site Plans.** Property subject to site plan approval must be developed in strict compliance with the approved site plan and any approved amendments.
- D. **As-Built Drawings.** If the Planning Commission approves, or conditionally approves a site plan, and the applicant completes the approved construction, the applicant will provide three (3) copies of as-built drawings. These drawings shall be provided no later than sixty (60) days from the issuance of a certificate of occupancy.

SECTION 15.11 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may review special use permit and site plan review submissions concurrently. For concurrent review, the Planning Commission shall make sure that both the site plan and special use submissions satisfy all requirements of this Ordinance. The Planning Commission retains final authority to approve or deny a special use permit.

SECTION 15.12 AMENDMENTS TO APPROVED SITE PLANS

Amendments to an approved site plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved site plan may be approved by the Zoning Administrator after construction has begun, provided that the change does not result in any of the following:

- A. A significant change in use or character of the development.
- B. An increase in overall coverage of structures.
- C. An increase in the intensity of use.
- D. A reduction in the required open space.
- E. A change that may increase the storm water runoff to adjacent properties.
- F. A reduction in required off-street parking and loading.
- G. A reduction in required pavement widths or utility sizes.
- H. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- I. Other similar changes.

If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she will notify the landowner that he or she must apply for a modification of the site plan in accordance with the procedures of this Article. The Zoning Administrator will also notify the Township Building Inspector and the Planning Commission. The permit holder's notice shall be delivered personally or by certified mail. If construction has begun, a stop work order should be issued by the Building Inspector, affecting that portion of the projection not in compliance. The permit holder must then apply for a modification of the site

plan in accordance with this Article. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector, and the Planning Commission.

SECTION 15.13 TIME LIMIT FOR APPROVED SITE PLANS

- A. Site plan approval is valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, the site plan shall expire.
- B. The Planning Commission may grant extensions of site plan approval for additional 1-year periods upon application. The Township Board will grant such extensions only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to proceed within one (1) year.
- C. Notwithstanding any of the above, a site plan approval is automatically revoked if construction has not been completed within five (5) years of the initial site plan approval.

SECTION 15.14 APPEALS

A person aggrieved by a decision on a site plan may appeal such decision to the Zoning Board of Appeals.

ARTICLE 16: SPECIAL USES

SECTION 16.1 INTENT AND PURPOSE

In order to make this Ordinance a flexible zoning control and still protect neighboring land uses, the Township has authorized certain uses of land as special uses. Special uses have been selected because of the unique characteristics of the use which could cause it to be incompatible with the other uses permitted in that district, if not properly regulated.

The classification of a use as a special use does not indicate disharmony with the purposes or intent of this Ordinance or any particular district. Instead, special uses are intended to identify uses which may be harmonious, if properly regulated. A special use will typically reflect at least some degree of deviation from the general characteristics of a district and may not entirely reflect the intent and purpose of that district, or the values generally espoused by the Master Plan. The classification of a use as a special use, however, indicates that despite these deviations, such a use is appropriate in the district in which it is located when properly regulated.

SECTION 16.2 PRE-EXISTING USES

Any existing use which is permissible by right in the district shall continue as a permissible use even if that use is later designated a special land use. Any expansion or enlargement of the original permissible use, designated now as a special use, must proceed through the special land use process for approval.

SECTION 16.3 REVIEWING AUTHORITY

The Planning Commission has the authority to grant, with or without conditions, or deny a special use permit.

SECTION 16.4 APPLICATION AND FEE

- A. A completed application for a special use permit shall be submitted to the Planning Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with 12 copies of the application. Each application shall be made by the owner of the property on which the proposed special land use is located, or by an applicant, if not the owner, with the signed authorization of the property owner, and shall be accompanied by the fee established by the Township Board.
- B. The Zoning Administrator, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special

use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Applicant must also comply with any applicable zoning escrow resolutions or other ordinances adopted by the Township. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

SECTION 16.5 INFORMATION REQUIRED

- A. Each application shall include the following information:
1. The name, address, telephone number and signature of the property owner and applicant;
 2. A legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel number(s), together with proof of property ownership and applicable legal interests in the property, if any;
 3. A detailed description of the proposed special use for which the permit is requested;
 4. A project schedule and developments plans;
 5. A vicinity map with North arrow indicated;
 6. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet;
 7. A written statement regarding the project's effects on existing infrastructure, including but not limited to traffic, capacity of roads, schools, existing utilities, the natural environment, and water aquifer; and
 8. A detailed site plan.
- B. The Planning Commission may waive any of the application requirements enumerated above if the Planning Commission determines that such requirements would create an unnecessary burden for the applicant due to the nature or scope of the proposed use, and that any such waiver will not materially undermine the Planning Commission's ability to adequately evaluate the application.

SECTION 16.6 PROCEDURE UPON RECEIPT OF APPLICATION

After receiving a special use permit application, the Planning Commission will consider the application at its earliest practicable meeting. The application must be submitted at least twenty (20) days prior to the Planning Commission meeting at which it will be considered.

- A. Notice that a special use application has been received and will be considered by the Planning Commission shall meet the requirements of the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- B. The Planning Commission shall hold a public hearing on the special use permit request.
- C. The Planning Commission will review the request and shall establish that the standards and requirements of this Article are satisfied.
- D. Following its review of the request, the Planning Commission shall:
 - 1. Approve the special use permit.
 - 2. Approve the special use permit with conditions.
 - 3. Deny the special use permit.
 - 4. Table the application to allow the applicant an opportunity to provide supplemental information.
- E. An Application that has been denied cannot be resubmitted for one year from the date of the denial.

SECTION 16.7 BASIS FOR DETERMINATION

Before approval of a special use permit, the Planning Commission shall establish that the standards specified in this Section and Ordinance are satisfied. Each of the proposed special land uses on the proposed location shall:

- A. Be designed, constructed, operated and maintained so as to be harmonious in effect and consistent with the appearance of the existing or intended character of the general area as indicated in the Township Master Plan and this Ordinance.
- B. Not be unduly hazardous or disturbing to existing uses in the same general vicinity and not have substantial adverse effects on surrounding property and the community as a whole.
- C. Be adequately served by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements for public facilities and services.

- E. Not involve uses, activities, processes, materials, and equipment or conditions that will be substantially detrimental to any persons, property, or the general welfare.
- F. Be in general compliance with the land use policies outlined in the Master Plan and not jeopardize the economic welfare of the Township.
- G. Not directly or indirectly have a substantial adverse effect upon the natural resources of the Township, including prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, and wildlife areas.
- H. Be in compliance with the requirements of the district in which it is proposed and this Ordinance, as well as with the requirements of the County Road Commission, County Building Code, County Public Works Commissioner, County Health Department, area fire departments, Department of Natural Resources, Department of Environment, Great Lakes, and Energy, and any other applicable local, county, state, and federal laws or regulations.
- I. Phases of development shall be in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

SECTION 16.8 VARIANCES AS A CONDITION

Where a special use permit is granted based upon the necessity for the applicant to obtain a variance from the Zoning Board of Appeals, the permit shall not be valid until such variances are obtained.

SECTION 16.9 PERMIT EXPIRATION

- A. A special use permit issued under this Ordinance is valid for a period of one (1) year from the date it is issued. If the construction or use has not commenced and proceeded meaningfully toward completion by the end of this period, the special use permit shall be null and void, unless an extension is granted by the Planning Commission. An extension may be granted up to one (1) additional year.
- B. A special use permit under this ordinance runs with the land unless transferred or sold or the Planning Commission otherwise indicates in its decision the term of the permit.

SECTION 16.10 BINDING EFFECT; REVOCATION OF PERMIT

- A. Any special use permit approved is binding on the applicant, and said use shall not be modified, altered, expanded, or otherwise changed unless such a change is authorized in a writing signed by the Planning Commission. Further, such conditions shall be value and binding on the landowner, his other successors, heirs and assigns during the term of the special use permit.

- B. If at any time the land, lot, or structures are used contrary to the conditions and provisions of the special use permit, said use shall be deemed a violation of the special use permit and the permit may be revoked.
- C. The special use permit may be revoked if the use is discontinued after one year.

SECTION 16.11 INSPECTIONS

The Zoning Administrator is responsible for verifying compliance with the conditions imposed by a special use permit. All improvements, such as utilities, subbase and base installations for streets, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator before covering. It is the applicant's responsibility to request inspections at the appropriate times. The Zoning Administrator shall report periodically to the Township Board and Planning Commission on the progress of each special use permit. He or she shall notify the Township Board and Planning Commission in writing of any failure on the part of the applicant to meet any requirement of the site plan or special use permit and will report on steps being taken to ensure compliance. The expense of any compliance inspection and related activities shall be borne solely by the permit holder.

SECTION 16.12 PERFORMANCE GUARANTEE

In the interest of ensuring compliance with the provisions of this Ordinance and protecting the natural resources and the health, safety and welfare of the residents of the Township and future users or inhabitants of an area for which a proposed special use permit has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein.

- A. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, berms, screens, walls, landscaping, reclamation, parking, signage, or restoration activities.
- B. "Performance guarantee" as used herein shall mean a cash deposit, certified check, or irrevocable letter of credit in an amount equal to the estimated cost of completing or removing any improvements as determined by the applicant and verified by the Planning Commission.
- C. The performance guarantee shall be deposited with the Township Board at the time the permit authorizing the activity or project is issued. No special use permit may be issued before the receipt of the required performance guarantee.
- D. Upon the satisfactory completion of the improvements for which the performance guarantee was required, the Clerk shall return the performance guarantee.
- E. In the event that the applicant defaults in making the improvements for which the performance guarantee was required, the Township shall have the right to use the performance guarantee to complete the improvements. 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 Township administrative costs in completing the improvements, with any balance remaining being refunded to the applicant. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was given, the applicant shall be required to pay the Township the deficiency.

SECTION 16.14 REGULATIONS ASSOCIATED WITH SPECIFIC USES - ADULT BUSINESSES

A. Purpose and Intent

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

B. Standards and Additional Requirements

Distance. In order to prevent undesirable concentration of such uses, the following uses and activities shall not be located within 1,500 feet of any other such use, nor within 1,000 feet of a church or school, nor within 1,000 feet of any residentially zoned district or property being used as a residence in other zoned districts, as measured along a line forming the shortest distance between any portion of the respective properties of the following:

1. Adult related businesses;
2. Adult book store;

3. Adult mini motion picture theatre;
4. Adult motion picture theatre;
5. Adult smoking or sexual paraphernalia store;
6. Adult Cabarets; and
7. Operational Requirements. No sexually explicit activity or material shall be visible from any public way or any property not registered as an adult use.

C. Waiver of Requirements

The Planning Commission may waive the foregoing spacing requirements if it finds the following conditions exist:

1. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location;
2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas by causing or encouraging blight, a chilling effect upon other businesses and occupants, or a disruption in neighborhood development;
3. The establishment of the additional use will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
4. All other applicable regulations within this Ordinance or other pertinent township ordinances will be observed.

D. AUTOMOBILE SERVICE STATIONS. Automobile service stations shall be subject to the following requirements:

1. Ingress and egress shall be setback at least twenty-five (25) feet from any intersection or residential district.
2. All lighting shall be shielded from residential districts.
3. The fencing and screening requirements of this Ordinance must be satisfied. Minimum lot area shall be ten thousand (10,000) square feet.
4. Minimum lot frontage shall be one hundred (100) feet.
5. Must provide adequate off-street stacking space for vehicles waiting in line. No vehicle shall be permitted to wait within the right-of-way.
6. Gasoline pumps, air and water hose stands, and other appurtenances shall be setback at least fifteen (15) feet from any right-of-way.

E. AUTOMOBILE REPAIR FACILITY. Automobile repair facilities are subject to the following requirements:

1. No more than two driveways onto a roadway. No driveway may be over thirty-five (35) feet wide at the point it meets a roadway. A driveway may not be located within thirty-five (35) feet of a property zoned for residential uses.
2. The site may not be located within two hundred (200) feet of any place of public assembly, including but not limited to, hospitals, schools, and churches.
3. All buildings and accessory structures must be located at least forty (40) feet from all lot lines, seventy (70) feet from all road rights-of-ways and one hundred (100) feet from a residential district.
4. The entire area used for vehicle service must be paved and adequately drained.
5. Hydraulic hoists, service pits, and repair equipment and operations must be completely enclosed.
6. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, are limited to a period of not more than ten (10) days for the sole purpose of temporary storage pending transfer to another facility. Such storage may only occur in the rear yard, must comply with required rear yard setbacks, and must be screened by an opaque wall or fence of not less than six (6) feet in height.

F. BED AND BREAKFAST

1. Bed and breakfasts are subject to the following requirements:
 - a. No bed and breakfast is permitted within one thousand (1,000) feet of another bed and breakfast, a site condominium project, or a subdivision plat.
 - b. There shall be one parking space per rented room in addition to the parking requirements otherwise applicable to the use of the property as a residence.
 - c. Only a single-family dwelling may be used as a bed and breakfast.
 - d. There shall be no more than six (6) bedrooms for guests.
 - e. The dwelling must have at least two (2) exits to the outdoors and comply with applicable building codes.
 - f. Guests may not stay at a bed and breakfast for more than thirty (30) days per year and/or fourteen (14) consecutive nights.

- g. The exterior appearance of the structure may not be altered from the single-family character of the dwelling.

G. BILLBOARDS

1. All applications for billboards are subject to the site plan approval procedures set forth in this Ordinance.
2. Billboards shall only be allowed as a principle use on property in the industrial district and by special use in the commercial districts.
3. Billboards shall be subject to all requirements set for in Section 17.5 of this Ordinance.
4. The total sign area of any billboard shall not exceed an area of three hundred (300) feet per sign face. A triangular or “V”-shaped billboard shall not have more than two (2) sign faces.
5. Billboard shall be square or rectangle. 3-D billboard extensions, embellishments, amplified design, or any relief projecting from the sign surface or projecting beyond the sign edge is prohibited. No billboard design shall involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights.
6. The minimum lot area required for a billboard shall be the minimum area required for a lot in the zoning district in which it is located.
7. Distance from Interchange or intersection. A sign structure shall not be permitted adjacent to or within five hundred (500) feet of an interchange, or any highway pull off including MDOT facilities along any highway or interstate. The distance shall be measured from the point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
8. No existing static billboard may be converted to one using digital technology without first submitting site plan application for review by the Planning Commission that demonstrates that the proposed sign will meet all of the requirements of this ordinance.
9. Any billboard shall meet the following maintenance and construction requirements:
 - a. All plans for billboards shall be certified by a licensed engineer registered in Michigan;
 - b. All billboards shall be self-supported and pole-mounted;
 - c. All billboards shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboards shall be

structurally sound and maintained in good condition with all applicable Michigan Building Codes;

- d. The rear face of a single-face, billboard shall be painted and maintained with a single neutral color as approved by the township and
 - e. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Michigan and shall provide to the Township a certificate certifying that the billboard is structurally sound.
 - f. No billboard shall be permitted to fall into a state of disrepair.
10. A landscape plan shall be submitted in conjunction with the sign permit application for a billboard. A landscape buffer a minimum of 15 feet wide shall be provided at the base of all billboards. Such landscaped area should be enhanced with a decorative wall. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the effect of making the base of the structure blend with the surroundings. An irrigation system shall be installed for the landscaping area. Billboards along a highway or interstate shall be exempt from the landscaping requirement.
11. An irrevocable, automatically renewing letter of credit from a bank chartered and located in the United States of America in an amount and form satisfactory to the Township Board shall be required for continued maintenance. In the event that a billboard is vacated, the cost of removal, if that burden is placed on the Township, shall be assessed to the property owner.

H. **CAMPGROUNDS.** Recreational vehicle parks and campgrounds shall be subject to the following requirements:

1. Each campsite shall be set back from any right-of-way or lot line at least seventy-five (75) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. At least fifteen percent (15%) of the site, not including the greenbelt and set back, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. Spaces may be used by motorhomes, travel trailers, campers, tents, or other short-term housing or shelter arrangements.

5. No more than one permanent dwelling shall be allowed in a campground. That dwelling shall only be occupied by the owner of the campground, or the manager of the same. Each campground shall be directly supervised by a resident manager, who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence may include the business office for the park, in which case the structure shall include at least one thousand (1000) square feet of living area for the manager's family.
6. Each campsite shall have an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, a metal trash contained with lid and a volume of at least two cubic feet, which shall be emptied daily by park personnel to the solid waste facility, and a grave or hard surfaced parking area of at least four hundred (400) square feet.
7. All campgrounds shall be licensed by the Michigan Department of Health and Human Services, or its successor, and maintain compliance with all regulations set forth by the Saginaw County Health Department the Michigan Department of Natural Resources.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable local, state, and federal laws.
9. Each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded.
10. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
11. Each campsite made available as a travel trailer space shall contain at least two-thousand (2,000) square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
12. Each park shall be served by not more than one (1) point of access to each abutting street or road. All entrance and exit lanes within a campground shall be illuminated. Clear vision areas shall be maintained for drivers, extending one hundred fifty feet (150) in each direction on any abutting road and for twenty-five feet (25) on the park

entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty-four feet (24) wide for two way traffic or twelve feet (12) wide for one way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.

13. The minimum lot area of a campground shall be five (5) acres.
14. No person shall occupy any recreational vehicle park or campsite for more than sixty (60) days.
15. All campsites must be screened from public streets and thoroughfares. Each RV park or campground shall be enclosed by a fence at least four (4) feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. Said greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6) feet planted not more than six (6) feet apart.

I. **COMMERCIAL STABLES.** The following requirements apply to commercial stables:

1. Minimum lot size of ten (10) acres.
2. May not be located in platted or condominium subdivisions unless they are designated as equestrian communities.
3. Stables, buildings housing horses, and manure piles must be set back at least one hundred (100) feet from any lot line.
4. A vegetative strip at least fifty (50) feet wide must be maintained between any animal holding area, manure pile, or manure application area and any surface water. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks on a case-by-case basis in order to minimize runoff, prevent erosion, and promote nutrient absorption. The facility must be constructed and maintained to prevent dust and drainage from the stables from causing a nuisance or significant hazard or nuisance to adjoining properties.
5. No special events such as shows, exhibitions, and contests are permitted within seventy-five (75) feet of a residentially used or residentially zoned property. This requirement includes the parking of cars and viewing areas.

J. **CONDOMINIUMS**

1. **Purpose and Intent.** The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality and design to property divided and developed by other methods.

2. **Review Requirements.** In order to ensure compliance with this Ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences that may otherwise not be required to prepare a site plan. In addition to the information required for site plan review generally, all applicants for condominium site plan review shall submit the following information:
- a. A copy of the proposed condominium master deed, which must clearly state the responsibility of the owner and co-owners and that all amendments to the master deed must conform with applicable Township, county, and state laws and regulations. The master deed must also include any variances granted by Township, county, or state authorities and must include a hold harmless clause. All provisions of the condominium subdivision plan which are approved by the Planning Commission will be incorporated in the master deed for the condominium subdivision.
 - b. A copy of the proposed condominium subdivision plan, which may replace the site plan normally required for site plan review.
 - c. A copy of the proposed condominium association bylaws.

3. **Zoning Ordinance Standards**

- a. **Lot Size.** In conventional condominium developments, the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and its associated limited common area are considered equivalent to a “lot” and must meet the minimum lot size requirements for the zoning district the parcel is located in.
 - b. **Setbacks.** In conventional condominium developments, the buildings must be setback from the site’s boundaries as required in the zoning district where the parcel is located, while the setback from other buildings must meet the building setback requirements applicable to multiple-family residences.
 - c. **Roads.** All roads within condominium developments must be paved and built to the standards of the Saginaw County Road Commission.
- K. **DRIVE-IN THEATER.** Drive-in Theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.
- L. **DRIVE-THROUGH BUSINESSES.** Drive-through businesses shall be subject to the following requirements:
- 1. Must be setback at least sixty (60) feet from any right-of-way.

2. Ingress and egress shall be setback at least seventy-five (75) feet from any intersection.
3. Must provide adequate off-street stacking space for vehicles waiting in line, which shall accommodate a minimum of five (5) vehicles. No vehicle shall be permitted to wait within the right-of-way.
4. All lighting shall be shielded from residential districts.
5. The fencing and screening requirements of this Ordinance must be satisfied.

M. EVENT BARNS

1. **Intent.** The intent of this section is to promote the preservation and viable use of existing structures of recognized agricultural heritage on a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.
2. **Permitted use of Event Barn.** Anyone granted a special use permit for the operation of an Event Barn shall strictly adhere to, and shall require all persons using the property to strictly adhere to, the following provisions:
 - a. Use of Dwelling. No dwelling on the property shall be used for events. All such dwellings shall continue to be used for single family occupancy purposes.
 - b. Attendance. No event shall involve the presence of more than 250 persons or more than allowed by the adopted Building Code of the Township, whichever is less.
 - c. Number of Events. During each calendar year, not more than thirty-five (35) events shall be conducted. Every day in which any part of an event occurs at an Event Barn shall be considered a separate event, except for weddings held over a weekend only where the wedding shall consist of (i) a pre-wedding rehearsal dinner on Friday, (ii) a wedding and wedding reception on Saturday, and (iii) wedding cleanup on Sunday.
 - d. Hours of Operation. Every event shall conclude by no later than 10:00 p.m. on Sunday through Thursday evenings, and by no later than 11:00 p.m. each Friday and Saturday evening; and no event shall commence or continue at an Event Barn earlier than 8:00 a.m. each Sunday through Saturday.
 - e. Food Service. There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided or consumed at the venue must be legally prepared in accordance with the Saginaw County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.

- f. Security. At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance.
- g. Alcoholic Beverages. Where the Event Barn Sponsor intends to sell or provide alcohol or alcoholic beverages, the Event Barn Sponsor must provide an event insurance policy, naming the Township as an additional insured, and to comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages.
- h. Use of Outdoor Areas. All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in area proposed and approved in the Site Plan for such activities.
- i. Lighting. There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time for conclusion of the event. All lighting proposed at an Event Barn shall be addressed and approved as part of the Site Plan.
- j. Trash. The Event Barn permit holder shall require that Event Barn Sponsors of every event remove all trash associated with the event immediately after the conclusion of the event. There shall be no dumpster maintained or used on the property.
- k. Parking. There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the “parking lot” on the Site Plan. The parking lot shown on the approved Site Plan shall be gravel, or gravel-type material only, and not paved with blacktop or concrete or any other impervious substance, in keeping with the rural character of the area. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.
- l. Temporary Structures; Bathroom Facilities. No temporary structures or tents shall be permitted in connection with any event unless the same is erected by the Event Barn Sponsor and is removed within 24 hours after the conclusion of the event. Adequate bathroom facilities shall be used at an Event Barn.

- m. Retail Sales. Retail sales facilities shall be prohibited at Event Barns, unless conducted exclusively by the Event Barn Sponsor. Any such sales must terminate immediately after the conclusion of the event.
- n. Insurance. Event Barn permit holders shall maintain general liability for personal injury and property damage in the amounts of \$1,000,000 per occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township's Zoning Administrator annually or more frequently on request.
- o. Permits from Review Authorities. It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property.
- p. Special Use Permit, Site Plan, and Landscape Design. An applicant for an Event Barn special use permit shall attach a proposed Site Plan to the special use permit application. The Site Plan shall comply with and be reviewed in accordance with this Ordinance, and shall include all parking facilities, lighting, noise-elimination improvements, outdoor activity areas, landscaping and plantings.

N. GROUP CHILD CARE HOMES

- 1. Group day care homes and commercial day care facilities shall be subject to the following requirements pursuant to MCL 125.3206:
 - a. It is located not closer than one thousand five hundred (1,500) feet from any of the following:
 - i. Another licensed group child care home.
 - ii. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - iii. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.66251.
 - iv. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
 - b. The site has appropriate fencing for the safety of the children in the group child care home as specified in this Ordinance.

2. The property must be maintained in a manner consistent with the visible characteristics of the neighborhood.
3. Hours of operation are limited to sixteen (16) hours during a 24-hour period.
4. The group child care home complies with the provisions of this Ordinance relating to signs and off-street parking.

O. HIGH IMPACT LIVESTOCK OR POULTRY RAISING.

1. High Impact Livestock or Poultry Raising shall be located at least one thousand (1000) feet from any dwelling when located within the A-2 Zoning District.
2. There shall be adequate fencing, or other restraining devices, for the purposes of maintaining animals within a restricted area. See the Michigan Department of Agriculture and Rural Development, Generally Accepted Agricultural and Management Practice for the Care of Farm Animals.
3. The refuse, wastes, and manure shall be controlled upon the premises, and shall be subject to the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Order Control for New and Expanding Livestock Production Facilities.
4. All feed and other materials used for maintenance of animals shall be appropriately stored so not to attract rats, mice, or other vermin.
5. For the location of new or expanding High Impact Livestock or Poultry Raising, see the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Order Control for New and Expanding Livestock Production Facilities.
6. The storage of manure, odor or dust producing materials is prohibited within one hundred (100) feet of any property line.
7. Proper disposal of deceased animals shall be in accordance with State laws.

P. HOME-BASED BUSINESSES

1. The home-based business shall employ or contract no more than three (3) persons total, other than those members of the immediate family residing on the parcel of land on which the home-based business is located. This excludes employed or contracted persons who do not physically report to the location of the home-based business.
2. The home-based business may be carried on within the dwelling on the parcel or within accessory buildings on the parcel, provided it does not represent a safety hazard to the dwelling, dwelling occupants or adjoining properties and occupants, and otherwise complies with all applicable building and fire codes.

3. There shall be no exterior storage of materials and equipment unless allowed by the special use permit and approved as part of the final site plan, including setbacks from the property line, screening from adjacent land use and location of exterior storage.
4. The area devoted to a home-based business may not occupy an area greater than 30 percent of the total floor area of the dwelling but may occupy the entirety of a permitted accessory building.
5. Customers shall not generate excessive traffic. Any parking for the home-based business shall be met off the road and shall not be located in the required front yard setback. Parking may occur in an existing drive of sufficient size as determined by the Planning Commission. The Planning Commission may require a traffic study as part of the special use permit review process.
6. Hours of operation shall be set by the special use permit.
7. No equipment or process shall be used in a home-based business which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal human senses beyond the property lines of the parcel on which the home-based business is conducted.
8. The home-based business shall be reviewed annually to determine compliance with the special use permit.

Q. INCARCERATION FACILITY

1. No residential subdivisions with officially filed plats should exist within one mile of the facility.
2. Ambulance and delivery areas shall be obscured from view by a solid masonry wall six (6) feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.
3. The Planning Commission shall require fences or other methods of secure enclosure which it deems appropriate for the type of facility being considered and for the nature of the area surrounding the site.
4. Applicable guidelines for siting and construction of facilities, from either the Michigan Department of Corrections or the Michigan Department of Mental Health, shall be carefully followed for any proposed incarceration facility.

R. JUNK YARD

1. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.

2. All activities shall be confined within the fenced-in area.
3. There shall be no stacking or material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height.
4. No equipment, material, sign, or lighting shall be used or stored outside the fenced-in area.

S. **KENNELS**

1. **Outdoor kennels**

- a. Must be located on a minimum of five (5) acres. Ten (10) dogs are permitted for the first five (5) acres, and one (1) additional dog is permitted for each additional 1/2 acre, up to a maximum of twenty (20) dogs.
- b. Buildings and runs for the housing of dogs shall be a minimum of one hundred (100) feet from any lot line.
- c. Outside runs must be individually fenced and paved with concrete.
- d. Dogs must be housed within an enclosed building between the hours of 9:00 p.m. and 7:00 a.m. each day.
- e. Retention and storage of animal waste is not allowed. Waste must be disposed of in a sanitary manner on a daily basis in accordance with Michigan Department of Health requirements.
- f. Kennels shall be operated in conformance with all applicable county, township, state or federal regulations, and with industry standards.
- g. The premises must be kept in a clean and sanitary condition to prevent the excessive accumulation of flies, the spread of disease, and offensive odors.

2. **Indoor kennels**

- a. The kennel shall be housed within an enclosed, soundproof, heated, ventilated building with concrete floors throughout.
- b. Kennels shall be operated in conformance with all applicable county, township, state or federal regulations, and with industry standards.
- c. The facility shall be arranged in such a manner as to ensure safe and controlled transfer of animals from vehicles to the kennel building.
- d. Any outdoor exercise enclosure shall be screened with a solid wall.

- e. Retention and storage of animal waste is not be allowed. Waste must be disposed of in a sanitary manner on a daily basis in accordance with the Michigan Department of Health requirements.
- f. A minimum setback of one hundred (100) feet is required.
- g. The premises must be kept in a clean and sanitary manner to prevent the excessive accumulation of flies, the spread of disease, and offensive odors.

T. LANDFILLS AND/OR INCINERATORS

- 1. Must be located over 1000 (one thousand) feet from any dwelling.
- 2. Berms and fences shall be constructed around any landfill or incinerator as required by any and all state law regulations and requirements. The berms and fences shall be placed on the interior of the vegetated buffers, which shall be no less than one hundred (100) feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
- 3. Grading or reseeded upon completion of operations in a portion of a landfill site is required.
- 4. These materials shall not be buoyant, flammable, explosive, subject to dispersion by wind, contaminants or injurious to humans, plants or animals.

U. MARIHUANA

- 1. **Prohibition of Commercial Medical Marihuana Facilities and Marihuana Establishments.** Commercial Medical Marihuana Facilities and Marihuana Establishments as defined in this Ordinance are prohibited from operating within the Township, and no property within the Township may be used for the operation of such Facilities or Establishments. No person shall operate, cause to be operated, or permit to be operated a Commercial Medical Marihuana Facility or Marihuana Establishment in the Township.
- 2. **Primary Caregiver Operations.**
 - a. Scope of Operation. Only one Primary Caregiver is permitted to operate a Primary Caregiver Operation. Primary Caregiver Operations are permitted only as accessory uses that are incidental and subordinate to a primary use, and only in the A-1 Agriculture: Primary District and the A-2 Agriculture: General/Woodlot Zoning District.

- b. Required Documentation. A Primary Caregiver growing medical marihuana at a Primary Caregiver Operation for later distribution to Qualifying Patients, with which the Primary Caregiver is lawfully connected, must provide or otherwise make available proof of the Primary Caregiver's valid, unexpired registry identification card or cards. For safety and other code inspection purposes, the special use permit application shall describe and provide detailed specifications of all lights, equipment, electrical, plumbing, heating, cooling, ventilation and other means proposed to be used to facilitate the cultivation of marihuana plants.
- c. Amount of Marihuana. The amount of marihuana on the property and under the control of the Primary Caregiver shall not exceed that amount permitted by state law: the Primary Caregiver operating the Primary Caregiver Operation may possess no more than 12 marihuana plants and no more than two and one-half ounces of usable marihuana per Qualifying Patient to which the Primary Caregiver is lawfully connected, up to a maximum of five Qualifying Patients, 60 marihuana plants and 12.5 ounces of usable marihuana per Primary Caregiver. The Primary Caregiver operating the Primary Caregiver Operation must specify the name and address of the place where all portions exceeding the amount permitted by law shall be disposed.
- d. Storage of Marihuana. All medical marihuana must be contained within a separate enclosed, locked facility for each Qualifying Patient for which the Primary Caregiver is lawfully connected, in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.
- e. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana are located.
- f. Distribution of marihuana. No person operating a Primary Caregiver Operation shall provide or otherwise make available medical marihuana to any person who is not a Qualifying Patient legally connected to that Primary Caregiver.
- g. Inspections. Primary Caregiver Operations shall be subject to an inspection during the special use permit application process and yearly inspections, at the discretion and election of the Township, to ensure compliance with this Ordinance and state law.
- h. Other Operations. The operation of a dispensary, provisioning center, marihuana growing facility or similar business operation that allows or facilitates conduct not expressly permitted under the Michigan Medical Marihuana Act is prohibited, including but not limited to facilities allowing Patient-to-Patient transfers, multiple Primary Caregivers operating from a single facility, or a Primary Caregiver serving more than five (5) Qualifying Patients.

V. **Manufactured Homes / Mobile Home Parks**

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, MCL 125.2301 *et seq.*, a preliminary plan must be submitted to the Township for review by the Planning Commission. The preliminary plan must include the location, layout, general design, and general description of the project. The preliminary plan does not require detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission must follow the procedures and requirements in this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in the Mobile Home Commission Act, as amended, or the Mobile Home Commission Rules. Pursuant to the Mobile Home Commission Act, as amended, the Planning Commission must take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with the Mobile Home Commission Act, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in that Act. The construction of a mobile home park cannot be initiated, nor can a mobile home park be inhabited or operated, until all necessary permits have been acquired from all applicable local and state agencies.
3. No more than eight (8) mobile homes may occupy a space of one (1) acre.
4. No mobile home or other structure shall be located within fifteen (15) feet of one another, within five (5) feet of a driveway or parking space, within forty (40) feet of a public right-of-way, or within twenty-five (25) of any park boundaries.
5. For purpose of this section, additions to a mobile home, other than those constructed of cloth, shall meet the area and yard requirements of this section.
6. Utility wires, pipes, and tanks shall be underground, unless those structures are used as part of a central distribution system, in which case they may be maintained above the ground if fully screened from view by an opaque fence, wall, or vegetation.
7. Each mobile home park shall contain one or more outdoor recreation areas totaling at least three hundred (300) square feet per mobile home site. No mobile home shall be more than five hundred (500) feet from a recreation area. Rights-of-way, driveways, parking areas, and buildings are not to be included when calculating the size of a recreation area under this Section.
8. A tree buffer should be developed around the park in the required yard areas.
9. All roads within a mobile home park shall be bounded on at least one side by a sidewalk at least three (3) feet in width.

10. If the parking of recreational vehicles or motor homes is allowed, such parking shall be restricted to areas surrounded by an opaque fence or wall at least six (6) feet in height.
11. Each mobile home park shall provide refuse containers having a capacity of no less than one cubic yard for every four mobile homes. Mobile homes shall be located to be no more than one hundred fifty (150) feet from such a container. These containers shall be surrounded on three (3) sides by an opaque fence or wall at least six (6) feet in height.
12. All roadways within a Mobile Home Park shall be developed to the standards required by the Saginaw County Road Commission for residential subdivision streets.

W. MINING AND EXTRACTION OPERATIONS

1. **Application Requirements.** Each application shall be accompanied by plans, drawings, and information, depicting, at a minimum:
 - a. Name and address of the person, firm or corporation who will be conducting the actual mining and extraction operations, if different that the applicant.
 - b. Location, size, and legal description of the total site area to be excavated.
 - c. Location and width of all easements or rights-of-way on or abutting the area subject to extraction.
 - d. A statement from the applicant identifying all federal, state, and local permits required, if any. Provisions for landscaping and screening consistent with the requirements of this Ordinance.
 - e. A master plan for the extraction of minerals on the site, including:
 - i. Type of materials or resources to be mined, stockpiled, or hauled away.
 - i. Proposed method of removal and general haul route.
 - ii. General description of types of equipment to be used.
 - iii. The area and amount of material to be excavated in cubic yards.
 - iv. Proposed side slopes and depths for all portions of the excavated area, with elevations noted in five (5) foot intervals.
 - v. Proposed drainage systems, settling ponds, and retention ponds, as appropriate, including the projected water level.

- vi. The time, duration, phasing, and proposed work schedule of the total project.
 - vii. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - viii. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
- f. The proposed location of access points to the site and proposed haul routes for transport of excavated material.
 - g. Proposed plans for fencing and signage.
 - h. Depth to groundwater.
 - i. Vertical aerial photograph, enlarged to a scale equal to one (1) inch equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
 - j. A detailed reclamation plan that identifies, at a minimum, the following:
 - i. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
 - ii. Depiction of finished and stabilized side slopes, including methods and plant materials proposed for use.
 - iii. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - iv. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
 - v. The restoration of vegetation at the site, including appropriate seeding of grasses and the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 - vi. The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:3.
 - vii. The placement of a three (3) inch layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.

- viii. Identification of all backfill and grading materials to be used, and a certification that none of those materials are noxious, flammable, or toxic.
- ix. Identification of fill and soils to be used. Fill and soils must be of sufficient quality to be well-drained and non-swelling and cannot be overly compacted. To the extent the reclamation plan involves the construction or development of buildings, fill and soils must be of proper bearing capacity to support foundations and waste disposal systems.
- x. Identification of all temporary structures, which must be removed from the premises upon completion of the extraction activity. Temporary structures may be permitted to remain when they are of sound construction and are compatible with reclamation goals.

2. **Site, Development, and Operational Requirements.** The following site and development requirements shall apply:

- a. The minimum lot area shall be twenty (20) acres.
- b. All extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distances:
 - i. One hundred (100) feet from the right-of-way of any public road or highway.
 - ii. Two hundred (200) feet from abutting property in an Agricultural or Residential district. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
 - iii. Seventy-five (75) feet from abutting property in a Commercial or Industrial District. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
- c. All permitted buildings, structures, and stationary equipment associated with extraction activities shall be located a minimum of one hundred and fifty (150) feet from all lot lines. This requirement does not apply if the abutting property owner(s) and resident(s) (if different) voluntarily waive this requirement in writing.
- d. There shall be not more than one (1) entrance from a public road for each six hundred sixty (660) feet of frontage.
- e. All sites shall have direct access to a County road having a minimum width of sixty-six (66) feet. When the permitted operation results in the mined material, overburden and/or similar material being deposited or spilled upon the public

roadway, it shall be the responsibility of the applicant to remove such material immediately.

- f. All roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be constructed to limit the nuisance caused by wind-borne dust on adjoining lots and rights-of-way. The Planning Commission may require a specific surfacing material for these areas, such as bituminous asphalt, properly-treated gravel, hard-packed earth, or another material the Planning Commission concludes appropriately satisfies the intent of this subsection.
- g. The entire area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use, or when an attendant is not present. Warning signs shall be posted at two hundred (200) foot intervals along the perimeter.
- h. A berm and/or suitable screen is required when extraction activities will occur within five hundred (500) feet of any residential lot line. The berm or screen required by this subsection shall be a minimum of fifty (50) feet in width.
- i. All extraction operations must comply with the soil erosion and sedimentation control requirements of the Saginaw County Public Works Commissioner and Michigan Department of Environment, Great Lakes, and Energy.
- j. All topsoil must be stockpiled on site, and no topsoil may be removed from the extraction site. At the conclusion of extraction activities, all disturbed areas must be restored with a minimum of three (3) inches of topsoil.
- k. The extraction site shall be graded to avoid the accumulation of water in stagnant pools.
- l. Sites of ecological significance, such as wetlands, should be avoided.
- m. Potential nuisances such as air pollution, noise, and vibration shall be minimized. Where appropriate, the Planning Commission may require appropriate screening, soundproofing, or similar efforts to mitigate potential nuisances.
- n. To the greatest extent feasibly, truck or other heavy vehicle traffic must use major thoroughfares for access to the site.
- o. All public streets within one thousand (1,000) feet of the exit from an extraction site must be kept reasonably clear of mud, dirt, and debris from vehicles exiting the site.
- p. Maximum hours of operation of the mining operation shall be 7:00 a.m. to 8:00 p.m., Monday through Friday. No hours of operation shall be permitted on

weekends or legal holidays. In emergencies, this time period may be modified by the Zoning Administrator, provided such emergency order shall not be effective for more than seventy-two (72) hours.

- q. Reclamation activities must be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities should be undertaken unless the reclamation activities would interfere with, or be damaged by, ongoing extraction. Excavated areas must be reclaimed pursuant to a reclamation plan approved by the Planning Commission and, where the excavation site impacts a recreational or wildlife facility, by the Michigan Department of Natural Resources.
- r. A performance bond or other financial guarantee may be required in an amount sufficient to complete reclamation activities of the entire site. No extraction activities may occur until the Planning Commission has received a satisfactory bond or financial guarantee.
- s. In addition to the reclamation bond described above, the applicant must deposit funds into an escrow account sufficient to cover all costs of reviewing the application and monitoring the site. This escrow deposit must be maintained until the Planning Commission certifies that all reclamation activities have been completed. These funds may be used for the costs of professional application review, monitoring of site conditions, legal costs associated with the extraction operation, or similar costs incurred by the Township in connection with an extraction operation. No extraction activities may occur before the escrow deposit required by this subsection has been received, nor may extraction activities occur at any time the Planning Commission deems the remaining escrowed funds are inadequate.
- t. Extraction activities must not cause surface or subsurface water pollution. It is the applicant's responsibility to present sufficient evidence that no pollution will occur, and to take appropriate measures to prevent pollution.
- u. Extraction activities may not cause or threaten erosion of any land, or the movement of earth materials, outside the parcel on which those activities are occurring. Extraction activities may not alter the drainage patterns of surface or sub-surface waters on adjacent property. The applicant has a continuing responsibility to ensure that its extraction operations cause no erosion or alteration of drainage patterns, including after cessation of those operations.

3. Additional Conditions

- a. Extraction operations are subject to inspections as determined by the Planning Commission. As a condition of obtaining a special use permit, the applicant is deemed to have authorized these inspections, and to cooperate fully in making the extraction operations available for inspection.

- b. If extraction operations cease for more than one (1) year, the operation is deemed abandoned. No extraction operations may resume on an abandoned site unless and until a new permit is issued under this section.
- c. The maximum duration of a permit issued under this Section is five (5) years. A permit may be renewed for up to one (1) additional five (5) year term, at the discretion of the Planning Commission. Any additional extraction activities must obtain a new permit satisfying the requirements of this Section.
- d. The time limits described by this Section do not continue to run on an appeal of the decision to issue a special use permit. Any time limits tolled by an appeal shall resume as of the date that appeal is resolved.

X. OUTDOOR RECREATION ESTABLISHMENTS

1. Outdoor recreation establishments shall be subject to the following requirements:
 - a. All appropriate federal, state, county, and local permits must be obtained.
 - b. The minimum front, side, and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in an Agricultural or Residential district. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.
 - c. Facilities shall provide off-street parking and passenger loading areas appropriate for the type of use. Off-street parking areas be provided and shall be fenced on all sides by a four and one half (4.5) foot wall or fence where adjacent to the outdoor recreation establishment. Adequate stacking areas shall be provided.
 - d. Facilities with a participant capacity greater than five hundred (500) people must provide letters of review from the County Sheriff and County Road Commission.
 - e. All lighting shall be shielded from adjacent property.
 - f. The Planning Commission will determine operating hours of the use based upon the nature of the use and the potential for a nuisance to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 A.M. to 11:00 P.M.
 - g. Appropriate fencing shall be provided as established in this Ordinance.

- h. No loudspeaker or public-address system shall be used except by the written consent of the Planning Commission.
2. The following uses are required to adhere to additional specific requirements. These uses are not intended to limit the scope of what will be considered “outdoor recreation establishments,” and are merely intended to address specific and common uses falling within that definition.
 3. Golf courses shall be subject to the following requirements:
 - a. All principal or accessory buildings and parking areas shall not be less than two hundred (200) feet from any side or rear lot line, or one hundred (100) feet from a right-of-way.
 - b. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
 - c. Accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Other accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
 - d. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact on adjoining properties. Additional buffering conditions may be required where necessary to minimize the impact of the driving range upon neighboring parcels.
 - e. Water quality protective measures are required as follows, except to the extent a stricter standard is required by other law or regulation:
 - i. Erosion control barriers shall be maintained during construction.
 - ii. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
 - iii. All chemical applications associated with herbicides, insecticides, fungicides, or rodenticides must be by an applicator licensed by the Michigan Department of Agriculture or successor agency. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act, the Environmental Protection Agency, and all appropriate state laws and regulations.
 - iv. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses, and wetlands shall be maintained. The

buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.

- f. All parking areas shall be surfaced or treated so as to prevent any dust nuisance.
- g. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
- h. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
- i. Whenever included, swimming pools shall be provided with a with a protective fence which meets the minimum height requirements of the building code and entry shall be provided by means of a controlled gate or turnstile.

Y. Outdoor theatres shall be subject to the following requirements:

- 1. Must be located completely within the Industrial District.
- 2. The proposed internal design shall receive approval from the Zoning Administrator and the Township Engineer as to adequacy of drainage, lighting and other technical aspects.
- 3. Points of ingress and egress shall be available from a major thoroughfare.
- 4. Minimum lot frontage shall be one hundred twenty (120) feet on a major thoroughfare.
- 5. One stacking space shall be provided for every ten (10) parking spaces. No vehicle shall be permitted to wait for parking within the right-of-way.

Z. Public swimming pools shall be subject to the following requirements:

- 1. Must have a six (6) foot wall or fence surrounding all sides of the pool.
- 2. Access to the pool must be provided only by a controlled gate.
- 3. All lighting shall be shielded from residential districts.

AA. **SEWAGE TREATMENT OR DISPOSAL FACILITY**

- 1. Follow all applicable state and national standards, as well as obtain all requirement permits, as set forth by the Michigan Department of Environment, Great Lakes, and Energy, the Michigan Department of Health and Human Services, the United States

Environmental Protection Agency, and all other applicable government regulatory agencies.

2. All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.
3. All operations and structures shall be surrounded on all sides by a buffer strip of at least one hundred (100) feet wide within which grass, trees and shrubs, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Planning Commission, upon consultation with the appropriate reviewing agencies of the facilities, shall have the authority to review and approve the design and treatment of all buffer strips.
4. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the Michigan Department of Health and Human Services and/or the Michigan Department of Environment, Great Lakes, and Energy.
5. The use must have an eight hundred (800) foot minimum clear zone between the use and the nearest residential district.
6. Storing, discharging or depositing sewage, human wastes, wash water, garbage, or other wastes shall be done in a manner which does not transmit disease.
7. Depositing, storing, or disposing of garbage, manure or any other wastes shall not attract vermin, insects or other pests to allow the wastes to become a breeding place for mosquitoes, flies, or other disease-carrying insects.

BB. SHOOTING CLUBS/RANGES

1. Shooting Clubs/Ranges shall comply with the following:
 - a. The design and operation of shooting ranges shall be consistent with the specifications and best practices recommended by the National Rifle Association; and shall conform to the generally accepted operation practices adopted pursuant to the Michigan Sport Shooting Ranges Act, Public Act 269 of 1989. The design of the shooting range shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.
2. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.

3. The minimum lot area for outdoor shooting activities shall be forty (40) acres. Additional acreage may be required where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant.
4. The minimum yard setbacks for outdoor shooting clubs/ranges shall be two hundred fifty (250) feet.
5. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed 80 decibels on the dB(A) scale as measured at property lines of the facility unless written consent is provided from owners of any adjacent property. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall unless specific authorization is provided from the owner of the building waiving the requirement. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).
6. The facility shall manage lead contamination and environmental impacts consistent with applicable federal and state law, including the Resource Recovery and Conservation Act (RCRA), the Clean Water Act (CWA), and the EPA's Best Practices for Lead at Outdoor Shooting Range.
7. Shooting on the range shall be limited to the hours between sunrise and sunset but not prior to 8:00AM and no later than 8:00PM, except for facilities operated by law enforcement agencies. The Township Board may apply more restrictive hours where protection for adjoining residents is necessary.
8. Shooting clubs/ranges shall not be located within one thousand (1000) feet of any dwelling, educational institution or school, public or private park, church, and house or worship or other religious facility. Any outdoor firearm shooting activities must be located at least 200 feet from all other lot lines. The minimum distance between uses shall be measured horizontally between the nearest property lines.
9. All parking shall be off-street and shall comply with Article 16.
10. Fencing and gates shall be provided around an outdoor shooting range facility to maintain a level of security at the range with a minimum height of 8 feet. Any indoor range shall be secured so as to prevent the unauthorized access to the range. Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weatherproof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print: "DANGER SHOOTING RANGE".

11. Application Requirements: In addition to all information required by Articles XVI and XX of this Ordinance, all applications for a firearm range shall be accompanied with the following information:

- a. A range safety plan addressing:
 - i. Firearm handling rules;
 - ii. Range officers;
 - iii. Shooting range rules;
 - iv. Types of firearms permitted and any applicable conditions;
 - v. Types of activities permitted; and
 - vi. Range targets.
 - vii. Shot-fall zones, backstops, berms, target locations, and relevant baffling.
 - viii. Existing and proposed structures on the site.
 - ix. Dwellings within one half (1/2) mile from the facility property lines.
 - x. A written plan outlining its Best Management Practices (BMPs) program relating to lead management.
 - xi. Planned security measures to prevent unauthorized trespass and access, and to warn of potential dangers.
 - xii. A report of the predicted sound impact of the proposed facility shall be included with the application, specifically taking into consideration the sound emission levels set forth in this Section. The report shall demonstrate that the sound level limits required by this Ordinance are met and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). Where such standards include confidence limits or limitations of use, the report shall present them and provide an explanation of how they were addressed. It shall include:
 1. A description and map of the facility's sound producing features, including the range of decibel levels expected (to be measured in dB(A)), and the basis for the expectation.
 2. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to neighboring residents and occupants.

- xiii. At the Township's request, the applicant shall provide an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on lead contamination caused by repeated use of lead shot) as required by the Township for review by the Township regarding the area or surrounding areas where the facility will be placed. Each such study or report requested shall be provided to the Township prior to the time when the Township Board makes its final decision.

CC. STORAGE UNITS

1. Storage units are subject to the following requirements:
 - a. Minimum lot size of two (2) acres.
 - b. Owners and lessees of storage units may not conduct business activities within their storage unit.
 - c. The property must be enclosed by a minimum six (6) foot high fence, which may be chain-link if it does not abut residential uses.
 - d. Storage units must be within enclosed buildings.
 - e. The exterior of storage unit buildings must be of finished quality.
 - f. Storage units may not store hazardous, toxic, or explosive materials. A sign describing this prohibition must be posted on the property.

DD. SOLID WASTE COLLECTION FACILITIES

The following rules are intended to prevent unhealthful or unsightly condition regarding solid waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.

1. Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood or metal fence or masonry wall at least as high as the container. The fourth side of said enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.
2. Said enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine (9) inches thick.
3. Said enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Said enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

EE. TEMPORARY DWELLINGS

1. Trailers and mobile homes may be used as a temporary dwelling in residential zoning districts during new construction, or for emergency housing, and are subject to the following requirements:
 - a. Temporary dwellings are permitted during the construction of a single-family dwelling on the property for use as a residence by the landowner during the time which the permanent dwelling is being constructed. Such temporary dwelling must comply with all setback requirements for principal buildings and may not be located in a front yard unless the Zoning Administrator finds there are no reasonable alternatives.
 - b. Temporary dwellings are permitted when a permanent dwelling is rendered uninhabitable for human occupancy by fire, collapse, explosion, Act of God, or acts of a public enemy. Such temporary dwelling must comply with all setback requirements for principal buildings and may not be located in a front yard unless the Zoning Administrator finds there are no reasonable alternatives.
 - c. A special use permit for a temporary dwelling is valid for a period of six months and may only be renewed once upon a showing of a good faith reason for renewal. Before the permit is renewed, the applicant must provide proof that construction has progressed on the single-family dwelling.
 - d. If construction does not commence within six (6) months, the special use permit may not be renewed.
 - e. A special use permit for a temporary dwelling is no longer effective and a temporary dwelling unit shall no longer be used as a dwelling if either of the following occur:
 - i. Construction does not commence within six (6) months of the issuance of the special use permit.
 - ii. The special use permit expires, and the applicant fails to renew the permit.
 - iii. Construction is not complete within twelve (12) months of the issuance of the special use permit.
 - iv. The permanent dwelling on the property is granted an occupancy permit.
2. Upon expiration of a special use permit for a temporary dwelling, any trailer or mobile home must be removed from the property within thirty (30) days.
3. All temporary dwellings must have an adequate proposed water supply and sanitary facilities approved by the county health department.

FF. WATER TOWERS AND UTILITY SUBSTATIONS

1. All water towers and utility substations must be located over two hundred (200) feet from any dwelling.
2. Shall be permitted to a maximum height of one hundred fifty (150) feet in any Zoning District.
3. All water towers and utility substations shall comply with all applicable state and federal regulations.

GG. WIRELESS COMMUNICATION FACILITIES

1. **Purpose.** The purpose of this Section is to establish guidelines for the siting of telecommunications towers and antennas. The goals of this Section are as follows:
 - a. To protect the residents and lands of the Township from the adverse effects of towers and antennas and to avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures;
 - b. To require users of towers and antennas to locate them, to the extent possible, in areas where the adverse effects upon the community are minimal;
 - c. To require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through design, siting, landscape screening, and camouflage techniques;
 - d. To minimize the required number of towers throughout the community by a rationalized method of siting;
 - e. To require the joint use of new and existing towers sites as the standard rather than the construction of single-use towers; and
 - f. To enhance the ability of the providers of telecommunication services to provide such services to the community effectively and efficiently.
2. **Applicability**
 - a. New towers and antennas. All new towers or antennas, or modifications of existing towers or antennas, in the Township shall be subject to these regulations, except as provided below.
 - b. AM array. An AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurement for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array.

- c. Receive-Only Antennas and Related Structures. The following requirements shall apply to any tower, antenna, or other structures similar in size, shape and function, which is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operation or that is used exclusively for receiving signals.
- d. Antennas, satellite dishes, and similar structures shall be located no closer than the height of the tower to any lot line, and in no instances shall such structures maintain a setback of less than six (6) feet from any side or rear lot lines.
- e. Towers, satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard.
- f. Satellite dishes may be placed or mounted on poles; however, they shall be subject to accessory building height limitations.

3. General Requirements

- g. **Principal or accessory use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. **Lot size.** For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. **Tower height.** No tower shall be higher than one hundred seventy-five (175) feet unless an applicant can demonstrate that such a restriction is commercially unreasonable based upon the industry standard height.
- d. **Inventory of existing sites.** Each applicant for an antenna and/or tower shall provide an inventory of any existing towers, antennas, or sites approved for towers or antennas, that are either within the Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
- e. **Aesthetics.** Towers and antennas shall meet the following requirements:
 - i. **Finish and color of towers.** At the discretion of the Township, towers shall either be painted a neutral color so as to reduce visual obtrusiveness or maintain a galvanized steel finish, subject to any applicable standards of the FAA.
 - ii. **Blend with setting.** At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend with the natural setting and surrounding buildings.

- iii. **Color of antenna.** If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - iv. **Lighting.** Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting and design chosen must cause the least disturbance to the surrounding views.
 - v. **Landscaping.** Trees, shrubs, and other plants shall be installed to screen the tower and its appurtenant structures and equipment from public view. Plantings shall be done at the borders of a tower site, along its frontage, and in any direction existing vegetation does not screen the tower structure, guys, anchor structures, or equipment enclosures. Existing mature trees and shrubbery and the natural landscape shall be preserved to the maximum extent possible and may be used to achieve this standard.
- h. **State or federal requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- i. **Building codes and safety standards.** To guarantee the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring a tower into compliance within 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense. Buildings and support equipment associated with antennas or towers shall comply with the requirements of this Section.
- j. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.

- k. **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- l. **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- m. **Public Notice.** For purposes of this Section, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners as required by the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- n. **Signs.** No signs shall be allowed on an antenna or tower except as may be required by law or governmental regulation.
- o. **Permitted uses.** Antennas located on a previously approved tower may be authorized by the Zoning Administrator and need not be submitted to the Planning Commission for approval upon submission of structural calculations certified and sealed by a licensed structural engineer certifying that the previously approved tower can support the additional antenna(s).
- p. Administratively approved uses:
 - i. **Approval by Zoning Administrator.** The Zoning Administrator may administratively approve the uses listed in this Subsection.
 - ii. **Application and fee.** Each applicant for administrative approval shall apply to the Zoning Administrator, providing the information set forth in Subsection 3 of this section and a nonrefundable fee as established from time to time by the resolution of the Township Board to reimburse the Township for the costs of reviewing the application. In addition, the Township may collect estimated charges for review of the application by an expert retained by the Township for this purpose. Any unused portion shall be returned to the applicant; any costs in addition shall be paid by the applicant to the Township before a permit may be issued.
 - iii. **Review by the Zoning Administrator.** The Zoning Administrator, and the Township expert if deemed appropriate, shall review the application for **administrative** approval and determine if the proposed use complies with Subsections 2(d) and 3 of this section.
 - iv. **Reconstruction of an existing tower.** In connection with any such administrative approval, the Zoning Administrator may, in order to encourage

the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

- v. **Applications Following Administrative Denials.** If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Subsection 4 of this Section prior to filing any other appeal that may be available under this Ordinance.
- vi. **List of administratively approved uses.** The uses listed below may be approved by the Zoning Administrator after conducting an administrative review.
- vii. **Antennas on existing structures.** Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, manufacturing, professional, institutional, or multifamily structure of eight or more dwelling units, provided that the antenna:
 - 1. Does not extend more than thirty (30) feet above the highest point of the structure;
 - 2. Complies with all applicable FCC and FAA regulations;
 - 3. Complies with all applicable building codes; and
 - 4. Meets all other conditions of this section.
- viii. **Antennas on existing towers.** Any antenna which is attached to an existing tower may be approved by the Zoning Administrator, and to minimize adverse visual and physical impacts associated with the proliferation of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided that such collocation is accomplished in a manner consistent with the following:
 - 1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type and trim as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - 2. Existing towers may be modified to accommodate collocation of an additional antenna. Such a modification may include construction to increase an existing tower's height by up to 30 feet, but not beyond a maximum height of one hundred ninety-nine (199) feet. Such construction may occur only once per tower without a special use permit. The tower's pre-modification height shall continue to be used to calculate such distance separations.
 - 3. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within 50 feet of its existing

location. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

4. A relocated on-site tower shall continue to be measured from the original tower location for purpose of calculating separation distances between towers.
5. No relocated tower shall be placed within the separation distance to residential units or residentially zoned lands.

q. Special use permits

i. **General.** The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

1. If the tower or antenna is not a permitted use under Subsection 2(e) of this Section or permitted to be approved administratively pursuant to Subsection (2)(f), then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
2. Applications for special use permits shall include a site plan as required by this Ordinance.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
4. An applicant for a special use permit shall submit the information described in Subsection 3(a)(v)(1) and a nonrefundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.
5. In addition to any information required for applications for special use permits generally, applicants for a special use permit for a tower shall submit the following information:
 - a. A scaled site plan clearly indicating:
 - i. The location, type and height of the proposed tower;
 - ii. Master Plan classification of the site, adjoining sites, and all properties within the applicable separation distances set forth in Subsection 3;
 - iii. Adjacent roadways and rights-of-way, including the proposed means of accessing the site;

- iv. Setbacks from property lines;
 - v. Elevation drawings of the proposed tower and any other proposed structures;
 - vi. Site topography;
 - vii. Parking, both temporary and permanent;
 - viii. Any other information deemed by the Zoning Administrator, Planning Commission, or the Township Board to be necessary to assess compliance with this section.
- b. The setback distance between the proposed tower and residentially-zoned properties and the nearest residential unit.
 - c. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection 2(d) shall be shown on the site plan. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - d. A landscape plan showing existing site vegetation to be preserved, along with a detailed landscape plan indicating vegetation to be added and which specifies species, height, size, and planting methods.
 - e. Method of fencing, tower finish color and, if applicable, the method of camouflage and illumination.
 - f. A description of compliance with Subsections 2(d) and 3 and all applicable federal, state or local laws.
 - g. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - h. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - i. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the service to be provided through the use of the proposed new tower.
 - j. A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering,

technological or geographical limitations in the event the proposed tower is erected.

6. **Considerations in granting a special use permit.** In addition to any standards for consideration of special use permit applications generally, the Planning Commission shall consider the following factors in determining whether to issue a special use permit for a telecommunication tower or antenna. The Planning Commission may waive or reduce the requirements of one or more of these criteria if the Planning Commission concludes that the goals of this section are better served thereby.
 - a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses of adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to those characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress to the tower location; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed below.
 - i. **Availability of suitable existing towers, other structures, or alternative technology.** No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna(s). An applicant shall submit information requested by the Planning Commission relevant to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna shall consist of any of the following:
 - i. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

- ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- j. **Setbacks.** The following setback requirements shall apply to all towers for which a special use permit is required. The Planning Commission may reduce the standard setback requirement if the goals of this Section would be better served thereby.
- i. All towers must be set back a distance equal to the height of the tower from any adjoining lot line.
 - ii. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- k. **Separation.** The separation requirements set forth shall apply to all towers and antennas for which a special use permit is required; however, the Planning Commission may reduce the standard separation requirements if the goals of this Section would be better served thereby.
- i. Separation from off-site uses and designated areas.

- ii. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

Table 1	
Any residential structure	500 feet or 300% height of tower, whichever is greater
Residentially-zoned districts	1,500 feet.
Any nonresidential structure not associated with the operation of the tower	Height of tower plus 10%
Non-residentially zoned lands	None; only setbacks apply

- iii. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to the site plan of the proposed tower. The separations distances shall be as shown in Table 2.

Table 2				
	Lattice (feet)	Guyed (feet)	Monopole Greater than 75 feet in Height	Monopole Less than 75 feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole Greater than 75 feet in Height	1,500	1,500	1,500	750
Monopole Less than 75 feet in	750	750	750	750

Height				
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- l. **Security fencing.** Towers and guy anchor areas shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
- m. **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required.
- n. Tower facilities shall be landscaped with a buffer area of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer area shall consist of a landscaped strip at least four (4) feet wide around the perimeter of the compound, but any effective method may be proposed.
- o. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide a sufficient buffer area and no additional landscaping would be required.
- p. **Bond for removal.** The Township may require a bond equivalent to the cost of removing an antenna or tower to ensure removal of any abandoned or unused tower or antenna.
- q. **Building and other equipment storage**
- r. **Antennas mounted on structures on rooftops.** The equipment cabinet or structure used in association with antennas shall comply with the following:
 - i. The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than thirteen (13) feet in height. If the related unmanned equipment structure is over two hundred (200) square feet of gross floor area or thirteen (13) feet in height, it shall be located on the ground and shall not be located on the roof of the structure.
 - ii. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than twenty-five percent (25%) of the roof area.

- iii. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- s. **Antennas mounted on utility poles or light poles/towers.** The equipment cabinet or structure used in association with antennas shall be located according to the regulations below for residential districts.
- t. **Similar Appearance.** Equipment structures shall be constructed of, and be appear similar in appearance to, buildings in the surrounding neighborhood.
- u. **Residential districts.** In residential districts, the equipment cabinet or structure may be located:
 - i. In a front or side yard, provided that the cabinet or structure is no greater than thirteen (13) feet in height or two hundred (200) square feet in gross floor area and the cabinet/structure is located a minimum of twenty-five (25) feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-eight (48) inches and a planted height of at least thirty-six (36) inches, planted no more than four (4) feet on center.
 - ii. In a rear yard, provided that the cabinet or structure is no greater than thirteen (13) feet in height or five hundred (500) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least eight (8) feet and a planted height of at least thirty-six (36) inches and installed no more than four (4) feet on center.
- v. **Business or Industrial District.** In the Business and Industrial Districts, the equipment cabinet or structure shall be no greater than twenty (20) feet in height or five hundred (500) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least thirty-six (36) inches. In all instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches and shall be constructed of similar materials as buildings in the neighborhood. All plantings shall be planted no more than 4 feet on center.
- w. **Modification of building size requirements.** The requirements of this Subsection may be modified to encourage collocation by the

Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use.

- x. **Removal of abandoned antennas and towers.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of notice from the Township. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the Township to remove the tower or antenna at the owner's expense.
- y. **Nonconforming uses**
- z. **Expansion of nonconforming use.** Towers that are changed or antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - aa. **Preexisting towers.** Preexisting towers shall be allowed to continue their present usage. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.
 - bb. **Rebuilding damaged or destroyed nonconforming towers or antennas.** Nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit, but the type, height, and location of the tower on site shall be of the same type and trim as the original structure's approval unless an allowed change is authorized by the Zoning Administrator or the Planning Commission as appropriate. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified above.

ARTICLE 17: ADMINISTRATION AND ENFORCEMENT

SECTION 17.1 ZONING ADMINISTRATOR AS ENFORCING OFFICER

The Zoning Administrator appointed by the Township Board is hereby authorized to direct, supervise, and enforce the provisions of this Ordinance and any requirements, standards or conditions imposed under a special use permit. The Zoning Administrator's duties include, without limitation: investigating ordinance violations; issuing zoning permits; inspecting buildings or premises; accept and record applications; reviewing all zoning permit applications for completeness; record nonconforming and special uses; issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized by law; appearing in court; and any other duties as may be delegated by the Township Board, Township Supervisor or assigned by the Township Attorney.

SECTION 17.2 ZONING PERMIT REQUIRED

Before any change of use of any building or parcel of land is undertaken, including parking lot construction, or before an existing structure is removed, replaced, more than fifty (50) percent of the structure is repaired, or any construction or alteration change that requires an issuance of a Building Permit by the Township Building Inspector, the owner, or his or her duly-authorized agent, must apply for a zoning permit on forms provided by the Township. Once the Zoning Administrator determines that the proposed building, structure, or use conforms to all the provisions of this Ordinance and all appropriate fees have been paid, a zoning permit may be issued. A zoning permit is nontransferable and will remain valid for one (1) year from the date of issuance. An applicant must obtain a zoning permit prior to applying for a building permit. When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit.

SECTION 17.3 APPLICATION FOR ZONING PERMIT

Applicants must submit zoning permit applications to the Zoning Administrator with the fee established by the Township Board. Zoning permit applications must contain the following:

- A. A site plan drawn to scale showing the name and address of the owner, the intended use, the location and size of the proposed building, structure, or use as it relates to roads and rights-of-way, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams, or wetlands.
- B. The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.
- C. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.

- D. For all new principal land uses other than single-family dwellings, zoning permit applicants must provide written approval from the Saginaw County Public Works Commissioner's Office to the Zoning Administrator as it relates to the Saginaw County Public Works Commissioner's Stormwater Management Design Requirements, as incorporated as Exhibit A of this Ordinance.
- E. The Zoning Administrator, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Applicant must also comply with any applicable zoning escrow resolutions or other ordinances adopted by the Township. The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).
- F. The Zoning Administrator may also require any other information deemed necessary for the property enforcement of this ordinance.

SECTION 17.4 ISSUANCE OF ZONING PERMITS

- A. Within thirty (30) days of the receipt of the application for a zoning permit, the Zoning Administrator will issue a zoning permit if the application is complete, includes all required fees or performance guarantees deemed necessary by the Township, and the proposed building, structure and/or use is in conformity with the requirements of this Ordinance and all other applicable law. The Zoning Administrator may withhold or condition any zoning permit based on verification that the applicant has obtained all required local, state, or federal permits and approvals.
- B. The Zoning Administrator will keep a record of all permits issued and report these monthly to the Township Board. Zoning permits expire one year from the date they are issued, unless the use or construction authorized by that permit has begun and is proceeding to completion. Upon a showing of good faith, the Township may, in its discretion, extend the length of a zoning permit on a case-by-case basis not more than one

time for a period not to exceed one additional year. If a zoning permit expires, an applicant must apply for a new permit.

SECTION 17.5 FAILURE TO OBTAIN PERMIT

Permit fees will be doubled for applicants who begin construction before obtaining a zoning permit from the Township.

SECTION 17.6 REVOCATION OF A ZONING PERMIT

The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure to comply with any provision of this Ordinance or the requirements, standards or any conditions imposed upon a special use permit, or in the case of false statements or misrepresentations in an application. The revocation or cancellation of the zoning permit will be made in writing, and all construction, uses, or other activities allowed by the permit must immediately cease.

SECTION 17.7 ENFORCEMENT

- A. **Nuisances per se.** Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be violations of this Ordinance shall be reported to the Zoning Administrator.
- B. **Notice of Violation.** The Zoning Administrator or other designated official shall inspect alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator or other designated official will issue a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.
- C. **Violation Correction Period.** After the order to correct has been issued, the violation must be corrected within thirty (30) days. If a violation cannot be reasonably be corrected within 30 days, the Zoning Administrator or Township Board may extend the correction period, which shall not exceed six (6) months. Any violation not corrected shall be reported to the Township Board and the Township may pursue all available remedies, including immediate legal action.
- D. **Civil Infractions.** Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of up to five hundred dollars (\$500.00), along with the Township's costs and attorney's fees in prosecuting the violation. Each day during which a violation continues is a separate offense. The Township Zoning Administrator, Township Supervisor, and Township Code Enforcement Officer are expressly authorized to issue municipal civil infractions pursuant to this section.
- E. **Action by Township Attorney.** A violation not corrected within this period may be reported to the Township Attorney, who may initiate procedures to eliminate such

violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.

- F. **Misdemeanors.** Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance is responsible for a misdemeanor, subject to a fine of up to five hundred dollars (\$500.00), or imprisonment for up to ninety (90) days. Each day during which a violation continues is a separate offense.
- G. **Stop Work Order.** If the Zoning Administrator or other designated official discovers that work on any structure or premises is being undertaken contrary to this Ordinance, he or she shall deliver an order to the property owner requiring that such work shall immediately cease. The stop work order shall be posted on the property with a copy mailed or delivered to the owner of the property in question, person occupying the property, and the person doing the work and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except as directed by the Zoning Administrator to remove violations or unsafe conditions, shall be found responsible for a violation of this Ordinance.
- H. **Other Remedies.** The Township Board may bring a suit for an injunction, mandamus, abatement or any other appropriate method to prevent, enjoin, abate, remedy, or remove any violations of this Ordinance. These rights and remedies are cumulative and in addition to all other remedies provided by law.

ARTICLE 18: ZONING BOARD OF APPEALS

SECTION 18.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended, MCL 125.3101 *et seq.* The Board of Appeals shall ensure that the spirit and intent of this Ordinance are upheld, that the public health, safety, and welfare are advanced, and that substantial justice is done.

SECTION 18.2 MEMBERSHIP AND PROCEDURES

- A. **Structure.** The Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member may be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- B. **Alternate Members.** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member or for the purpose of reaching a decision on a case in which the regular member has a conflict of interest. The alternate member will serve on the Board of Appeals until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. **Terms.** Zoning Board of Appeals members serve three (3) year terms, except for members of the Planning Commission or Township Board, whose terms are limited to the time they are members of said bodies. A successor shall be appointed not more than one (1) month after the term for the preceding member has expired. All vacancies for unexpired terms will be filled for the remainder of the term.
- D. **Per Diem/Expenses.** The Township may provide the members of the Board of Appeals a reasonable per diem and/or a reimbursement for expenses incurred while serving on the Board of Appeals actually incurred in the discharge of their duties. The Township Board will appropriate any per diem or expenses annually.
- E. **Rules of Procedure.** The Board of Appeals will adopt its own rules of procedure to conduct its meetings and carry out its functions. The Board shall choose a Chairman and, in the Chairman's absence, an Acting Chair.

1. Meetings shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.
2. Minutes of all proceedings shall be recorded and shall contain evidence and dates relevant to every case, the votes of the members, and its final disposition. Such minutes shall be filed in the office of the Township Clerk and are public records.

F. **Voting Requirements.** The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse any decision of the Township Board, Planning Commission, or Zoning Administrator, or to grant a variance.

G. **Appeals.** The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. All decisions of the Board of Appeals are final, and appeals of Zoning Board of Appeals decisions must be filed with a court of competent jurisdiction within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson (or the members of the Board if there is no chairperson) or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made, whichever comes first.

H. **Conflict of Interest.** A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

I. **Jurisdiction.** The Zoning Board of Appeals has the power to act on matters as provided under this Ordinance in matters of administrative review, interpretation, or variance as defined in this Article.

SECTION 18.3 VARIANCES

The Zoning Board of Appeals may grant, upon application, variances to dimensional requirements such as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. The Zoning Board of Appeals may not grant use variances. The Board may attach any conditions to a variance it deems necessary to ensure that the spirit and intent of this Ordinance is carried out. It is the applicant's responsibility to provide all relevant evidence and application materials to the Zoning Board of Appeals in support of its variance application.

A. The Zoning Board of Appeals shall ensure that all variances comply with the following requirements:

1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance;

2. Will not permit the establishment of a use within a district where it is prohibited;
 3. Will relate only to the property for which the application has been submitted; and
 4. Is not a request that occurs regularly that could be addressed through an amendment to this Ordinance.
- B. The Zoning Board of Appeals will not grant a variance unless the following standards have been satisfied:
1. There are practical difficulties which prevent strict compliance with the requirements of this Ordinance. This difficulty shall be evaluated in terms of the use of a particular parcel of land, but may not be solely based on economic loss.
 2. A genuine practical difficulty exists because of unique 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, and are not recurrent in nature.
 3. The hardship does not result from the actions of the applicant or the applicant's predecessors in interest.
 4. The variance will relate only to property described in the variance application.
 5. The variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property or the use and enjoyment of property in the surrounding area.
 6. Strict compliance with dimensional requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 7. The variance requested is the minimum variance necessary to overcome the inequality inherent in the particular property or to mitigate the practical difficulty.
- C. Any variance that is denied shall not be resubmitted for review for a period of one (1) year from the date that the Zoning Board of Appeals last took action on the request unless substantive new evidence is to be presented or new circumstances arise.
- D. No variance that is issued shall be valid for a period of longer than one (1) year, unless construction of the subject structure or modification thereof has commenced and proceeds to completion in accordance with the terms of the variance. An appeal of the decision to grant a variance shall toll this time limitation until finally decided.

SECTION 18.4 ADMINISTRATIVE REVIEW

- A. The Zoning Board of Appeals may review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or Township Board except as otherwise noted in this Ordinance. The appeal or request for administrative review shall be submitted to the Township Clerk with the required fee.
- B. The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed unless the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property.

SECTION 18.5 INTERPRETATION AND CLASSIFICATION OF USES

Upon application or petition and the filing of the appropriate fees as set by the Township Board, the Zoning Board of Appeals is authorized to interpret any ambiguity in the administration of this Ordinance. Such ambiguities shall include, but are not limited to:

- A. The precise location of the boundary lines between zoning districts when there is a question about the exact location;
- B. Interpretations of the provisions of this Ordinance when it is alleged certain provisions are not clear or have more than one meaning.
- C. A provision of this Ordinance, the meaning, intent, or purpose of which cannot be clearly determined by the Zoning Administrator, Planning Commission, or Township Board.
- D. The classification of any use which is not specifically mentioned in any district regulations as a permitted principal use or a special use. In classifying an unlisted use, the Zoning Board of Appeals shall base its decision and any accompanying restrictions on listed uses that are consistent with and similar to the unclassified use.
- E. A determination of the off-street parking and loading space requirements for any use or activity not classified under this Ordinance.

SECTION 18.6 APPEALS

- A. Any person aggrieved by the decision of the Zoning Administrator or Township Board may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Board of Appeals within 10 calendar days of the decision being appealed. The appellant's letter shall specify the grounds for the appeal and the facts supporting the appeal. The appeal is limited to the issues raised by the appellant.
- B. An appeal is not effective until the appellant has paid the appropriate fee to the Zoning Board of Appeals. This fee shall be in an amount as determined by the Township Board, from time to time.

- C. An appeal will not be reviewed, processed, or scheduled for a hearing until an appellant provides the Zoning Board of Appeals with a sufficient deposit to cover the Township's expenses in reviewing the appeal.
1. The deposit shall be in an amount sufficient to cover the expenses of professional review by the Township Engineer, Attorney, Planner, or other expert consultants.
 2. The deposit shall be in the form of an irrevocable letter of credit, surety bond, cash, or some other form of payment acceptable to the Township.
 3. In the event the deposit is inadequate to reimburse the Township for the aforementioned expenses, appellant shall be required to provide additional deposits in an amount equal to the shortfall.
 4. Any portion of the deposit not used by the Zoning Board of Appeals in reviewing an appeal will be returned to the appellant, regardless of whether or not the appeal is successful.
- D. The Zoning Board of Appeals will only reverse or otherwise modify zoning decisions if it finds a zoning decision was:
1. Arbitrary or capricious;
 2. Based upon an erroneous finding of a material fact;
 3. An abuse of discretion;
 4. Based upon an erroneous interpretation of the Ordinance or applicable law; or
 5. Invalid due to a material procedural defect.
- E. In its review of the decision, the Zoning Board of Appeals shall consider the following:
1. The appellant's letter and validity of grounds for appeal.
 2. The factual record available to the decision maker. Upon a showing of good cause by the appellant, the Zoning Board of Appeals may consider relevant information contained outside the factual record on a case-by-case basis.
 3. Any verbal or written information submitted to the Zoning Board of Appeals in response to a request for the information by the Zoning Board of Appeals.
- F. In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:
1. Affirm the decision with or without modification. The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such conditions shall automatically

invalidated any Zoning Permit granted pursuant to the Zoning Board of Appeal action. When it attaches any conditions to the approval of a request, The Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the condition imposed. Said bond shall not exceed five thousand dollars (\$5,000.00).

2. Refer the matter back to the decision maker for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the decision maker of the issues that it believes are in need of further consideration, study, or documentation. Once the decision maker has examined the issues, it shall send the matter with a report back to the Zoning Board of Appeals for a decision.
 3. Reverse the decision if it is not in accordance with the intent and purpose of this Ordinance.
- G. When considering an appeal, the Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal is taken.

ARTICLE 19: AMENDMENTS AND REZONING

SECTION 19.1 AUTHORITY

The Township Board may amend, supplement, or change the provisions of this Ordinance, provided that all amendments and procedures are in accordance with the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*

SECTION 19.2 REZONING

For the purposes of this Article and other applicable sections of this Ordinance, the term "rezoning" shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Article for amendments.

SECTION 19.3 INITIATION OF AMENDMENTS

Proposals for amendments may be initiated by the Township Board, Planning Commission, by petition of one or more residents of the Township, or by one or more persons acting on behalf of a resident of the Township.

SECTION 19.4 COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Planning Commission will from time-to-time review this Ordinance and submit reports to the Township Board recommending changes and amendments to this Ordinance which are deemed to be desirable in the interest of public health, safety, and general welfare of Township residents.

SECTION 19.5 PROCEDURE

A. **Authority.** The Township Board, after review and recommendation by the Planning Commission, has the sole authority to adopt amendments to the text of this Ordinance and the zoning map.

B. Procedure for Amendment of Zoning Ordinance

1. **Pre-Application Conference.** The applicant/property owner must attend a pre-application conference coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, and consultants hired by the Township or other officials to discuss the project. The Zoning Administrator may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.
2. **Application.** An applicant seeking to amend the zoning ordinance must provide the Township Clerk with 12 copies of a completed application. An application shall include an application fee as established by the Township Board from time to time. No application fee will be charged for amendments initiated by the Township.
3. **Amendment to Zoning Map Application Content.** An application shall include the following information if it involves an amendment to the official zoning map:

- a. A legal description of the property, including the street address and tax code number(s).
 - b. The name, address, and telephone number of the applicant.
 - c. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
 - d. Identification of the zoning district requested and the existing zoning of the property.
 - e. A scaled map of the property, correlated with the legal description, which clearly shows the property's location.
 - f. Identification of the area that is being considered for rezoning and existing land uses within that area, along with a description of the current zoning and existing land uses of all properties within 500 feet of that area.
 - g. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
 - h. The desired change and reasons alleged to justify that change.
 - i. Further information as requested by the Zoning Administrator, consultants hired by the Township, Planning Commission, or Township Board.
4. **Amendment to Ordinance Text Application Content.** An application requesting a change in the text of this Ordinance shall contain the following:
- a. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes to this Ordinance necessary to accommodate the proposed amendment.
 - b. The name and address of the applicant.
 - c. The reasons justifying the proposed amendment.
 - d. Further information as requested by the Zoning Administrator, consultants hired by the Township, Planning Commission, or Township Board.
5. **Right of Entry.** The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
6. **Application Fees.** The Township Board will establish a non-refundable fee for applications to amend this Ordinance. There is no fee when the applicant is the Township Board.

7. **Escrow Deposit.** The Zoning Administrator, after review of the application, will establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application. The Township Board will not consider the merits of the application until the applicant provides the Township Clerk a required escrow deposit. Any unused portions of the escrow deposit remaining after consideration and processing of the application will be returned to the applicant. This requirement does not apply to amendments initiated by the Township.
8. **Initial Review.** The Zoning Administrator will review applications for completeness and will inform the applicant if any additional information is required.
9. **Public Hearing - Planning Commission.** The Planning Commission will conduct a public hearing on the proposed text amendment or rezoning as provided in the Michigan Zoning Enabling Act, MCL 125.3101 et seq.
10. **Administrative Report.** Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable local, state, and federal law.
11. **Planning Commission Review:** In reviewing an application for an amendment to this Ordinance, the Planning Commission must identify and evaluate all factors relevant to the application. Findings will be made a part of the public records of the meetings of the Planning Commission and will be transmitted along with any recommendation regarding the zoning amendment to the Township Board. The Planning Commission, in its discretion, may solicit information and testimony regarding these findings from sources such as other officials, stakeholders, and other governmental entities.
12. If the petition involves an amendment to the official zoning map, the Planning Commission will consider the following factors, if applicable:
 - a. What, if any, identifiable conditions related to the application justify the proposed amendment?
 - b. What is the potential precedent of the amendment and the possible effects of such precedent which might result from the approval or denial of the petition?
 - c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities?
 - d. Does the amendment materially adversely affect environmental conditions, or materially affect the value of the surrounding property?
 - e. Are the site's physical, geological, hydrological and other environmental features compatible with the uses permitted in the proposed district?

- f. Is the subject property able to be put to a reasonably efficient use in the zoning district in which it is presently located?
 - g. Does the petitioned district change generally comply with the planning goals of the Township including the Master Plan?
 - h. Is the proposed rezoning reasonably consistent with the zoning classification of surrounding land?
 - i. Can the subject parcel comply with all zoning requirements of the proposed zoning district?
13. The Planning Commission will consider the following factors, if applicable, involving amendments to the text of the Ordinance:
- a. Is the proposed amendment supported by documentation that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - b. Is the proposed amendment supported by reference materials, including but not limited to, planning and zoning publications, case law, legal opinions, and/or information gained at seminars and from discussions with other communities?
 - c. Does the proposed amendment further the goals of this Ordinance or the Township Master Plan?
14. **Township Board Review.** After receiving and reviewing the findings and recommendations of the Planning Commission, and the recommendations of the Saginaw County Metropolitan Planning Commission received within the time allowed under the Act, the Township Board will vote to either reject, accept, or modify the Planning Commission's recommendations, or return the matter to the Planning Commission for further review. The Township Board may hold additional public hearings to review the matter at its discretion.
15. **Standards and Burden.** In deciding a request for an amendment, the Planning Commission and Township Board shall be governed by the following principles and standards:
- a. The applicant has the burden of proof, which shall include the burden of persuasion on all questions of fact.
 - b. Amendments are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety and general welfare.
 - c. In considering an application for rezoning, the following factors may be considered, among others:

- i. Whether all required information has been provided and fees paid.
- ii. Consistency with the goals, policies and future land use map of the Master Plan. If conditions have changed since the Master Plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
- iii. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning;
- iv. The capacity of local utilities and public services needed to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township, including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- v. The precedent that might result from approval or denial of the petition; and
- vi. Whether the requested rezoning will create an isolated and unplanned spot zone.

16. **Payment of Costs.** The Township will not consider any applications filed under this Article that lack required application fees or costs. The Township Board may either delay reviewing applications, dismiss applications, or take other actions provided by law when applications lack required fees or costs.

17. **Resubmittal.** When the Township Board denies an application to amend the Zoning Map, the applicant may not resubmit an application requesting the same amendment for a period of one (1) year from the last denial. The Township Board may allow an earlier resubmittal on a case-by-case basis, if it finds there is newly-discovered evidence or changed conditions which impacts the resubmitted amendment application.

SECTION 19.6 PUBLIC NOTICE

Public notice of any hearing required by this Ordinance shall comply with the following provisions:

- A. Notice shall be published in a newspaper of general circulation in the Township no less than fifteen (15) days before the date of the hearing.
- B. Owners of property that is within three hundred (300) feet of the property subject to a request shall be provided with at least fifteen (15) days' written notice. Such notice shall be delivered either personally or by mail. If any property within three hundred (300) feet

of the subject property contains more than four (4) dwelling units, notice may be given to the manager or owner of that structure, who shall then post the notice at the structure's primary entrance.

C. Notices shall contain, at minimum, the following:

1. A description of the nature of the request.
2. An indication of the property that is subject to the request, along with a listing of all existing street addresses within the property. In the event there are no such addresses existing within the subject property, other means of identification may be used.
3. A statement as to when and where the request may be considered.
4. An indication of where and when written comments will be received concerning the request.

D. Any neighborhood organization, public utility company, railroad or any other person or organization may register with the Zoning Administrator or the Clerk to receive written notice of hearing of applications for approval. Fees may be assessed for the provision of this notice.

E. All registered entities or persons must reregister biannually to continue to receive notification pursuant to this section.

SECTION 19.7 CONDITIONAL REZONING

- A. An owner of land may voluntarily offer in writing, and the Township may approve certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.
- B. In approving the conditions under Subsection A, the Township may establish a time period during which the conditions apply to the land. Except for an extension under Subsection D, if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
- C. The Township shall not add to or alter the conditions approved under Subsection A during the time period specified under Subsection B.
- D. The time period specified under Subsection B may be extended upon the application of the landowner and approval of the Township.
- E. A Township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under Subsection A shall not otherwise affect the landowner's rights under this Ordinance, the ordinances of the Township, or any other laws of this state.
- F. An application for conditional rezoning shall follow the procedures of this Article. If a rezoning is approved, the landowner shall then follow all applicable procedures.
- G. Upon approval of a proposed project, the landowner shall provide to the Township an agreement, in a recordable contractual form, stating the terms, conditions and obligations of the rezoning.

EXHIBIT A

**SAGINAW COUNTY PUBLIC WORKS COMMISSIONER'S
STORMWATER MANAGEMENT DESIGN REQUIREMENTS**

SAGINAW COUNTY PUBLIC WORKS
COMMISSIONER
STORMWATER MANAGEMENT DESIGN
REQUIREMENTS



Prepared on behalf of:

**SAGINAW COUNTY
SAGINAW COUNTY PUBLIC WORKS COMMISSIONER (SCPWC)**

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Saginaw County Public Works Commissioner
Saginaw County Courthouse
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APPENDIX E
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I. INTRODUCTION

A. NPDES Phase II Requirements for Stormwater

The Saginaw County Public Works Commissioner (SCPWC), Saginaw County, and the following municipalities have implemented their own Stormwater Management Plans and/or Stormwater Management Design Requirements (PCC) for new development and/or re-development and have the following NPDES stormwater discharge permits:

Table 1. Stormwater Management Plans and/or Stormwater Management Design Requirements

Member	Old NPDES Permit #
Saginaw County (SCPWC)	MIG610171
Saginaw County Road Commission	MIG610178
Carrollton Township	MIG610165
City of Saginaw	MIG610161
Saginaw Charter Township	MIG610166
Thomas Township	MIG610174
Bridgeport Charter Township	MIG610181

Saginaw County Public Works Commissioner serves as a secondary reviewer for compliance of the ultimate outlet discharge into any county drain within Saginaw County from sites which meet review criterion for all municipalities with implemented Stormwater Management Plans, listed above.

These members must attain compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements as they relate to stormwater discharge in Saginaw County's jurisdictional area within the urbanized area based on the most recent Census Data. Members of the Saginaw Area Storm Water Authority (SASWA) who do not have established post construction controls in their jurisdictional boundary may adopt these stormwater design requirements by resolution. They must provide the resolution to the SCPWC.

These Stormwater Management Design Requirements are only for industrial, commercial, non-residential development, or platted subdivisions or condominium complex development or re-development. These Design Requirements are not to be applied to single family or duplex residential structure or other multi-family residences that are constructed on a parcel that is less than an acre and not part of a subdivision or condominium project. Any questions regarding this should be referred to the Saginaw County Public Works Commissioner's office for clarification.

These Design Requirements for Saginaw County are adopted pursuant to the general authority granted under the Michigan Drain Code of 1956, Public Act No. 40 of 1956, as amended, M.C.L. §§ 280.1 – 280.630 (hereinafter "Drain Code") and other applicable laws, to protect the public health, safety, and welfare regarding drainage matters over which the Saginaw County Public Works Commissioner has jurisdiction. These requirements are meant to assist in maintaining the County's stormwater drainage systems, waterways and watersheds, focusing on the legally established drainage districts and drains within Saginaw County.

Specifically, these Requirements are designed to provide guidance in order for project design to minimize flood damage, to preserve farm drainage, to promote best management practices relating to drainage, to protect the quality of surface and ground waters, to protect Saginaw County residents' natural flow rights under common law and to manage the County's drains, drainage resources, and drainage districts for multiple purposes including drainage, sustainable development, recreation, scenic beauty, and fish and wildlife habitats. These Requirements are applicable to all development or re-

development projects that disturb at least one or more acres, including projects less than an acre that are a part of a larger common plan of development or sale and discharge into the applicant's MS4 and are within the current census defined Urbanized Areas within the jurisdictional boundary of Saginaw County. These proposed developments are subject to review and approval and either the Saginaw County Public Works Commissioner has jurisdiction, or the local jurisdiction has adopted these design requirements by resolution and have an agreement with the Saginaw County Public Works Commissioner to act as their review agency for water quality Best Management Practices (BMPs).

Additionally, if a project takes place in a township outside of the Urbanized Area which has adopted these stormwater Design Requirements by resolution, the SCPWC will provide review services as needed to assure the development meets the requirements.

Other communities within the Urbanized Area which have adopted their own Stormwater Design Guidelines will be doing their own site plan reviews per their own standards or using the SCPWC design standards. The SCPWC will only oversee the allowable discharge rate and detention volumes in these situations, the community will review for water quality treatment trains, water quality BMPs along with the allowable discharge rate and detention volumes.

These Requirements provide minimum requirements for developments covered under the Stormwater Management Design Requirements. However, the Saginaw County Public Works Commissioner reserves the right to deviate from the specific design requirements set forth when, on a case-by-case basis, such deviation is appropriate or necessary in order to accommodate the goals and purposes underlying these Design Requirements. For example: 1. A site which has an existing storm water management plan in place, but is just re-doing their paved parking lot with a new surface (0% change in impervious area); 2. A site which has a storm water management plan in place and is removing impervious areas to add green space, or 3. A site which is discharging to an MDOT MS4 where the County Public Works Office has no jurisdiction.

The Design Requirements and their implementation are designed to promote low impact designs such as green infrastructure or other site controls of stormwater. The Saginaw County Public Works Commissioner is committed to working with those developing projects or applying for permits to use alternative drainage methods which help meet local landscape ordinance requirements and improve the quality of water in our environment. The review of these procedures is the same as it is for any site review process. The submittal of the deviations is accepted and reviewed by the SCPWC engineer or designee and then a final decision is made as to whether this proposed design will be accepted.

The following outlines basic ideas and principals of stormwater management, and provides a conceptual foundation for the design requirements contained in this document:

1. Impacts of Development on Water Quantity

The hydrology of a watershed changes in response to site clearing and development of the natural landscape displays itself with an increase in the quantity of runoff. A site's existing stormwater storage capacity can be lost as vegetation is removed, natural depressions are graded and both topsoil and wetlands are eliminated. As the soil is compacted and resurfaced with impervious materials such as concrete and asphalt, rainfall may no longer penetrate into the ground and runs off of the land. These modifications, along with the installation of drainage facilities, alter natural drainage patterns within the area drained. The following are just a few examples of changes in hydrology in site development:

- Increases in runoff volume from a site.

- Increases in bankfull events creating erosion issues in streams, rivers and open drains.
- Increases in flow velocities, smoother hydraulic surfaces which can result in shorter times of concentration.
- Dramatic stream flow fluctuations from concentrated runoff from improperly designed sites.
- Less infiltration into the underlying groundwater table which can reduce base flow to rivers and streams.
- Increased sediment loads from construction sites into drains, streams or rivers, with resultant effects on aquatic habitats.

2. Impacts of Development on Water Quality

As development occurs, changes in land use may contribute new or additional pollutants to storm-water runoff ... In addition, some accompanying impervious surfaces may provide efficient delivery of these pollutants into receiving waterways. Leaves, litter, animal droppings, exposed soil from construction sites, fertilizer and pesticides are all washed off the land. Vehicles and deteriorating urban surfaces deposit trace metals, oil, and grease onto streets and parking lots. These and other toxic substances may be carried by stormwater and conveyed through creeks, ditches and storm drains into our rivers and lakes.

In short, the ecology of drains and waterways may be re-shaped by the shifts in hydrology, morphology and water quality that can accompany the development process. The stresses that these changes place on the environment are often gradual and invisible, yet they may produce significant effects over time. The Michigan Department Environment, Great Lakes, and Energy (EGLE) has identified streams in the urban and urbanizing areas as requiring special initiatives to restore degraded habitats, and to improve water quality.

3. Strategy for Design of Stormwater Management Systems

Comprehensive site planning can substantially reduce environmental and drainage impacts associated with site development. To achieve this, communities, regulatory agencies, and designers must evaluate the impact of each individual development project over the long term and on a watershed scale. Such an approach requires consideration of Best Management Practices (BMPs) that function together as a system to ensure that the volume, rate, timing and pollutant load of runoff remains stable and sustainable. A “BMP” is a practice or combination of practices that prevent or reduce stormwater runoff and/or associated pollutants. This can be achieved through a coordinated network of structural and nonstructural BMPs. In such a system, each BMP by itself may not provide major benefits, but becomes very effective when developed as a treatment train on the site.

4. Source Controls

Source controls reduce the volume of runoff generated on-site and eliminate initial opportunities for pollutants to enter the drainage system. By working to prevent problems, source controls are the best option for controlling stormwater, and include the following key practices:

- Use of existing on-site natural features that perform stormwater management functions, such as depressions, wetlands, woodlands and vegetative buffers along drains or stream banks.
- The minimization of impervious surface area through site planning that makes efficient use of paved, developed areas and maximizes open space. Encouraging flexible street and parking standards and the use of permeable ground cover materials can also reduce impervious surfaces.

- Direction of stormwater discharges to open grassed areas such as swales and lawns rather than allowing stormwater to run off from impervious areas directly into the stormwater conveyance system.
- Careful design and installation of erosion control mechanisms and rigorous maintenance throughout the construction period. Effective erosion control measures include minimizing the area cleared, leaving a minimum ten (10) foot wide vegetated buffer between drains/streams (with appropriate additional BMPs as needed) and the site construction area, minimizing the length of time that a site is cleared and graded, and the timely vegetative stabilization of disturbed areas.

5. *Site Controls*

Site controls are the subject of this document. After the implementation of source controls, site controls are then required to convey, pre-treat, and treat (e.g., detain, retain or infiltrate) the stormwater runoff generated by development. The range of engineering and design techniques available to achieve these objectives is to some degree dictated by site configuration, soil type, and the receiving waterway. For example, flat or extremely steep topography may preclude the use of grassed swales, which are otherwise preferable to curb and gutter systems. But while each site will be unique, some universal guidelines for controlling stormwater quality and quantity can be utilized.

6. *“Drain” and “Drainage District” Defined*

The term “Drain” as used in these Design Requirements shall have the meaning as proscribed in Section 3 of the Drain Code as follows:

The word ‘drain’, whenever used in this act, shall include the main stream or trunk and all tributaries or branches of any creek or river, any watercourse or ditch, either open or closed, any covered drain, any sanitary, storm, or combined sewer or conduit composed of tile, brick, concrete, or other material, any structures or mechanical devices, that will properly purify the flow of such drains, any pumping equipment necessary to assist or relieve the flow of such drains and any levee, dike, barrier, or a combination of any or all of same constructed, or proposed to be constructed, for the purpose of drainage or for the purification of the flow of such drains, but shall not include any dam and flowage rights used in connection therewith which is used for the generation of power by a public utility subject to regulation by the public service commission.

The term “Drainage District” as used in these Design Requirements shall have the following meaning:

A Drainage District is any county or inter-county drainage district legally established pursuant to applicable provisions of the Drain Code. Drain Code Section 5 provides that each such drainage district is a body corporate with the power to contract, to sue and be sued, and to hold, manage, and dispose of real property, in addition to any other powers conferred by law. Generally, a drainage district is comprised of all lands which drain to a legally established Drain.

7. *Goals of these Design Requirements*

It is the goal of these site development requirements minimize impacts on communities and/or adjacent properties. The goal is to establish minimum stormwater management requirements to meet the following objectives:

- Ensure that stormwater drainage systems and BMPs for water quality and quantity are in place at site developments.
- Reduce the risk of urban flood damage from site developments.
- Minimize impacts on county drains and natural stream courses where storm systems may discharge.
- Reduce non-point source pollution from site developments.
- Maintain existing site hydrology to avoid environmental impacts.
- Ensure compliance with site planning efforts and compliance with the National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit.
- Ensure adequate drainage systems are being constructed for future development in which the Saginaw County Public Works Commissioner has jurisdiction over, including projects which **disturb at least one or more acres, and projects less than an acre which are a part of a larger common plan of development or sale and discharge into the SCPWC drainage system or MS4 under these design guidelines by resolution.**

Measurable goals will be implemented and assessed on a yearly basis to determine the effectiveness of the Design Requirements. The following measurable goals will be reviewed annually:

- How many site design plans are reviewed,
- The number of SESC permits that are issued by the Saginaw County Public Works Commissioner (CEA),
- The Low Impact Development practices implemented and the effectiveness of each,
- The number of any complaints received, investigated and/or passed on to the Saginaw County Public Works Commissioner, CEA, that are related to site development and stormwater issues from that development.

Further documentation of the impacts of development on land and water resources and the importance of stormwater management can be found in Chapter 2 of the Low Impact Development Manual for Michigan (SEMCOG, 2008).

<https://semcog.org/Reports/LID/files/assets/basic-html/page-1.html#>

OR, the following:

<https://www.semcog.org/Green-Infrastructure>

8. *Enforcement of Stormwater Management Design Requirements*

Each municipality or township that has adopted these design requirements for stormwater must initiate the action of enforcement through their zoning regulations or another regulatory mechanism.

FOR NEW DEVELOPMENTS or RE-DEVELOPMENTS of 1 acre or more in area (including projects less than an acre that are a part of a larger common plan of development or sale and discharge into the applicant's MS4):

If a site is not in compliance with the design requirements and has not completed the site review process successfully, the county will rely on the local building inspector to withhold an occupancy permit for the structure until it is in compliance with the requirements.

If the site is already occupied, then a letter will be issued from the municipality’s zoning enforcement staff to bring the site into compliance within the specified period dictated on the letter. If the site is a **High Priority** site (*human health and safety hazard*) it must be brought into compliance immediately upon receiving either verbal or written notice. If the site is considered a **Medium Priority** (*flood and property damage hazard to nearby parcels/structures*) action must start within 5 days of receiving written or verbal notice and be completed within 10 days after action has started. If the site is **Low Priority** (*nuisance site, no imminent property damage can occur, no water quality issues*) the site must come into compliance within 30 days of receiving written or verbal notice.

9. Goals for Water Quality Requirements

Table 2. Stormwater Management Criteria

Stormwater Management Criteria	Description
<p>A. Water Quality (WQ)</p>	<p>All site development projects are required to detain the water quality (first flush) volume. The WQ Volume is determined by the Saginaw County Public Works Commissioner’s guidelines and site applicability. Design for a minimum removal of 80% of TSS as compared to uncontrolled runoff or a discharge concentration not to exceed 80 mg/L Total Suspended Solids (TSS). This criterion is assumed to be met if extended detention time of the Channel Protection (CP) Volume is provided.</p>
<p>B. Channel Protection (CP)</p>	<p>The Channel Protection (CP) Criteria was developed to prevent or minimize the channel enlargement process in streams and rivers. The post construction runoff rate and volume for a site must not exceed up to the 2-yr 24-hr storm event. In areas with C/D soils, the site should be maximized for opportunities to reduce runoff (i.e., amended soils, harvesting, reuse) prior to allowing the option for extended detention. HOWEVER, in Saginaw County with its high seasonal water table and the effects of Lake Huron’s water level these methods will need to be proven to work in HIGH WATER conditions with NO ADVERSE effects to neighboring properties¹. Extended detention should focus on maximizing the volume reduction onsite and then detaining the remaining volume of the 2-yr 24-hr storm event with the release rate of 0.2 cfs per acre or the 1-yr 24-hr storm whichever is the lower rate. The CP is NOT required for the following waterbody:</p> <ul style="list-style-type: none"> • Saginaw River

NOTE: See Engineered drains; see table 1 in Section II - Definitions

¹The SCPWC will require ground borings for determination of groundwater table on sites they feel may have issues with extended detention. This will be especially in times when the Lake Huron WSEL is above 579-ft (IGLD85). Also, use of the NRCS/USDA soils data banks and soils descriptions in the Saginaw Valley must be used to evaluate the groundwater table. This data will indicate seasonal water tables.

10. Design Criteria for Existing and Proposed Stormwater Collection

Proper sizing of storm sewers and open drains is accomplished by examining past rainfall data and projecting the amount of surface water runoff that can be expected from a precipitation event. In this study, the design rainstorm was chosen with a recurrence frequency of 10-years (10% recurrence interval). The amount of surface water runoff to be collected in storm sewers and open drains will be estimated using the Modified Rational Method.

11. Tampering or Removal of Stormwater Controls or Best Management Practices

No property owner or other party shall remove or modify any stormwater device or best management practice designed to restrict the flow of stormwater into a stormwater conveyance system or waters of the State. The removal or modification of a device or best management practice to restrict flows of stormwater can only be performed if the party responsible for the removal has had a detailed hydrology & hydraulic study done that provides proof of no significant impact on neighboring properties upstream or downstream of the site. The County Engineer, or other appointed designee, must approve this study. The party removing such a restrictor will be held liable for any water damage incurred on neighboring properties.

No property owner or other party shall remove or modify a best management practice that protects, preserves, or improves stormwater quality. The owner or their designee must obtain permission from the County to remove or modify a best management practice. If permission is not received in writing from the County, the owner or other party must replace the best management practice at their expense. It is the responsibility of every parcel owner to discharge the cleanest possible stormwater from their site as this water drains to the Great Lakes, and we all must take care to protect this water resource to the maximum extent possible.

B. Codes / Laws for Enforcement of Stormwater Management Requirements for Pollution of Surface Waters or MS4

Municipalities within Saginaw County have adopted or have the following as commercial / residential building enforcement procedures:

- 2012 or newer versions of the Michigan Plumbing Code,
- 2009 or newer versions of the Michigan Residential Code, or
- The International Property Maintenance Code of 2012, or newer versions.

These administrative procedures when adopted by a community provide the “right of entry” for the municipality’s inspector, code enforcement staff, or their designee to enter private property if a violation of the code is witnessed, visible, or quantifiable evidence is present to suggest that a violation exists on the property. If access is denied, and evidence of violation is present, then staff will obtain a warrant for entry if necessary.

Enforcement Venues for Townships, Cities and Villages:

PA245-1999 which amended PA230-1972 (the Stille-Derossett-Hale Single State Construction Code Act) established the “Single State Construction Code” whereby the entire state of Michigan is subject to a single “family” of construction codes without exception. This means that every portion of the State is subject to the 2012 Michigan Plumbing Code or most recently adopted version, and the 2009 Michigan Residential Code, or most recently adopted version, enforced either locally (as an authorized enforcing agency) or by the State Bureau of Construction Codes (BCC).

Since Code Enforcement and Property Maintenance is not a function enabled by PA230-72 and not otherwise mandated by state law, a local governmental unit would have to locally adopt the International Property Maintenance Code (IPMC) to lawfully enforce its provisions. If a municipal member has adopted, by ordinance, the IPMC then it enforces the IPMC through its Code Enforcement Program. See Table 1 below.

Additionally, if the municipality has a Code Enforcement Log that is marked above also. The Code Enforcement Log is a tracking mechanism used by communities to track violations and their outcome and will be used by that community as its tracking mechanism.

Table 1: Communities with Regulatory Mechanisms in place. NOTE: these can be found in the Collaborative Enforcement Response Procedure of the SASWA.

Community/County Agency	Building Code/Ordinances/ Code Enforcement	Code Enforcement Log	Ordinance or Code
<i>Municipalities</i>			
Bridgeport Charter Township	Yes	Yes	Chap. 8, 14, 20, 32 http://www.bridgeportmi.org/index.php/code-of-ordinances?task=document.viewdoc&id=99
Buena Vista Charter Township	Yes	Yes	http://www.bvct.net/wp-content/uploads/2015/03/ord-inter.prop-code.updated.1.23.15.pdf Chapter 34
Carrollton Township & School District	Yes	Yes	https://www.municode.com/library/mi/carrollton_township_(saginaw_co.)/codes/code_of_ordinances Section 14 & 58
City of Saginaw	Yes	Yes	http://library.amlegal.com/nxt/gateway.dll/Michigan/saginaw/cityofsaginawcodeofordinances?f=templates\$fn=default.htm\$3.0\$vid=amlegal:saginaw_mi Chapter 51, 52, 94
City of Zilwaukee	Yes	Yes	https://www.municode.com/library/mi/zilwaukee/codes/code_of_ordinances?nodeId=COORZIMI Chapters 6, 10, 30
Saginaw Charter Township	Yes	Yes	https://www.municode.com/library/mi/saginaw_charter_township_(saginaw_co.)/codes/code_of_ordinances Chapters 2, 14, 26, 78
Thomas Township	Yes	Yes	https://www.municode.com/library/mi/thomas_township_(saginaw_co.)/codes/code_of_ordinances Title 1, 8 and 9 (chap.8)
Tittabawassee Township & School District	Yes	Yes	http://www.tittabawassee.org/code-of-ordinances.html Chap. 14, 38, 42, 66
Saginaw County / SCPWC	Yes, at local level	Yes, at local level	Use of Local Ordinance, Drain Code, or County Health Code
Saginaw County Road Commission	Yes, at local level	Yes, at local level	Use of Local Ordinance or County Health Code

<i>Educational Institutions*</i>			
Bridgeport-Spaulding School District	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Saginaw ISD	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Saginaw Township Community Schools	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Saginaw Valley State University	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Swan Valley School District	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

Enforcement Venues for County Agencies/Departments:

The Saginaw County Road Commission (SCRC) and the Saginaw County Public Works Commissioner (SCPWC) do not have ordinance authority. However, the SCPWC has some authority to control water pollution in county drains provided by the State of Michigan Drain Code of 1956. The following are pertinent excerpts:

The Michigan Drain Code Public Act 40 of 1956 states:

Sec. 423. (1) A person shall not continue to discharge or permit to be discharged into any county drain or inter-county drain of the state any sewage or waste matter capable of producing in the drain detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or capable of producing such pollution of the waters of the state receiving the flow from the drains as to injure livestock, destroy fish life, or be injurious to public health.

(10) Failure to comply with any of the provisions of this section subjects the offender to the penalties described in section 602.

Sec. 602. If any person shall willfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100.00 and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding 90 days.

The SCRC has limited authority under state law to control water pollution in statutory road right-of-ways. When evidence of an illicit discharge to a Road Commission ditch or drain is found, and voluntary correction is not forthcoming, the SCRC will contact the appropriate agency, depending on the nature of the illicit discharge, and work with the Saginaw County Public Works Commissioner, the County Health Department, the local unit of government, the local policing authority and/or the Department of Environment, Great Lakes, and Energy (EGLE) to require elimination. The EGLE has broad authority to control pollution, either directly or indirectly, to waters of the state provided by Part 31 of Act 451 of 1994.

Additionally, the Saginaw County Health Department has an enforceable County Public Health Code, as follows:

Excerpts from the SAGINAW COUNTY PUBLIC HEALTH CODE:

Section 2 — Authority, Jurisdiction and Administration

2.1 Authority. By virtue of the power vested in the Saginaw County Department of Public Health under Act 368, P.A. 1978, as amended, there are hereby provided regulations affecting the public health, safety, welfare and environmental quality of Saginaw County, including the provisions for violations of said regulations.

2.2 Jurisdiction. The Saginaw County Department of Public Health shall have jurisdiction throughout the County of Saginaw, including all cities, villages and townships in the administration and enforcement of these regulations and relevant State Laws including all regulations or amendments hereafter adopted unless otherwise specifically stated.

2.3 Enforcement. All premises affected by the requirements of these regulations shall be subject to the inspection by the Health Officer and the Health Officer may collect such samples for laboratory examination, make tests or take such photographs as he deems necessary for the enforcement of these regulations.

2.4 Right of Entry. No person shall refuse to permit the Health Officer, after proper identification, to inspect as deemed necessary in the enforcement of this Code, any property, public or private, located in the County of Saginaw for the purpose of obtaining information, conducting surveys or inspections, collecting samples, inspecting sewage disposal or water supply systems, or evaluating a premise to ensure compliance with any permits, requirements, codes, regulations, and enforcement actions at reasonable times nor shall any person molest, interfere, or resist the Health Officer in the discharge of his duty.

2.5 Abatement of Nuisances. Nothing stated in these regulations shall be construed to limit the power of the Health Officer toward the immediate abatement of a public nuisance or menace to the public health or of a condition, which in the opinion of the Health Officer may become a menace to the health of the community.

2.6 Interference with Notices. No person shall remove, mutilate, or conceal any notice or placard posted by the Health Officer, except by written permission of the Health Officer.

2.7 Validity. If any section, subsection, clause or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected.

CHAPTER II Penalties Section 1 — Penalties

1.1 Any person who shall intentionally fail to comply with the provisions of these regulations as set forth in the Code or any part thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of \$200.00 or by imprisonment in the County jail, not exceeding 30 days or both such fine and imprisonment at the discretion of the Court. Each day a violation is permitted to exist shall constitute a separate and distinct violation.

CHAPTER IV. – Sewage (wastewater) Disposal Regulations

Under Section 2 - Definitions:

2.10 Nuisance. “Nuisance” shall include but not be limited to any condition where effluent from any sewage disposal facilities is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons or when it shall obstruct the comfortable use or sale of adjacent property.

Section 6. – Individual Sewage Disposal Systems:

6.3 In the event of a failure of an existing onsite sewage disposal system, the Health Officer must be notified of the failure. Upon investigation of the cause of failure, the Health Officer may require repair specifications necessary to correct the problem and upgrade the system to be in compliance with this Code. At the discretion of the Health Officer, modifications to the required isolation distances, materials or size as stated in this Code may be applied if local conditions warrant and in cases where dimensions, site development, features, or site suitability create a challenge to comply with the requirements of this Code. In such event, modifications will be applied if the Health Officer finds that the public health would not be jeopardized.

Section 9 – Sewage of Unknown Origin

9.1 Whenever the Health Officer shall determine that improperly treated sewage is flowing or is being discharged from the outlet of any public or private drain into any public drainage system or surface water body so as to create a public health hazard, water pollution or nuisance, he shall notify in writing the person owning, leasing, or residing on such premises from which such sewage originates to connect such sewage flow to a sewage disposal system which complies with these regulations. At the end of such reasonable time as specified in the written notice, which has been served on the owner, lessee, or resident, the Health Officer shall cause the outlet of such drain carrying sewage to be plugged until such time as the source(s) of sewage have been eliminated or the sewerage system complies with the provisions of this Code.

Section 11 – Injunction

11.1 Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the name of the County for injunction or other process against any person, firm, or corporation to restrain or prevent the construction, enlargement, or alteration of a sewage disposal system without a permit therefore, or the operation or conduct of a residence of a habitable building, structure or premise contrary to this regulation or the discharge of waste actually or potentially unsafe or hazardous to public health, life, property values or the public welfare into public stream, county drain, road ditch or upon the ground surface, creating a health hazard or nuisance.

STATE OF MICHIGAN - Responsibility

Public Act 451 of 1994 (NREPA) – Part 31 Water Resources

324.3103 Department of environmental quality; powers and duties generally; rules; other actions.

Sec. 3103.

(1) The department shall protect and conserve the water resources of the state and shall have control of the pollution of surface or underground waters of the state and the Great Lakes, which are or may be affected by waste disposal of any person. The department may make or cause to be made surveys, studies, and investigations of the uses of waters of the state, both surface and underground, and cooperate with other governments and governmental units and agencies in making the surveys, studies, and investigations. The department shall assist in an advisory capacity a flood control district that may be authorized by the legislature. The department, in the public interest, shall appear and present evidence, reports, and other testimony during the hearings involving the creation and organization of flood control districts. The department shall advise and consult with the legislature on the obligation of the state to participate in the costs of construction and maintenance as provided for in the official plans of a flood control district or inter-county drainage district.

(2) The department shall enforce this part and may promulgate rules as it considers necessary to carry out its duties under this part. However, notwithstanding any rule-promulgation authority that is provided in this part, except for rules authorized under section 3112(6), the department shall not promulgate any additional rules under this part after December 31, 2006.

(3) The department may promulgate rules and take other actions as may be necessary to comply with the federal water pollution control act, 33 USC 1251 to 1387, and to expend funds available under such law for extension or improvement of the state or interstate program for prevention and control of water pollution. This part shall not be construed as authorizing the department to expend or to incur any obligation to expend any state funds for such purpose in excess of any amount that is appropriated by the legislature.

(4) Notwithstanding the limitations on rule promulgation under subsection (2), rules promulgated under this part before January 1, 2007 shall remain in effect unless rescinded.

History: 1994, Act 451, Eff. Mar. 30, 1995; -- Am. 2004, Act 91, Imd. Eff. Apr. 22, 2004; -- Am. 2005, Act 33, Imd. Eff. June 6, 2005

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the Environmental Assistance Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the Surface Water Quality Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled MCL 324.99901 of the Michigan Compiled Laws. For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular Name: Act 451

Popular Name: NREPA

Admin Rule: R 323.1001 et seq. and R 323.2101 et seq. of the Michigan Administrative Code.

II. DEFINITIONS

For the purpose of this Stormwater Management Design Requirements for the Saginaw County Public Works Commissioner, the following definitions are adopted:

1. *Allowable Discharge*: The maximum flow rate that can be discharged from a site, as calculated for design criteria in accordance with this Stormwater Management Plan.
2. *Base Flood Elevation*: The 100-year flood elevation as determined from Flood Insurance Rate Maps (FIRMs) or the best available information.
3. *Bankfull or Channel Protection*: The purpose of bankfull or channel protection criteria is to prevent habitat degradation and erosion in urban streams caused by an increased frequency of bankfull and sub bankfull stormwater flows. Channel protection seeks to minimize downstream channel enlargement and incision that is a common consequence of urbanization. The post construction runoff rate and volume for a site must not exceed up to the 2-yr 24hr storm event. In areas with C/D soils, the site should be maximized for opportunities to reduce runoff (i.e., amended soils, harvesting, reuse) prior to allowing the option for extended detention. HOWEVER; in Saginaw County with its high seasonal water table and the effects of Lake Huron's water level during high water level cycles (WSELs above 579-ft IGLD-85) these methods will need to be proven to work in HIGH WATER conditions with NO ADVERSE effects to neighboring properties. For additional evaluation designers need to determine historical situation on the sites, especially near the rivers. Also, use of soils drainage data and groundwater tables from the soil's descriptions from the NRCS/USDA soils data bases. Extended detention could focus on maximizing the volume reduction onsite and then detaining the remaining volume of the 2-yr 24-hr storm event with the release rate of 0.2 cfs per acre of the 1-yr 24-hr storm whichever is the lower rate. Typical design is not to exceed the pre-development rate and volume for all storms up to the 2-yr, 24-hr storm at the site. At a minimum, pre-development is the last land use prior to the planned new development or re-development. Exclusions to this standard are the following; The Great Lakes or connecting channels of the Great Lakes; Rouge River downstream of the Turning Basin; Saginaw River; Mona Lake and Muskegon Lake (Muskegon County); and Lake Macatawa and Spring Lake (Ottawa County). Source: *MDEQ WRD – MS4 Program – Post Construction Stormwater Runoff Controls Program, compliance assistance document, pg 12*
4. *Best Management Practices (BMPs)*: Structural, vegetative, or managerial practices used to protect and improve the quality of surface water and groundwater.
5. *Bio-filtration*: A system comprised of native plants and amended soils with an underdrain that goes to a detention area. The system is designed to receive stormwater runoff and clean it via a filtration process and slow the runoff by letting it percolate through the amended soils to reach an underdrain, which then conveys it to a detention area. The system is designed to remove sediment and pollutants from stormwater before discharge.
6. *Bio-swailes*: Drainage channels that divert runoff water from the storm sewer into a natural area where native wetland plants help absorb and recycle it. Plants like grasses, rushes, native plants, other water and drought tolerant flowers and bushes are commonly found in bio-swailes because they help to trap the water and force it to absorb, rather than flowing through the bio-swale to the other side. It should be noted that these systems are generally

dry most of the time and do not have standing water in them.

7. *Conduit*: Any channel, pipe, sewer, or culvert used for the conveyance or movement of water, whether open or closed.
8. *Control Elevation*: Contour lines and points of predetermined elevation used to denote a detention storm area on a plat or site drawing.
9. *Detention Facility*: A facility constructed to provide detention storage.
10. *Detention Storage*: The temporary detaining or storage of stormwater in a storage basin, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage regulated to the allowable discharge by appropriately installed devices. These detention storage areas shall not be considered regulated wetlands as there is no connectivity other than man-made.
11. *Developer/Owner Engineer*: The engineering company formally designated by the Developer/Owner to act as their Engineer.
12. *Development*: The construction of a building, parking lot, structure, etc. on a piece of land or otherwise changing the use of a piece of land.
13. *Discharge*: The release or outflow of water from any source.
14. *Drainage Area*: The area from which stormwater runoff is conveyed to a single outlet (i.e. a watershed or catchment area).
15. *Easement*: A parcel of land on which the owner has granted rights-of-way to make surveys, construct, maintain, operate, alter, replace, repair, and remove at any time that part of the storm drainage system located within the easement. The landowner will not be allowed to construct buildings or other structures on said easement without the written consent of the easement grantee.
16. *Emergency Overflow*: A hydraulic control structure used to control the location and flow direction of stormwater which is either in excess of the required detention storage or is due to a failure in the site's stormwater management system. The emergency overflow shall be directed to a public road right-of-way or to an available municipal storm drainage system. This feature must be labeled on the design plans and an elevation provided. It is the design engineer's responsibility to assure no detrimental effects to neighboring parcels.
17. *Emergency Overflow Elevation*: The elevation at which emergency overflow is activated. This elevation is recommended to be at least one foot below finished floor elevation of nearby buildings, even if on adjacent parcels. This elevation must be labeled on the design plans.
18. *Engineer*: A civil engineer that is licensed to work in the state of Michigan or a person who is working under the direct supervision of a civil engineer licensed to work in Michigan.
19. *Engineered Drains*: These are designed or engineered drains in Saginaw County which are in extremely flat areas with little slope and discharge into the Saginaw River by pump stations, they are linear detention areas and in periods of high-water elevations only flow when pumps

are activated. If the pumps are shut off the only flow may be as the linear detention is filling or if the flap valve can allow water to flow out of the drain into the river during low water levels. The following is a list of those drains in Saginaw County.

Table 1. Engineered Drains in Saginaw County

Drain	Location	Latitude (N)	Longitude (W)
Bridgeport Drain	Bridgeport Charter Township	43.356222	-83.880870
Gage No. 1 Drain	Buena Vista Township	43.469995	-83.907335
Saginaw Zilwaukee Drain	City of Zilwaukee	43.493830	-83.906618
Universal Drain	City of Zilwaukee	43.468888	-83.917127

These drains are also considered waters of the state and direct discharges from new development or re-development are not subject to the MS4 permit requirements and therefore the post construction control requirements.

20. *Excess Stormwater Runoff*: The volume and rate of flow of stormwater discharged from a drainage area, which is in excess of the allowable discharge.
21. *Floodplain*: The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the Base Flood Elevation and is subject to periodic inundations determined from Flood Insurance Rate Maps (FIRMs), or the best available information. A parcel of land can be located within a floodplain without being shown on a FIRM map.
22. *Impervious Factor (IF)*: The percentage of impervious surface specific to a site that the existing storm drain outlet has been historically designed to convey. The IF is used to calculate the allowable discharge from a site. Proposed developments or re-developments will not be allowed to discharge stormwater at a rate, which is greater than the runoff that would occur from the site with the percentage of impervious surfaces defined by the impervious factor. Refer to the County for established IF values, if applicable.
23. *Impervious Surface*: A surface that does not easily allow the infiltration or penetration of water. During rainstorm events, a large percentage of water will runoff. (Typically considered as rooftops, paved walks, roadways, driveways, sidewalks, parking lots, etc.)
24. *Low Impact Development*: Implementation of developmental strategies or best management practices in a manner that maintains pre-development hydrology, or decreases runoff quantity, and improves runoff quality. It is recommended that the *Low Impact Development Manual of Michigan* be used as a design standard. This document is available for download from the following website: <http://www.semcog.org/LowImpactDevelopment.aspx>
25. *NPDES*: National Pollutant Discharge Elimination System. In 1987 the Clean Water Act (CWA) was amended and required to implement a program that would address pollutants being discharged to the nation's waters. This now includes stormwater discharges into waters of the nation/state. The Saginaw County Public Works Commissioner has an NPDES stormwater discharge permit as required by the State of Michigan in compliance with the CWA.

26. *Peak Flow*: The maximum rate of flow of stormwater runoff at a given location.
27. *Percent Imperviousness (IMP)*: The actual proposed percentage of impervious surface for a proposed development or re-development. The IMP is used to calculate the design discharge (Q_d). The design discharge is used to determine storm sewer sizes and required detention volumes.
28. *Pervious Surface*: A surface that allows infiltration or penetration of water. During rainstorm events, a percentage of water will infiltrate into the surface with the remaining stormwater running off. The percentage of runoff is dependent on the type, slope, percent saturation, etc. of the surface. (i.e. lawns, farm fields, parks, wooded areas, golf courses, etc.). Design personnel should attempt to maximize these surfaces as much as possible.
29. *Rain Gardens*: A depressed area of a size that is determined by specified engineering guidelines with amended soils and specific plants, shrubs, and trees that have a specific volume to store stormwater runoff. The site can be underdrained to increase performance. Use of Michigan's Low Impact Development Design Manual is recommended for design purposes, located at: <http://www.semcog.org/LowImpactDevelopment.aspx>
30. *Rear lot drainage*: A stormwater system designed to provide drainage in rear lot areas to prevent water from ponding for extended periods of time. It must be noted that these systems are not designed to convey stormwater in a rapid manner. These systems are NOT part of the MS4 or a county drain. This system is a deliberately designed system which can provide additional detention capabilities during severe runoff conditions. It is a system that in condos or subdivisions is the responsibility of the homeowner's / condo association to maintain. It is constructed for the benefit of homeowners to assist with property drainage. It is not the Saginaw County Public Works Commissioner's responsibility. However, the township or municipality may repair the system if necessary, to prevent damage to neighboring properties, but all associated repair costs, plus a 25% administrative fee will be assessed to the owner or homeowner / condo association.
31. *Restrictor*: A hydraulic control structure used to restrict the stormwater discharge from the site to the allowable discharge of the site as determined by this plan. Simple restrictors such as the orifice or metering line are outlined in this plan. For more complex restrictors a stage/storage/discharge relation shall be required in the complete submittal and may alter the storage requirements for the site.
32. *Re-development*: Altering, improving, reconstructing or otherwise changing the use of an existing developed property. A site will be considered a re-development for this Stormwater Management Design Requirements when an area greater than or equal to 5% of the existing developed portion of the site (i.e. roof, gravel, & paved surfaces) or, an area greater than 20,000 square feet is increased or reconstructed with roof, pavement, or any other impervious surface.

NOTE: this percentage is cumulative. If re-development is 2% one year and 3% at another time, this will meet the 5% rule. Also, at times, less than 5% can create drainage problems, and the County Engineer or designated designee may require additional detention or storage based on historical or anecdotal problems on a site.
33. *Retention Storage*: The permanent retaining or storage of stormwater in a storage basin, on rooftops, in streets, parking lots, schoolyards, parks, open space, or other areas under

predetermined and controlled conditions. The only discharge of stormwater from the retention storage area is by ground infiltration, evaporation, etc. An emergency overflow must be provided in the event the capacity of the retention facility is exceeded. These retention storage areas shall not be considered regulated wetlands, as there is no connectivity to surface waters.

34. *Saginaw Area Storm Water Authority (SASWA)*: The SASWA was formed by the NPDES Phase II communities in Saginaw County. The Authority provides communities with information on stormwater education, issues and regulations. The website address is: www.saswa.org
35. *Stormwater Management Plan (SWMP)*: Also known as post construction controls, this is a site specific stormwater runoff drainage plan developed specifically for individual sites. The plan includes calculation of allowable and restricted discharge rates, detention/retention volume, restrictor sizing, size of pipes, or conveyance devices and a train of best management practices to provide for discharge of clean stormwater runoff from a site.
36. *Stormwater Runoff*: The water from a rainstorm or snowmelt, which flows over the surface of the ground or is collected in a drainage system.
37. *Sub-Surface Detention Storage*: Detention storage that is provided in underground storage facilities such as pipes, arch systems (Cultec, Stormtech, or similar), or tanks. Detention storage within aggregate bedding will not be accepted unless geo fabric is used to keep sediment out of the void spaces. Use of underground storage facilities warrants calculations submitted for the system along with maintenance of the system included in the submitted Operation and Maintenance Plan and signed agreement.
38. *Ten-Year Design Storm*: A precipitation event with a duration equal to the time of concentration, having a ten percent probability of occurring in any given year or occurring once every 10 years on average. This amounts to approximately 3.46 inches of rain in 24 hours. But, brief, intense storms of 10-year design can range from 1.71 inches in 1 hour to 3.05 inches in 12 hours. (Source: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=mi)
39. *Time of Concentration (T_c)*: The elapsed time for stormwater runoff to flow from the most hydraulically distant point in a drainage area to the outlet or other predetermined point.
40. *Engineer*: The civil engineer or civil engineering firm formally designated by the Saginaw County Public Works Commissioner or another designated designee to act as their Engineer. This person or firm must have qualifications suitable for review of stormwater management plans and knowledgeable with NPDES Phase II regulations in the State of Michigan.
41. *Underdrain*: Consists of perforated drainage tile with either slot cuts or holes along the lateral haunch and covered with a sock or other means to prevent sediment from entering the pipe. These drains are placed below the grade of detention basins that have flat slopes to assure complete drainage of the detention basin or other structure. This will prevent the basin from being continuously wet and allow for mowing of the basin or care of the structure. Also used in underground storage systems to prevent ground water from taking up storage volumes. This will apply to basins that do not meet the 1% minimum slopes for the bottom of the basin.

42. *Upland Area*: Land located in the upper portion of a watershed whose surface drainage flows toward the area being considered for development.
43. *Urbanization*: The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational, or public utility purposes.
44. *Urbanized Area*: An area designated by the US Census Bureau, which has specific rules and regulations concerning stormwater under the NPDES Phase II regulations. This regulated area may require adherence to specific water quality requirements.
45. *Watercourse*: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently.
46. *Waters of the State*: Means any of the following: The Great Lakes bordering the State and their connecting waters, all inland lakes, rivers, streams, impoundments, open drains, wetlands, and other surface bodies of water within the jurisdiction of the state, including wetlands as defined by Part 303 of PA 451 of 1994. In Saginaw County, that would include streams that have a defined bed and bank, and established flow, naturally established and engineered county drains, and including but not limited to, the Saginaw River, Cass River, Flint River, Bad River, Swan Creek, and the Tittabawassee River.
47. *Water Quality volume*: Is the volume of one (1) inch of rain from the area contributing storm runoff. The water quality volume (aka first flush) of a rain event typically carries the most pollutants to our storm sewer system and ultimately to our rivers, lakes and streams. This water quality volume must be discharged over a 24-48-hour period of time to settle out pollutant loads (minimum 1-inch diameter) or discharge through an engineered infiltration system or treatment which can meet water quality goals. The Low Impact Design Manual for Michigan has an option to treat the first one inch of runoff from all impervious contributing areas and 0.25 inches of runoff from all disturbed contributing pervious areas.

III. REVIEW PROCESS AND PROCEDURES

A. Review Procedures

These Design Requirements are applicable to all development projects that disturb at least one or more acres, including projects less than an acre that are a part of a larger common plan of development or sale and discharge into the applicant's MS4 subject to review and approval of the Saginaw County Public Works Commissioner and over which the Saginaw County Public Works Commissioner has jurisdiction or the local jurisdiction has adopted these requirements and have an agreement with the Saginaw County Public Works Commissioner to act as their review agency. These Design Requirements are only for industrial, commercial, non-residential development, or platted subdivisions or condominium complex development or re-development. These Design Requirements are not to be applied to single family or duplex residential structure or other multi-family residences that are constructed on a parcel that is not part of a subdivision or condominium project. Any questions regarding this should be referred to the Saginaw County Public Works Commissioner's office for clarification. These Design Requirements provide minimum requirements for developments covered under the Stormwater Management Design Requirements, provided,

however, that the Saginaw County Public Works Commissioner reserves the right to deviate from the specific design requirements set forth in the Design Requirements when, on a case-by-case basis, such deviation is appropriate or necessary in order to accommodate the goals and purposes underlying these Design Requirements. These requirements and their implementation are designed to promote low impact designs such as bio-swales, rain gardens or other types of management of stormwater runoff.

The Saginaw County Public Works Commissioner, or another appointed designee, shall review all plans for development of subdivisions, multiple family projects, commercial, and industrial sites for compliance with the County's regulations for stormwater management, as recommended in the Stormwater Management Design Requirements.

The Saginaw County Public Works Commissioner, or another appointed designee, shall designate a review Engineer who will provide the services required to assure that all the requirements of the plan and the ordinance are being met. The Engineer shall review the Developer's plan and submit a report to the Saginaw County Public Works Commissioner showing the acceptance or rejection of the proposed site drainage plans, calculations, best management practices for discharge of clean stormwater and an operation and maintenance place with signed agreement.

A site will be considered in compliance with the Stormwater Runoff Regulation and Control Ordinance when an approval of the site's Stormwater Management Plan and post-construction stormwater runoff BMPs has been completed. The County will not accept runoff into drainage systems located within the County's jurisdictional areas from newly developed or re-developed sites without compliance with the Stormwater Management Design Requirements. **Developers or Builders should not install the stormwater system unless they are working from a set of plans that have been stamped as "APPROVED"** with appropriate signature from the Saginaw County Public Works Commissioner's Engineer or other appointed designee.

To comply with the Saginaw County Public Works Commissioner's Stormwater Management Design Requirements, complete the following process and deliver or mail all submittals to the **Saginaw County Public Works Commissioner, Saginaw County Courthouse at 111 South Michigan Avenue, Saginaw, MI 48602:**

A complete submittal package for a stormwater review consists of:

- Associated fee for stormwater review for the site
- A completed Stormwater Discharge Permit Application
- A completed Drainage Checklist
- One (1) set of Site Plans
- One (1) set of calculations
- One DIGITAL set of site plans and calculations, which may be emailed or delivered on a digital storage device (e.g. flash drive, CD, DVD, etc).
- If applicable, a signed Stormwater Management Operation and Maintenance Plan and Agreement. This will include the maintenance and schedule for all structural stormwater controls being implemented on the site (i.e. detention basins, underground storage detention basin systems, catch basins, vegetated swale, restrictors, spill plan, etc.).

1. Pre-Design Meeting/ Conceptual Review

This meeting, at a minimum, shall consist of the Developer's Engineer and the County's Engineer, or another appointed designee. The purpose of the meeting is to address the various stormwater

management proposals of the developer. Conceptual stormwater management alternatives can be discussed and potential problems addressed prior to the design phase of the project. The goal of the meeting is to eliminate potential problems up front and reduce the time and costs needed for the design and review of the project.

This meeting will be required for all platted developments, condominium projects, and site developments larger than five (5) acres. It is recommended other site development projects have this meeting or at a minimum correspond with the County's Engineer, or other designee, by phone, e-mail, and/or facsimile regarding conceptual design alternatives prior to submitting for formal review.

The Developer's Engineer and/or SCPWC's Engineer, or other appointed designee, should have in his/her possession, or have an understanding of, the following information prior to attending the pre-design meeting:

- a. The drainage district or area in which the proposed development is located and the outlet condition for the proposed development. This information can be obtained from the Saginaw County Public Works Commissioner.
- b. Small location map showing where the site is situated.
- c. Location and description of activities that may impact or be impacted by the proposed development or re-development both on and off the site.
- d. Acreage of the total site and an estimate of the area tributary to the proposed storm drainage system, including offsite runoff. (Include detention, retention, etc.)
- e. The size and location of the proposed storm drainage outlet and information on contributing area.
- f. If known, a conceptual layout of the proposed storm drainage system for the development or re-development.

If required, the Owner/Developer and his/her technical consultant shall attend a land development advisory committee (LDAC) meeting. The intention of this meeting is to obtain uniform direction and communication to minimize misdirection of early construction and minimize financial losses to proprietors, developers, and consultants.

If the conceptual layout of the storm drainage system is agreed upon by the County Engineer or other appointed designee and the Developer's Engineer, the Owner/Developer shall begin completing plans and calculations for formal review by the SCPWC or another appointed designee.

2. Formal Review

- a. The Owner/Developer or representative shall submit one (1) set of plans, one (1) set of calculations, one (1) digital copy of plans & calculations, a copy of the completed checklist, a completed Stormwater Discharge Permit Application, an **operation and maintenance plan with signed maintenance agreement** for the Stormwater Management Plan, if applicable, and any other supporting information for the site to the SCPWC's Engineer, or other appointed designee. The plans and calculations shall comply with the requirements of these Stormwater Management Design Requirements. The checklist, design calculations, and design

requirements that will be used during the formal review process are established by these Stormwater Management Design Requirements.

- b. Submit deposit/fee for Stormwater Management Plan review and inspection to the Saginaw County Public Works Commissioner's Office in accordance with the current fee schedule established by the SCPWC's Engineer.
- c. Formal review and approval will not begin until all items required for application have been received. The proposed drainage system will be either approved or rejected with reason and returned to the owner/ developer.
- d. The SCPWC's Engineer, or other appointed designee will review all plans, calculations, and other information for compliance with the County's design guidelines. All materials will be reviewed for completeness. Calculations will be checked. The minimum design calculations and design requirements outlined in this document and additional supporting documents pertaining to required calculations will be used for review. The drainage plan checklist will be reviewed.
- e. Furthermore, the SCPWC's Engineer, or other appointed designee, will review how the developer meets the performance standards and ensures long-term operation and maintenance of BMPs based on the signed maintenance plans submitted with all construction plans. The SCPWC's Engineer, or other appointed designee, will review the submitted evaluation of cost-effective structural and non-structural BMPs, if applicable, and the BMPs utilized on all new or re-development sites to minimize post construction impacts on water quality.
- f. A typical review will take approximately two (2) weeks to complete from the date the plan is submitted in complete form.

If the proposed drainage system is rejected, one (1) set of revised plans and one (1) set of revised calculations will need to be resubmitted; this can be done digitally via email. A completed checklist will also have to be resubmitted along with any revisions to the operation and maintenance plan with signed maintenance agreement, if applicable.

B. Plan Approval

Once the Stormwater Management Plan has been recommended for approval by the SCPWC's Engineer, or other appointed designee, a recommendation for approval letter will be sent to the Saginaw County Public Works Commissioner only if the review is performed by another designee. A copy of the letter will be forwarded to the Developer and local government's planning and building departments. The approval letter will include, if necessary, inspection and compliance requirements and any additional supporting information for the site. Additionally, an approved Stormwater Discharge Permit Application will be provided to the Developer by the Saginaw County Public Works Commissioner. It is the developer's/owner's responsibility to assure the APPROVED plans are provided to the contractor for construction. Any errors in resulting from the use of unapproved plans is the financial responsibility of the owner or developer and must be corrected to reflect the approved plans.

C. Changes to Plan after Approval

1. Any changes made to the approved plan after issuance of the stormwater permit shall require one (1) set of plans submitted to the SCPWC's, or other appointed designee, for review and approval.

2. Upon receipt of this information, it will be determined if additional information, such as calculations, revised checklist, updates to the operation and maintenance plan and signed agreement, if applicable, etc. will be required.
3. A building or occupancy permit will not be issued until all changes have been approved and the SCPWC, or other appointed designee, has received all review fees.

D. Inspection/Letter of Certification Requirement

Inspection of storm sewer systems and/or detention facilities (including underground storage detention basins/vaults) will be required on all development and re-development projects. The extent of the inspection will depend on the size and type of the development or re-development. Descriptions of these inspection requirements are outlined below. Specific inspection requirements, including the frequency of inspections, will be outlined on the approval letter. The fees associated with this inspection are included in the original deposit.

1. **Small Developments/ Re-developments** (*1 acre or more or less than 5 acres or less than one acre that is part of a larger common plan of development or sale*) - A general site inspection of the restrictor and the detention storage areas by the SCPWC's Engineer, or other appointed designee, will be required. This one-time inspection will be performed at the completion of the project. Subsequent inspections may be required if deficiencies exist. The fees for inspections will be established by the SCPWC.

A letter of certification will have to be completed by the developer's engineer indicating the stormwater drainage system and structural stormwater controls have been constructed as shown on the approved Stormwater Management Plans and all structural stormwater controls are included in the operation and maintenance plan with signed agreement. A building or occupancy permit will not be issued until a letter of certification has been received by the SCPWC's Engineer, or other appointed designee, and the final approved inspection of the site has been completed by the SCPWC's Engineer or designee.

2. **Large Developments/ Re-developments** (*5 acres and greater*) – Periodic site inspections of the storm sewer, outlet, restrictors, and detention storage areas may be required by the SCPWC's Engineer, or other appointed designee. Specific items needing inspection prior to the completion of the project will be identified in the approval letter (i.e. installation of restrictors, restricting pipes, etc.). The SCPWC's Engineer, or other appointed designee, shall be informed twenty-four (24) hours in advance of the placement of items requiring inspection as outlined on the stormwater management permit.

A final inspection of the restrictor and the detention storage areas by the SCPWC's Engineer, or other appointed designee, will be required. This one-time inspection will be performed at the completion of the project. Subsequent inspections may be required if deficiencies exist.

A letter of certification will have to be completed by the developer's engineer indicating the stormwater drainage system and structural stormwater controls has been inspected during construction, the drainage system was constructed as shown on the approved Stormwater Management Plans and all structural stormwater controls are included in the operation and maintenance plan with signed agreement. A building or occupancy permit will not be issued until the SCPWC's Engineer, or other appointed designee, has received a letter of certification and the SCPWC's Engineer, or other appointed designee, has completed the final approved

inspection of the site.

3. **Any Single Family, Two Family, or Multi-Family Development Projects (Plats)** – Weekly, bi-weekly, or as-needed inspections will be negotiated for inspections of the storm sewer and drainage system construction for platted subdivision or condominium developments. The municipality / township may require more inspection time. This inspection shall be performed by the SCPWC’s Engineer, or other appointed designee. Daily inspection reports shall be completed for all days on which construction of the stormwater drainage system and structural stormwater controls occurs. These daily inspection reports do not have to be submitted to the SCPWC’s Engineer, or other appointed designee. However, they should be on file with the design engineer and made available upon request.

A final inspection of the best management practices, structural controls, restrictor and the detention storage areas by the SCPWC’s Engineer, or other appointed designee, will be required. This one-time inspection will be performed at the completion of the project. Subsequent inspections may be required if deficiencies exist.

A letter of certification will have to be completed by the developer’s engineer indicating the stormwater drainage system and structural stormwater controls have been constructed as shown on the approved Stormwater Management Plans. A building or occupancy permit will not be issued until the SCPWC’s Engineer, or other appointed designee, has received a letter of certification and the SCPWC’s Engineer, or other appointed designee, has completed the final approved inspection of the site.

E. Fee Schedule

The fee schedule for reviewing storm drainage submittals and performing inspections of drainage system construction shall conform to the current fee structure established by the Saginaw County Public Works Commissioner. This fee schedule will be reviewed on an annual basis and fees may be adjusted if deemed necessary. Communities adopting these design standards may set up their own fee schedule to cover their costs as necessary and should be reviewed annually.

The fee schedule for reviewing storm drainage submittals and performing inspection of drainage system construction can be found in Appendix A.

IV. STORM DRAINAGE SYSTEMS WITHIN SAGINAW COUNTY

Within Saginaw County there are drains that fall under several different agencies jurisdiction. These include the following:

- A. **Established County Drains** - Work done directly on or connected to these drains falls under the jurisdiction of the Saginaw County Public Works Commissioner. Preliminary and final plat approval requires a signature and review from the Public Works Commissioner. However, many site plan developments, condominiums, etc. that impact established county drains are not submitted for review to the Saginaw County Public Works Commissioner, but are reviewed at the township or municipal level.
- B. **County Roadside Drains** - There are many drains that fall under the jurisdiction of the Saginaw County Road Commission. When a crossing is installed over a county roadside drain, a permit or

permission must be obtained from the Saginaw County Road Commission. A copy of this permit must be provided to the SCPWC and local municipality.

- C. Michigan Department of Transportation (MDOT) - There are several drains that are located along M-52, M-13, M-46, M-81, M-47, M-58, M-83 and M-84 which fall under the jurisdiction of MDOT. Any development that proposes to use these drains for a stormwater outlet must obtain a permit from MDOT. As part of this permit, stormwater detention and water quality BMPs may be required. A copy of this permit application is available at the website address located in Appendix B of this document. The Saginaw County Public Works Commissioner must additionally review the development and/or re-development as well for approval. The Developer must provide the SCPWC and local municipality a copy of the approved MDOT permit once it has been received.
- D. Michigan Department of Environment, Great Lakes, and Energy (EGLE) - The EGLE regulates any work done within the 100-year floodplain, wetland, and/or any inland lakes or streams. A copy of the EGLE /USACE Joint Permit application for a site to discharge to waters of the State of Michigan or within 500 feet of inland lakes or streams, as well as wetlands, is provided from a website address that can be found in Appendix B. These EGLE Joint Permit Applications must be completed and submitted on the EGLE's MiWaters online database system. A copy of this permit must be posted on the construction site and a copy should be provided to the SCPWC if it involves their drainage system and the local municipality.

Each of the agencies listed previously have their own design criteria for reviewing proposed developments, re-developments and drainage improvements. These criteria are not always consistent with the stormwater requirements of the County as a whole. For example, the MDOT is concerned about the proper drainage of the roadway and sub-base of the road; a permit may be obtained to discharge a large quantity of water to a road side drain not causing a problem now, but may not leave any additional stormwater outlet capacity for future development upstream. For these reasons, it is very important that the SCPWC's Engineer, or other appointed designee, review all proposed developments, re-developments and drainage improvements to assure that the proposed stormwater management is consistent with the future plans of the County or local municipality.

V. DESIGN CALCULATIONS

A. Allowable Discharge Rate (Q_a) and 10-Year Design Discharge (Q_{d10})

The NPDES Phase II program requires that the post-construction runoff rate and volume of discharges do not exceed the pre-development rate and volume for all storms up to the 2-year, 24-hour storm for the site. The peak stormwater discharge from any proposed development or re-development as required in these Design Requirements shall be restricted to an allowable discharge (Q_a). The allowable discharge from the proposed area of development or re-development cannot exceed the calculated discharge from the proposed site based on methods listed within the SCPWC's excel calculation spreadsheets. The method resulting in the lowest allowable discharge from the site shall be used in determining the required detention. If it is determined the existing runoff from the drainage district is at or exceeding the capacity of the downstream storm sewer or drain the proposed development or re-development will, at a minimum, have to be restricted to existing conditions.

The storm water discharge rate from any proposed development or redevelopment site in Saginaw County discharging to a county drain under jurisdiction of the SCPWC shall be restricted to an

allowable discharge rate (Qa). The allowable discharge required by Unit Allowable Discharge (qa) as provided herein.

Calculate the allowable discharge (Qa) in cubic feet per second (cfs):

$$Q_a = (q_a)(A_{site})$$

a - Allowable Discharge Rate (cfs).

$$q_a = 0.2 \text{ cfs/acre is the Unit Allowable Discharge rate}^1$$

A_{site} - Proposed site area or contributing area in acres

The site's pipe sizes, and emergency overflow must be able to convey the 10-year storm event (Q₁₀) under proposed conditions. This discharge can be determined using the rational or modified rational method.

$$Q = (C) \times (I) \times (A)$$

Q is the runoff rate in cubic feet per second (cfs).

C is the coefficient of runoff.

I₁₀ is the intensity of rainfall in inches per hour (in. / hr.).

A is the contributing area of the site in acres (acres).

Please refer to the excel spreadsheet for the required design calculations that must be submitted for review to the Saginaw County Public Works Commissioner, or appointed designee. This is available at the following websites: <http://www.saginawcounty.com/PublicWorks/Default.aspx> (or contact the SCPWC's Engineer or appointed designee for the excel spreadsheet) and <http://www.saswa.org>.

¹NOTE: this rate is more restrictive than the 2yr-24hr discharge rate for a 1 acre parcel HSG of C and Open Space – RCN 74 (0.58 cfs).

B. Stormwater Detention Requirements

The stormwater detention storage required for a site is to be calculated using the Saginaw County Public Works Commissioner's excel spreadsheet; this can be obtained at the following websites:

<http://www.saginawcounty.com/PublicWorks/Default.aspx>
<http://www.saswa.org>

In order to meet the stormwater quality discharge requirements of Phase II of Section 10 of the Clean Water Act and to meet the Environmental Protection Agency's stormwater guidelines, designs must provide for stormwater treatment. This can be accomplished by implementation of one of the following measures:

1. On systems that utilize a stormwater detention basin, a sediment forebay retention area or engineered filtration can be utilized within the detention facility. This forebay area, if required, may be in addition to the stormwater 10-yr design detention requirements equal of 1-inch of runoff from the contributing area of the site (see the calculation spreadsheet). The forebay must be designed to remove a minimum 80% of total suspended solids.

2. Rain gardens or an equivalent low impact design approach can be utilized that provides a soil or media filter for the water prior to entering the storm drainage system or storm detention system. The utilization of this type of treatment measure does not require the additional capture of 1-inch of runoff from contributing surfaces above the detention requirement for the site.
3. Mechanical treatment devices designed to remove suspended solids and other debris. Mechanical treatment devices include specially designed treatment units that will remove 80% of the total suspended solids for a 2-year 24-hour storm event from the site's contributing area.

Discharge Restrictor Requirements

Restrictors are required to regulate the discharge of stormwater to the allowable discharge rate established for a site. The circular in-line restrictor is sized based on the orifice formula.

$$a = \frac{Q_a}{0.62 * (64.4 * \Delta h)^{0.5}}$$

- a = area of orifice (sq. ft.)
 Δh = head differential from center of orifice to Hydraulic Grade Line of detention pond at maximum capacity, (ft.).

Water Quality Requirements

All site development projects are required to detain the water quality volume, which is defined as 1-inch of runoff over the area contributing storm runoff (A) for new development or re-development. C_w is the weighted runoff coefficient for the site. Use Table 1, Appendix D to calculate this variable. This volume will be calculated as:

$$3630 \times A \times C_w = \text{WQ volume}$$

This volume must be held for more than 18 hours but not more than 24 hours. The average allowable release rate for runoff resulting from 1.0 inch of rain in 24 hours is calculated as follows:

$$Q_{fr} = \frac{\text{Volume}}{(24\text{hr}) * \left(\frac{3600\text{sec}}{1\text{hour}}\right)} = \frac{V}{86,400\text{sec}}$$

Please refer to the excel spreadsheet for the required design calculations that must be submitted for review to the Saginaw County Public Works Commissioner, or appointed designee. This is available at the following websites: <http://www.saginawcounty.com/PublicWorks/Default.aspx> (or contact the SCPWC's Engineer or appointed designee for the excel spreadsheet) and <http://www.saswa.org>.

Channel Protection Criteria (Discuss with SCPWC Engineer if site needs this requirement)

The purpose of bankfull or channel protection criteria is to prevent habitat degradation and erosion in streams caused by an increased frequency of bankfull and sub-bankfull stormwater flows. Channel protection seeks to minimize downstream channel enlargement and incision that is a common consequence of urbanization. Typical design is not to exceed the pre-development rate and volume for all storms up to the 2-yr, 24-hr storm at the site. At a minimum, pre-development is the last land use prior to the planned new development or re-development. Waterbodies excluded to this channel protection performance standard are the following; Saginaw River, based on the

document cited in the definitions section. Contact the Saginaw County Public Works Commissioner's Engineer upon determination of bankfull flood requirements when dealing with Saginaw County drains. Drains which may be excluded are specifically engineered drains which discharge to the Saginaw River via pump stations, e.g. Universal, Gage, Saginaw Zilwaukee, etc, see Engineered Drains in definition section.)

Please refer to the excel spreadsheet for the required design calculations that must be submitted for review to the Saginaw County Public Works Commissioner, or appointed designee. This is available at the following websites: <http://www.saginawcounty.com/PublicWorks/Default.aspx> (or contact the SCPWC's Engineer or appointed designee for the excel spreadsheet) and <http://www.saswa.org>.

VI. DESIGN REQUIREMENTS

A. Requirements

1. General Requirements

- a. Stormwater detention requirements for any new construction development, re-development, or land use change occurring within Saginaw County will be determined according to these stormwater management design requirements and additional supporting documents pertaining to calculation requirements.
- b. The peak runoff rate during a 10-year storm event from a developed or improved site shall not exceed the allowable discharge rate (Q_a). This rate is determined as outlined in the design calculations section and additional supporting documents pertaining to calculation requirements.
- c. There shall be no detrimental effect on the floodway or the floodplain elevation during a 10-year design storm upstream or downstream of the proposed development area as a result of the proposed development.
- d. Engineering calculations must be submitted with the proposed stormwater drainage system plans. The calculations shall follow the procedures outlined in this document and the additional supporting documents pertaining to calculation requirements.
- e. Roof drains may be connected to a storm sewer system if the flow through the outlet to the SCPWC system is properly restricted. Unrestricted runoff from a roof drain directed off of the property onto an adjacent parcel will not be accepted; there are no exemptions.
- f. The developer and/or Saginaw County Public Works Commissioner shall make a determination as to whether any or all of the facilities proposed are to become private or part of the Saginaw County Drainage system or part of any other regulating agencies storm sewer system.
- g. The SCPWC Engineer shall in the case of a proposed subdivision, make a determination as to those control elevations that shall be entered on the final plat or make a determination as to the necessity for deed restrictions on any particular lot in said subdivision requiring the preservation of mandatory drainage facilities. Where a non-subdivided parcel of land is proposed for development, the SCPWC Engineer shall make a determination as to the need for covenants to maintain responsibility for mandatory drainage facilities. All the said facilities

shall be located in easements dedicated to the public, and shall be subject to continual inspection during the construction period.

- h. Proposed storm sewer enclosures must be designed so they will not adversely impact any adjacent properties, upstream or downstream, and must be designed to the impervious factors of the lands based upon zoning, not necessarily existing conditions.
- i. Soil erosion and sedimentation control measures must be implemented per Part 91 of Public Act 451 of 1994 (NREPA). SESC Part 91 permits are issued by the Saginaw County Public Works Commissioner (CEA).
- j. The use of infiltration BMPs will not be implemented for new development or re-development projects in areas of soil or groundwater contamination. When encountering these conditions, the SCPWC or municipality will contact and coordinate with local EGLE staff. The local EGLE must be made aware of the contamination. Any storm pipes used in these areas must have joints which prevent seepage of groundwater into the storm system.
- k. Best Management Practices will be implemented to address the associated pollutants in potential hot spots as part of meeting the water quality treatment and channel protection standards for new development or re-development projects. These hot spots include areas with the potential for significant pollutant loading such as gas stations, commercial vehicle maintenance and repair, auto recyclers, recycling centers, and scrap yards, whether existing currently or throughout the duration of the five year permit. Hot spots also include areas with the potential for contaminating public water supply intakes.

2. Storm Sewer Piping Requirements

- a. Proposed storm sewers shall be designed to have capacity to pass the 10-year design storm runoff rate (Q_{10}). Please refer to the Design Calculations section of this document along with the additional supporting documents pertaining to calculation requirements.
- b. Class III or IV concrete pipe must be used for the following:
 - i. Storm Sewers within township, county, and state right-of-way
 - ii. Combined sewers (Combined sewers must have premium joints)
- c. Provide 2-ft Minimum cover with minimum 5-ft cover in M.D.O.T. R.O.W.
- d. Provide 18-inch Vertical separation between all other utilities including, sanitary sewers and water mains. Provide 10-ft Horizontal separation from other utilities, such as sanitary.
- e. A minimum of 4-inch of sand bedding is required beneath the pipe and a minimum of 6-inch of sand backfill is required above the pipe.
- f. Manhole/catch basin shall be placed at a maximum distance of 300-ft from any other manhole/catch basin for access/maintenance purposes.
- g. Provide a sump discharge outlet for each individual property/lot in all developments. Sump leads shall not be connected to rear lot drainage systems unless they are designed to handle the flow and back flow valves are placed. This outlet shall be a catch basin (minimum 3-ft. diameter) or a storm sewer lead extended to the Right-of-Way/Property line of each lot

(minimum 6-inch diameter).

- h. Place a catch basin (minimum 3-ft diameter) between each pair of driveways, if curb and gutter, driveway culverts, and/or valley shaped ditches are not proposed.
 - i. Minimum pipe grades must be such to produce minimum scouring velocity of 2.5 ft. /sec when pipe is flowing full without surcharging.
 - j. Concrete pipe (C-76-III, IV) shall have fabric wrapped joints.
 - k. For private storm sewer systems Plastic pipe may be used. This plastic pipe shall be either smooth walled HDPE or SDR 35 P.V.C. Pipe. If pipe is perforated a manufacturer's "Sock" shall be used over the pipe.
 - l. Private storm systems in areas with contaminated soils or groundwater must have joints which prevent seepage into the storm system.
 - m. Minimum pipe diameter for catch basin leads is 10-inch diameter.
 - n. Minimum pipe size for sewer main is 12-inch diameter.
 - o. When two pipes or more of different sizes come into a structure, the 8/10th flow lines shall match when possible.
 - p. Catch basins will have a minimum sump depth of 18-inch. It should be noted that some new systems using "end of pipe" BMPs may require systems with no sumps. This type of system requires less maintenance of each individual catch basin, but requires routine maintenance of the BMP.
3. Detention Requirements
- a. If a separate lot or parcel is used for detention or retention, the outer limits shall be delineated on the Exhibit B drawings of a Condominium Development, or on the Final Plat.
 - i. Condominium Developments - Detention or Retention areas shall be designated as general common areas.
 - ii. Platted Developments - Detention or Retention areas shall be designated as a stormwater detention/retention area. (See State Requirements)
 - b. Requirements for all Detention / Retention Areas
 - i. Proposed stormwater detention facilities shall be designed to detain the 10-year design storm runoff volume from the entire contributing area in excess of the allowable discharge from the site (See Design Calculations, Section V along with additional supporting documents pertaining to design calculation requirements).
 - ii. The maximum design storage elevation in a detention area must be a minimum of one (1) foot below the lowest ground elevation adjacent to the detention area.

- iii. The required volume in a detention basin must be achieved in the basin. At no time will volumes of stormwater stored in conveyance pipes be considered as part of the detention volume.
- iv. In areas of high water table, the detention volume must be calculated from the ground water elevation to the one foot freeboard elevation.

The design maximum storage elevation in a detention area must not exceed a coordinate Survey, fill out forms, develop plan for survey, mapping

- v. depth of nine (9) inches above any paved surfaced in non-residential developments. In residential developments the maximum ponding elevation in the detention pond shall not exceed the lowest rim elevation in the development.
- vi. If parking lot detention is used the owner or lessee must be aware of this detention and sign a letter of understanding that the parking lot will flood during design storms and be flooded for periods of time.
- vii. If common areas such as play lands, recreational fields, school yards are used for shallow detention areas the owner or home owner or property owner associations must be made aware of this storage area. This notification will prevent the owners from thinking something is wrong with the drainage system as it detains stormwater.
- viii. The design maximum storage elevation in a detention area must be minimally one (1) foot below the minimum finish floor elevation of the proposed structure(s) or existing facilities.
- ix. An emergency overflow shall be provided at the detention basin to insure the maximum ponding elevation does not exceed the depths outlined in items iv, v, and vii above. This overflow shall be able to allow drainage from the site in the event the 10-year storm is exceeded, or the restricted outlet is obstructed. The emergency overflow elevation shall be labeled and its location clearly shown on the plan set. The maximum elevation of the emergency overflow is one (1) foot below the surrounding top of elevation of the detention basin.

NOTE: Sites with no acceptable emergency overflow outlet available MUST hold the volume of two (2) 100-year design storm events. Please contact the SCPWC and/or designee if site needs this requirement.

- x. Designs of detention facilities shall incorporate safety features, particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features may include, but not be limited to, landscaping, fencing, handrails, lighting, steps, grills, signs, and other protective or warning devices so as to restrict access as required by the SCPWC.
- xi. Side slopes and the bottom of detention basins must receive a minimum of 3 inches of topsoil, and seeded. Side slopes should have erosion control blankets placed to prevent erosion and establish vegetation faster.
- xii. The side slopes and bottom of the basins shall be shaped with maximum slopes of 1 vertical to 4 horizontal to allow mowing of these surfaces. NOTE: 1 vertical to 6 horizontal is preferable.

- xiii. Detention basins with bottom slopes less than 1% shall be underdrained.
- xiv. Detention basins shall be constructed with the top of banks a minimum of 5 feet from any pedestrian walkway (i.e. public and private sidewalks/ bike paths).
- xv. If a “Wet” detention pond is proposed, the bottom of the pond shall be a minimum of 5 feet below the proposed pond’s outlet elevation. Item x. shall not apply to “Wet” detention facilities, but local ordinances may have other requirements for “ponds” which must be met. Design must consider groundwater elevation and provide this elevation for the review.
- xvi. Use of underground storage facilities requires specific design calculations and an Operation & Maintenance Plan and signed agreement.

4. Rear Lot Drainage Requirements

- a. **NOTE: Rear lot drainage systems are not owned or maintained by the township(s) or the county; they are the sole responsibility of the subdivision’s homeowners association or condo association.** These systems are NOT part of a county or municipal storm system. There are easements in place are to assure these systems can be accessed when repairs are necessary. After any maintenance is completed in these drainage easements it is the responsibility of the person doing the maintenance to return the site to its previous existing condition.
- b. Minimum rear lot tile drain sizes and slopes have been determined assuming ponding will occur in rear yards for a duration 4 times the duration of a given 10-year design storm event. This time may range from 4 to 24 hours depending on drainage conditions. The following minimum pipe sizes and slopes apply:
 - i. Rear lot tile drains with contributing drainage areas up to 2 acres will have a minimum diameter of 6 inches and a minimum slope of 0.5 %.
 - ii. Rear lot tile drains with contributing drainage areas greater than 2 and less than 3 acres shall have a minimum diameter of 8 inches and a minimum slope of 0.4%.
 - iii. Rear lot tile drains with contributing drainage areas greater than 3 and less than 4 acres shall have a minimum diameter of 10 inches and a minimum slope of 0.32%.
- c. Rear lot tile drains with a contributing area greater than 4 acres shall be considered main line storm sewer and shall be designed according to corresponding storm sewer requirements (See the Design Calculations Section of these requirements along with additional supporting documents pertaining to design calculation requirements). Calculations shall be submitted to verify that rear lot drains have the capacity to pass the 10-year design storm event. Plastic pipe is acceptable for rear lot drainage systems draining more than 4 acres provided it is installed in landscaped/ lawn areas.
- d. Rear lot tile drains cannot connect to road underdrains.
- e. Rear lot drainage tiles shall have a minimum cover of 2 feet. A minimum of 4 inches of sand bedding is required beneath the pipe and a minimum of 6 inches of sand backfill is required above the pipe.

- f. Rear lot catch basins shall have a minimum diameter of 2 feet. Plastic structures may be used for rear lot drainage systems. Concrete structures are required for storm sewer systems. The catch basins shall be placed at a maximum distance of 300 feet from any other structure. A structure is required for any bends, turns, or dead ends. Each lot shall have access to a structure; these structures may be shared.
- g. If pipe is perforated, a manufacturer's "Sock" may be used over the pipe but is not required.
- h. A 20-foot easement will be required for all rear lot drainage systems. This easement should be centered along lot lines to allow for a 10-foot easement along adjacent lots and to provide access to the rear lot drainage system from either adjacent property owners. Said easements shall be written as to permit neighboring property and/or condominium owners to maintain the rear lot drainage system as it may affect their property.
- i. Rear lot drainage shall be large enough to convey all contributing area to the rear lot system, including off site drainage if it is not diverted around the development.
- j. Existing rear lot drainage systems abutting a proposed development may be used for the new development provided:
 - i. The existing rear lot drainage system has the capacity to convey stormwater runoff from the proposed rear lot drainage areas.
 - ii. A signed agreement is obtained from property owners located within the existing subdivision allowing the proposed subdivision's rear lot stormwater runoff to pass through their existing system.
- k. Phased developments owned by the same proprietor may utilize proposed rear lot drainage for a current development phase on future phases of the development provided:
 - i. Covenants shall be recorded into the deeds of the property owners affected in the current phase allowing for future phases of the development to drain into the current phase's rear lot drainage system.
 - ii. If covenants are not made as outlined above, future phases will require separate rear lot drainage systems or agreements from the current land-owners allowing for the use of their rear lot drainage system.
 - iii. The rear lot drainage system shall be constructed to convey rear lot drainage from both the existing and proposed rear lot drainage areas.
 - iv. Easements shall be provided allowing for maintenance by both abutting landowners in current and proposed phases of development.
- l. Rear lot drainage shall be shown on the preliminary plat (subdivisions) or site plan (condominiums).
- m. All rear lot drains shall connect to an approved stormwater drainage system.

B. General Compliance Guidelines

The following guidelines are **recommended** but are not a requirement of this plan. These guidelines are provided for reference.

1. The minimum surface slopes for overland drainage are as follows:
 - a. For bituminous paved surfaces, 1%.
 - b. For concrete paved surfaces, 0.5%.
 - c. For concrete curb and gutter, 0.32%.
 - d. For drainage swales and valley shaped ditches, 0.5%.
 - e. For rear lot drainage swales and valley shaped ditches, 0.5%.
 - f. Landscape grading, 2%.
2. The maximum surface slopes for overland drainage are as follows:
 - a. For bituminous, concrete paved surfaces, 5%.
 - b. For concrete curb and gutter, 5%.
 - c. For drainage swales and valley shaped ditches, 5%.
 - d. For rear lot drainage swales and valley shaped ditches, 5%.
 - e. Drainage swales and valley shaped ditches shall have maximum side slopes of 3 horizontal to 1 vertical.
 - f. Landscape grading, 4 horizontal to 1 vertical.

C. Variances from Requirements

The Saginaw County Public Works Commissioner may waive allowable discharge requirements and or detention requirements. All variances will be reviewed under the appeal procedures established in the stormwater management design requirements. Variances from these requirements shall require the approval of the County whose actions shall be conditioned upon the following:

1. A petition shall be submitted describing in detail the rationale for the proposed design changes including hydraulic and or hydrologic computations.
2. Special circumstances or conditions exist which will affect the property under consideration such that strict compliance with the provisions of the stormwater discharge permit would deprive the applicant of the reasonable use of their land.
3. A variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
4. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the territory in which said property is located. Nor, will there be a violation of any local ordinances.
5. An affirmative recommendation must be received from the SCPWC Engineer supporting such variance. In the event that the SCPWC Engineer does not submit an affirmative recommendation, a recommendation shall be received from the County.

D. Stormwater Management System Maintenance Plans for Subdivisions/ Condominiums

1. Signed maintenance plans will be submitted with all construction plans and included in the subdivision agreement or master deed documents of all businesses, subdivisions, and site condominiums. These maintenance plans are the responsibility of the private owner or home/condo owners association. **These plans are not to be construed as a responsibility of the county, city, village or township, nor will the county, city, village, or township be responsible for maintenance of private systems.** The plans may include, but not limited to, the following:
 - a. A projected annual maintenance budget itemized by task (for homeowners/condo associations only).
 - b. Proposed mechanism to finance maintenance (for homeowners/condo associations only).
 - c. A copy of the final approved drainage plan for the development that delineates the facilities and all easements, maintenance access, and buffer areas.
 - d. A listing of appropriate tasks defined for each component of the system, and a schedule for their implementation. The listing may include, but not limited to, the following:
 - 1) Long-term operation and maintenance of all structural and vegetative BMPs installed and implemented to meet the performance standards.
 - 2) Maintenance of facilities such as pipes, channels, outflow control structures, infiltration devices, emergency overflows, detention basins, BMPs, and other structures.
 - 3) Debris and sediment removal from catch basins, channels, and basins.
 - 4) Dredging operations for both channels and basins to remove sediment accumulation. Stormwater system maintenance plans shall require that sediment be removed when depth equal to 50% of a pond's forebay or 12" of sediment accumulates, whichever is less.
 - e. Identification of the party responsible for performing each of the various maintenance activities described. This will be recorded with final approved plans and plats.
 - f. A detailed description of the procedure for both preventative and corrective maintenance activities. Preventative maintenance shall include, but not be limited to, the following:
 - 1) Periodic inspections, adjustments, and replacements.
 - 2) Record keeping of operations, inspections, expenditures, and associated activities.
 - g. Provision for the routine and non-routine inspection of all components within the system described:
 - 1) SCPWC recommends regularly scheduled wet-weather inspections of structural elements. Inspection for sediment accumulation in detention basins (or underground storage basins/vaults) shall be conducted annually, with as-built plans in-hand for comparison. These inspections should be performed by a Professional Engineer reporting to the responsible

agency or owner.

- 2) Housekeeping inspections, such as checking for trash removal, should take place at least twice annually.
 - 3) Emergency inspections shall be completed on an as-needed basis. Upon identification of problems a professional engineer, with experience in stormwater systems, shall be contacted for inspection.
- h. A description of ongoing landscape maintenance is recommended to be included in the plan. Landscaping shall consist of low maintenance, regionally native species whenever possible. The proprietor will monitor the viability of plantings for at least two (2) years after establishment and replace plantings, as needed. Subsequent monitoring shall be the responsibility of the landowner, development association, or appointed designee (such as a landscaping company, lawn care provider, etc.). **The Saginaw County Public Works Commissioner, nor the local government (e.g. city, village, township), is not responsible for landscape maintenance.**
2. Provision for the maintenance of vegetative buffers by landowner, development associations, conservation groups, or public agencies. Buffers must be inspected annually for evidence of erosion or concentrated flows through or around the buffer.
 3. Property deed restrictions or condominium master deed documents will specify the time frame for action to address needed maintenance of stormwater management facilities. These restrictions or documents will also specify that, should the private entity fail to act within this time frame, the local or county governmental entity may take action against the property owners within the subdivision or condominium association, in accordance with Act 288 of the Public Acts of 1967.
 - a. Routine maintenance of stormwater management facilities will be completed per the schedule submitted with the construction plans or within 15 days of receipt of written notification by the local or county governmental entity that action is required, unless other acceptable arrangements are made with the supervising governmental entity.
 - b. Emergency maintenance will be completed within 36 hours of written notification unless a threat to public health, safety and welfare requires immediate action.
 4. The proprietor may fulfill the obligation to ensure that a governmental entity will be responsible for drainage system maintenance by establishing a county drain drainage district, or any other similar mechanism approved by the Saginaw County Public Works Commissioner, to provide for the permanent maintenance of stormwater management facilities and necessary funding.
 5. If a County Drain is not established, the proprietor will submit evidence of a legally binding agreement with another governmental agency who responsible for maintenance oversight.
 6. A legally binding maintenance agreement for subdivisions or condominium developments will be executed before final project approval is granted. The agreement shall be included in the property deed restrictions or condominium master deed documents so that it is binding on all subsequent property owners.

E. Evaluation of Cost – Effective structural and non-structural Best Management Practices (BMPs)

1. To meet Saginaw County’s NPDES Phase II regulatory requirements for stormwater, the SCPWC may request, and the developer must supply, the following:
 - a. Either preliminary or actual constructed cost of best management practices.
 - b. Projected or actual maintenance costs of best management practices.
 - c. A maintenance agreement from the developer, owner, or operator responsible for the long-term maintenance of structural and vegetative BMPs installed and implemented to meet the water quality performance standards. Please see an example of an operation & maintenance plan and agreement for various sites in Appendix C.
 - d. Any other pertinent information deemed necessary to meet NPDES Phase II regulations.
2. If the requested information is not provided in a timely manner the final occupancy permit will be held until compliance is attained and the information received in the requested format.
3. The information requested will be in a concise formatted manner.

F. BMPs To Minimize Post Construction Impacts On Water Quality

1. Saginaw County recommends that BMPs be utilized on all new or re-development sites to improve stormwater runoff quality in the post construction phase.
2. Saginaw County recommends BMPs to be designed on a site-specific basis to reduce post-development total suspended solids (TSS) loadings by 80 percent or achieve a discharge concentration of TSS not to exceed 80 milligrams per liter.
3. The BMPs used on a site must be reviewed and approved by the SCPWC Engineer, or other appointed designee, during the site plan review and approval process.
4. The site Designer, Engineer, or Architect must supply a list of BMPs being used on a site that will improve water quality of the runoff being discharged from a site for the review process.

VII. STORM SYSTEM OPERATION & MAINTENANCE PLANS

A. Operation & Maintenance Plans (O & M)

Operation and maintenance plans will be developed for new site developments and/or re-developments of 1 acre or more in area, including projects less than an acre that are a part of a larger common plan of development or sale and discharge into the applicant’s MS4. These plans must address the implemented best management practices on the site. Additionally, this plan must address the long term operation and maintenance of all structural and vegetative BMPs installed and implemented to meet performance requirements. The property owner / developer is the sole responsible party for the BMPs on the site. **These plans are not to be construed as a responsibility of the County, City, Village or Township, nor will the County, City, Village, or Township be responsible for maintenance of private systems.**

These plans must be developed to be in perpetuity and, in situations of private or commercial development, must be transferred to the new owner. It is the owner's responsibility to transfer the document and make the new owners aware of the conditions of the O & M Plan. The owners must provide the transfer information to the Saginaw County Public Works Commissioner about the change in owner responsibility within **five (5) business days** of the transfer. *(In the case of subdivisions, platted or condominium developments the O & M Plans will be in the form of deed restrictions.)*

O & M Plans must have a provision in them to allow representatives from the local municipality to enter the property to inspect structural and vegetative BMPs which are not being maintained as stated in the O & M Plan. If the O & M plan is not being maintained to meet minimal performance requirements described in the Operation and Maintenance Plan for Stormwater Drainage Systems, Structural and Vegetative Best Management Practices (BMPs) document in the Appendix Section, then the local municipality has the option to obtain a contractor to complete the work and charge the owner / developer for costs incurred plus a 25% surcharge for administrative fees.

Additionally, the property owner / developer will provide an email address of the designated person responsible for assuring the O & M Plan is implemented. This email address must be updated when changed or when a new person assumes the maintenance responsibility position. This responsible party must annually inform the local municipality, if they have an NPDES MS4 Permit, that the O & M Plan has been carried out as described in the plan. All reports on this performance objective must be received by the local NPDES MS4 municipal permit holder or their designee (SASWA) on or before December 31st of each year. Failure to report will be construed as non-compliance with the design requirements. An email will be sent to the owner / developer for follow up response to determine compliance. No answer to this email within **five (5) business days** will result in further administrative action up to and including fines.

Please refer to Appendix C for the Long Term Maintenance Plan and Agreement Document that needs to be completed and submitted for development or re-development of all regular commercial, industrial and non-residential developments that disturb at least one (1) or more acres, including projects less than an acre that are part of a larger common plan of development or sale, are located within the areas designated by US Census as Urbanized Areas (see map in Appendix A) and require the operation and maintenance of stormwater drainage systems and/or structural and vegetative best management practices.

APPENDIX A

1. SAGINAW COUNTY STORMWATER DISCHARGE PERMIT APPLICATION FORM
2. DESIGN CALCULATIONS
3. DRAINAGE PLAN CHECKLIST
4. TYPICAL INSPECTION REPORT FORM
5. NPDES SOIL EROSION SEDIMENT CONTROL PERMIT FOR CONSTRUCTION SITES
6. FINAL INSPECTION FORM
7. 2010 CENSUS DATA'S URBANIZED AREA MAPS

**SAGINAW COUNTY
STORMWATER DISCHARGE PERMIT APPLICATION**

PROJECT NAME:	
Property Tax Identification #:	
Site Plan Review Date:	
Date Applied:	
Deposit Amount Submitted:	
NAME OF DEVELOPER/OWNER:	ENGINEER/ARCHITECT:
Contact Person:	Contact Person:
Street Address:	Street Address:
City, State, Zip:	City, State, Zip:
Telephone:	Telephone:
Email:	Email:
PROJECT LOCATION:	
Street Address:	
Name of Subdivision/Plat:	
Drainage District:	
STORMWATER DESIGN INFORMATION (*Calculations must be submitted for verification. Calculations must have clearly labeled headings, formulas, and units.)	
Type of Development (Circle): <i>COMMERCIAL SITE, INDUSTRIAL SITE, RESIDENTIAL PLATTEED, RESIDENTIAL CONDOMINIUM, OTHER</i>	
*AREA OF DEVELOPMENT (acres):	
*AREA OF CONTRIBUTING DRAINAGE DISTRICT (acres):	
*AREA OF EXISTING IMPERVIOUS SURFACE (acres):	
*AREA OF PROPOSED IMPERVIOUS SURFACE (acres):	
*ALLOWABLE DISCHARGE RATE (Q _d) (cfs):	
*TOTAL VOLUME OF STORAGE REQUIRED (cu. ft.):	
*TOTAL VOLUME OF STORAGE DESIGNED (cu. ft.):	
10 YR DESIGN STORMWATER DETENTION STORAGE ELEVATION:	
EMERGENCY OVERFLOW/MAXIMUM STORAGE ELEVATION:	
LOWEST FINISHED FLOOR ELEVATION:	
OUTLET DRAIN SIZE AND DESIGN FLOW CAPACITY:	
OUTLET DRAIN INVERT ELEVATION:	
DESIGN IMPERVIOUS FACTOR (IMP):	
*10 YEAR DESIGN DISCHARGE (cfs):	
*HEAD DIFFERENTIAL THROUGH RESTRICTOR (ft.):	
*DIAMETER OF PROPOSED RESTRICTOR (in.):	
*ACTUAL RESTRICTED DISCHARGE (cfs):	
Latitude and Longitude of outfall to county drain or MS4	
AUTHORIZED SIGNATURE _____ DATE _____	PLEASE DRAINAGE PLAN CHECKLIST TO ASSURE ALL INFORMATION IS PRESENT FOR REVIEW

DRAINAGE PLAN CHECKLIST

In order for the Owner, Developer, or Builder to be in compliance with these guidelines he/she shall for review by the SCPWC Engineer or designee, two complete sets of the site drainage and grading plan, and two copies of the calculations for allowable discharge and on-site storage requirements, as prepared by a Registered Professional Engineer or Architect. A copy of the completed checklist will be sent with all submittals.

Each of the following items shall be included on the plan:

- _____ Total acres of site.
- _____ Total acres of watershed draining through the site outlet.
- _____ Drainage district lines including sub-district lines contributing to individual storm sewers and rear lot drainage systems.
- _____ Location of site including dimension to nearest intersection road or section line.
- _____ Existing ground elevations at maximum 50' centers, including shots on perimeter of site and 50' beyond or contour lines at 1 foot intervals extending 50 feet beyond the site limits.
- _____ Elevations of ground, edge of pavement, and buildings within 50' of site.
- _____ Top of curb, gutter, ditch line, and centerline of road elevation at maximum 50' intervals.
- _____ Existing storm catch basins, manholes, sewers, and culverts showing rim and invert elevation(s).
- _____ Proposed elevations showing parking lot grades and control and building elevations.
- _____ Lawn/landscape areas.
- _____ Location, size, length, slope, and type of proposed storm sewer and rear lot drains.
- _____ Rim and invert elevation(s) of proposed manholes and catch basins, including rear lot drainage.
- _____ Location of on-site storage showing contour line for the top of storage elevation.
- _____ Provide sufficient dimensions, cross-sections, profiles, tie downs, etc. to determine the location and size of proposed storm sewers and detention areas. This information will be used for verifying proposed detention volume calculations in grassed and paved areas.
- _____ Location of restrictor and proposed restrictor detail(s).
- _____ Location and elevation of the Emergency Overflow.
- _____ Latitude and Longitude of site's stormwater discharge point

DRAINAGE PLAN - CHECKLIST (Continued)

Each of the following items shall be included in the submitted calculations:

- _____ Drainage District and impervious factor (if applicable and already established for the location of the site).
- _____ Calculation of maximum allowable discharge (Obtain impervious factor from the SCPWC Engineer, if applicable).
- _____ Calculation of on-site storage required.
- _____ Calculation of storage volume provided.
- _____ Calculation of restrictor size.
- _____ Hydrologic & Hydraulic Calculations for sizing storm sewer systems, which will be maintained by a public agency.
- _____ Hydrologic and Hydraulic calculations showing there will be no adverse impacts upstream or downstream of the proposed development.

Beyond the Saginaw County Public Works Commissioner Stormwater Design Requirements, the Developer must submit applications for permits with all agencies that regulate stormwater within the area of development. These may include Michigan Department of Transportation, Michigan Department of Environment, Great Lakes, and Energy, Saginaw County Public Works Commissioner (SESC), or the Saginaw County Road Commission.

INSPECTION REPORT FORM

PROJECT NAME:		WORK ORDER NO.:		
CONTRACTOR:		REPORT NO.:		
SUPERINTENDENT:		DATE:		
WEATHER (CLEAR, CLOUDY, RAIN, SNOW):		TEMPERATURE:	INSPECTOR:	
WORK FORCE ON SITE:	NUMBER:	TRADE:	NUMBER:	TRADE:
EQUIPMENT IN USE (Number and Type):				
WORK DONE (Location, Amount, and Type): (Be Specific)				
TYPE OF UTILITY INSTALLED (Water, Sewer, Pavement, Size, Class, Description, Source):				
GROUND CONDITIONS ENCOUNTERED (Clay, Sand, Wet, Dry, Good Poor, or Other & Detail Further):				
BACKFILL INSTALLED:				
EXISTING UTILITIES ENCOUNTERED:				
RELOCATION OF PROPOSED UTILITIES AND REASON NECESSARY:				
MATERIAL DELIVERED TO SITE (Size, Class, Description, Source):				
VISITORS TO WORK SITE (Name, Affiliation):				
REMARKS:				

NOTE: Complete in ink. Use reverse side if necessary. Inspectors using digital systems should provide a copy to SCPWC

By: _____ Date: _____

SOIL EROSION AND SEDIMENT CONTROL FOR CONSTRUCTION SITES PROCEDURE

A general procedure for Soil Erosion and Sediment Control (SESC) and NPDES permits to discharge stormwater from construction sites:

There have been changes in the permitting for construction sites for contractors, developers, municipalities, and other public agencies. These rules took effect at the date listed below; everyone must adhere to these changes and be aware of them.

EFFECTIVE DATE – MARCH 10, 2003

General procedure to follow:

Site has a soil disturbance of 1 to <5 acres:

Apply for Soil Erosion Sediment Control permit from either the County Enforcement Agency (CEA) or Municipal Enforcement Agency (MEA). **The Saginaw County Public Works Commissioner is the County Enforcement Agency.**

The following site offers a direct link to the Soil Erosion and Sedimentation Control Permit:

http://www.saginawcounty.com/Docs/publicworks/FillInForms/Permit_Application_SESC.pdf

The NPDES discharge permit for this site is covered by the "permit by rule"; no permit or application needs to be filled out for the state. A certified stormwater operator is also required to inspect the site weekly and within twenty-four (24) hours of a rain event resulting in a discharge of stormwater from the site.

Note: If the client is an APA (Authorized Public Agency for soil erosion and sediment control) they still must follow the permit by rule, they do not need a SESC Permit as they have procedures approved by EGLE. The rules are at the following site:

http://www.michigan.gov/documents/deq/wb-sw-Construction-Rules-1to5acres_264064_7.pdf

Site has a soil disturbance of 5 or more acres:

Apply for Soil Erosion Sediment Control permit from either the county enforcement agency (CEA) or municipal agency (MEA) first. Then fill out the NPDES Notice of Coverage form for discharges from the construction site on the MiWaters website.

To apply, renew, or terminate permit coverage, go the MiWaters website at <https://miwaters.deq.state.mi.us> and log into your account. If you don't already have an account, [view the tutorial on how to establish your account](#). Once you have an account established, you may:

- apply for permit coverage by searching for Notice of Coverage Application,
- renew by searching for Notice of Coverage Renewal, or
- terminate your permit by searching for Notice of Termination.

Once the state receives the form, the site is covered.

Note: If client is an APA (authorized public agency for soil erosion and sediment control) they still must obtain and fill out the NPDES Notice of Coverage to discharge stormwater from a construction site; they do not need SESC Permit as they have procedures approved by MDEQ.

https://www.michigan.gov/documents/deq/wb-stormwater-ConstructionQA_248586_7.pdf

Once the project site is stabilized and has good vegetative cover, remember to fill out a project termination form on the MiWaters website.

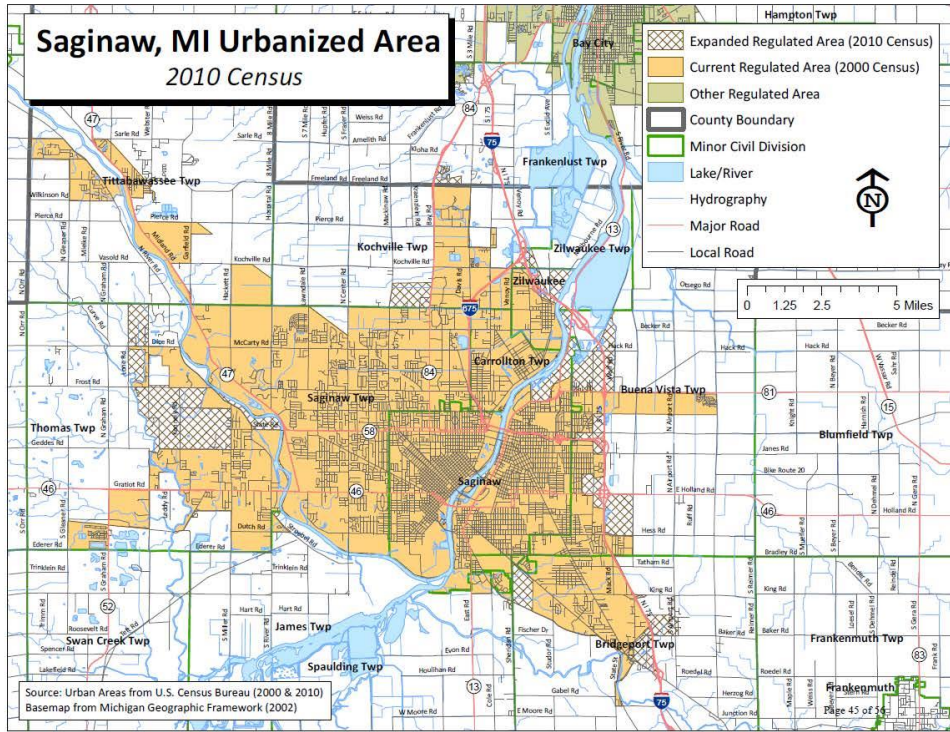
Determine inspection responsibilities:

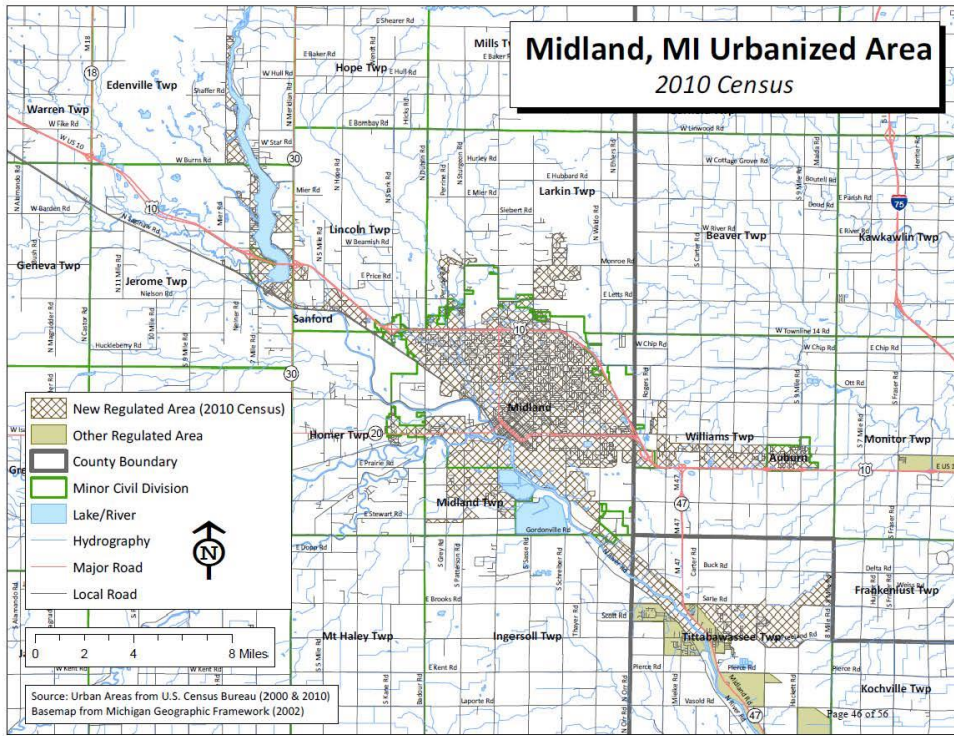
Make sure that SESC issues are an agenda item at the pre-bid meeting and at the pre-construction meeting. Do not just put a note on the plans that SESC is the contractor's responsibility; make sure they are fully aware of their site responsibilities. Remember that the owner of the project is ultimately the responsible party, the EGLE or enforcing agency will be fining them.

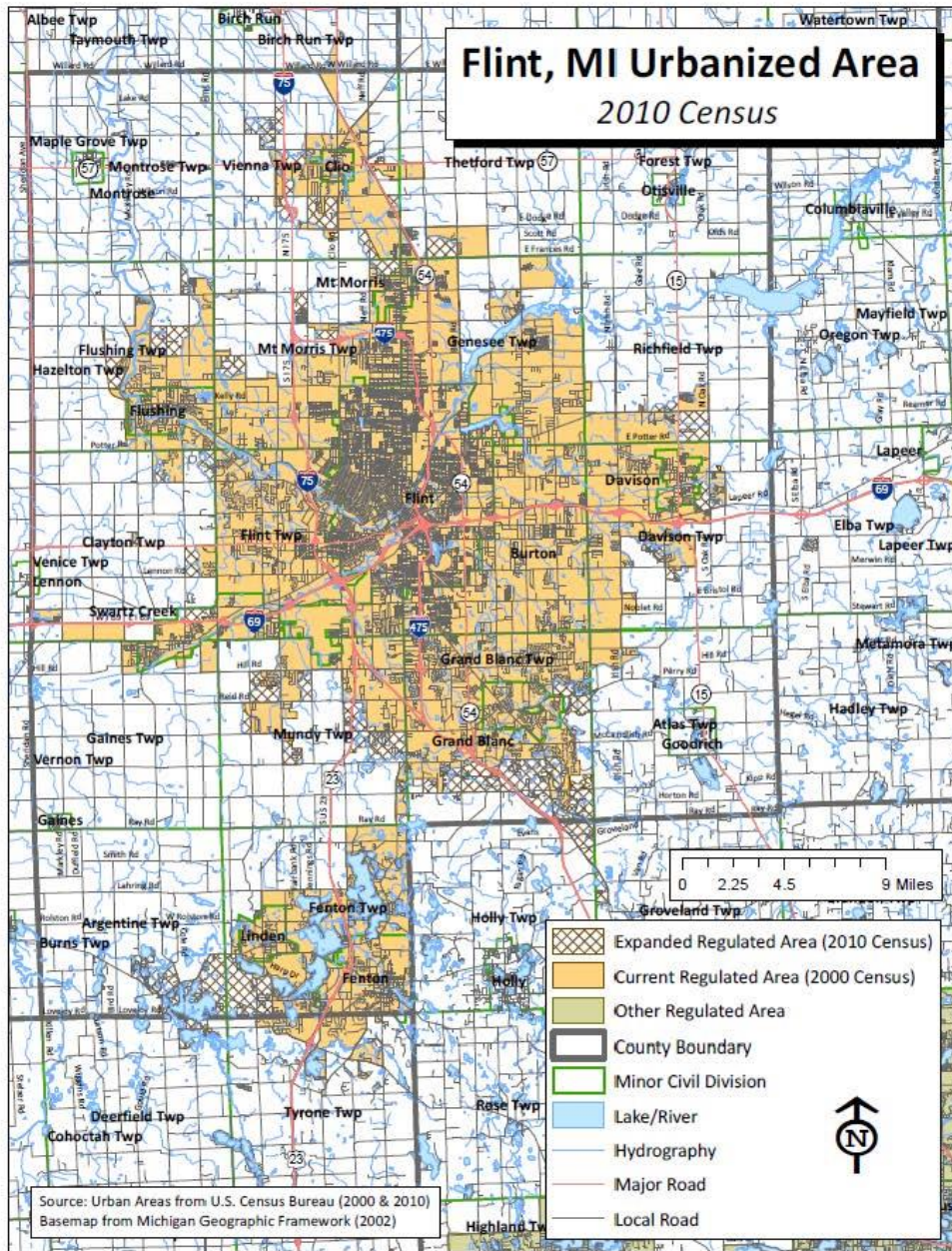
**SAGINAW COUNTY
DETENTION AND RESTRICTION FLOW
FINAL INSPECTION REPORT FORM**

Name of Site Development:	
Planning Commission Approval Number:	
Location:	
Type of Development:*	
Size of Restrictor:	
Type of Restrictor:**	
Location of Restrictor:	
Required Detention (ft ³):	
Type of Detention:***	
Location of Detention:	
Do As-builts Conform To Present Site Conditions?	
Inspection Comments:	
Date of Inspection:	
Inspector's Name and Affiliation:	

* - Residential, Commercial, Subdivision, Etc.
 ** - Orifice in Outlet Pipe, Metering Outlet Pipe, Square Orifice, Etc.
 *** - Parking Lot Ponding, Detention Basin, Underground Detention, Etc.







APPENDIX B

1. MICHIGAN DEPARTMENT OF TRANSPORTATION PERMIT APPLICATION FOR USE OF RIGHT-OF-WAY
2. MICHIGAN DEPARTMENT OF TRANSPORTATION STORMWATER DISCHARGE PERMIT APPLICATION
3. MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY JOINT PERMIT APPLICATION

To assure that all agency forms are as up to date as possible Onekama Township has provided the following website addresses that various forms may be attained at for use by developers and design engineers.

1. MICHIGAN DEPARTMENT OF TRANSPORTATION PERMIT APPLICATION FOR USE OF RIGHT-OF-WAY, is available through the MDOT Permit Gateway. More information and link to the MDOT Permit Gateway can be found at:

https://www.michigan.gov/mdot/0,4616,7-151-9623_26662_26679_27267_48606-182161--,00.html

2. MICHIGAN DEPARTMENT OF TRANSPORTATION STORMWATER DISCHARGE PERMIT APPLICATION, through the MDOT Permit Gateway. More information and link to the MDOT Permit Gateway can be found at:

https://www.michigan.gov/mdot/0,4616,7-151-9623_26662_26679_27267_48606-331000--,00.html

3. MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY JOINT PERMIT APPLICATION is available on the MiWaters website. More information and link to MiWaters can be found at:

http://www.michigan.gov/deq/0,1607,7-135-3307_29692_24403---,00.html

APPENDIX C

1. MAINTENANCE PLAN AND AGREEMENT

OPERATION & MAINTENANCE PLAN FOR
STORMWATER DRAINAGE SYSTEMS, STRUCTURAL & VEGETATIVE
BEST MANAGEMENT PRACTICES (BMPS)

< Please insert name of site >
<Location>

This Operation & Maintenance Plan is to be completed for development or re-development of all commercial, industrial, subdivision and condominium developments that disturb at least one or more acres, including projects less than an acre that are part of a larger common plan of development or sale and require the operation and maintenance of stormwater drainage systems and/or structural and vegetative best management practices and/or structural stormwater controls.

I. Responsibility for Maintenance:

A. During Construction: <name of site> (contractor) has the responsibility to perform the maintenance.

B. Following Construction: <name of site> is responsible to perform the maintenance.

1. Routine maintenance of the stormwater facilities must be completed on a scheduled basis by the owner or lessee. All catchbasins/manholes/rear yard basins, detention basins, flow restrictors, or other stormwater structures must be maintained and inspection on a scheduled basis.
2. Any structural and/or best management practices (BMPs) must be installed and implemented properly to meet the performance standards.
3. If the site is notified by the local DPW, zoning administrator, County Engineer or municipal engineer, either verbally or in writing, within ten (10) calendar days of this notification action is required, unless other acceptable arrangements are made with the County Engineer or responsible authority. Emergency maintenance (when there is endangerment to public health, safety or welfare) shall be performed immediately upon receipt of verbal or written notification. If the <name of site> fails to act within these timeframes, the responsible local township or municipality, or successors may perform the needed maintenance and assess the cost against the <name of site>, plus an administrative fee of 25%.

II. Funding:

The <name of site> is required to pay for all continued maintenance activities.

III. Maintenance Tasks and Schedule:

A. During Construction:

1. Properly plug and abandon existing storm sewer to prevent any sediment from entering the existing system.
2. Establish and maintain ‘BMP’s to prevent sediment from leaving the site.

B. Post-Construction:

1. Perform scheduled semi-annual inspections and inspections following major storm events to check for floatables and debris within the system. Remove floatables and debris as required.

2. Annually inspect for sediment within the catch basin sumps. Removal of sediment is required if within 12 inches of an inlet or outlet pipe in the structure.
3. Every two (2) years inspect the structural elements of the storm system (restrictor, catch basins, etc.) noting any failures. Correct as needed.
4. If catch basin inserts are in place, inspect every 6 months and replace screens, filters or cloth as necessary for the particular type of insert.
5. Mow detention basins on a regular basis; no cattails, Phragmites, or other plants can grow unrestricted in these basins.
6. Ensure long-term operation and maintenance of all structural and vegetative best management practices installed and implemented.

Note: Update and revise as necessary. Include all structural stormwater controls and the appropriate maintenance and schedule for each.

IV. Records:

- A. The <name of site> shall keep a written log of both preventive and corrective maintenance activities. At minimum, the log shall contain the date of the inspection, the reason for the inspection, the conditions encountered and the resulting activities and any photographs taken for documentation purposes. The log shall be available for review at the request of the SCPWC.
- B. If a site is sold to another, this Operation and Maintenance agreement must be transferred to the new owner and the SCPWC must be informed of the change in ownership within fourteen (14) days of the sale.
- C. Annually, a compliance statement must be sent to <insert tracking site>. The owner or operator of the site will at minimum provide the date of inspection(s) and any maintenance performed, if applicable. This can be accomplished via email to the email address listed below of the responsible party.
- D. If the owner or operator of the site does not respond to the compliance statement with verification of site inspection and maintenance of stormwater structural controls and best management practices within fourteen (14) days from the day of receiving the email, the responsible local township or municipality, or representative for the responsible local township or municipality, will perform an inspection and an administrative fee will be charged to the owner or operator.

V. Site Access:

- A. If there is a drainage issue/problem on a site that has to do with the storm drainage system, best management practices, or is discharging too much stormwater or water that does not appear to meet water quality standards, the owner must let the responsible local township or municipality, or designee, onto the property for the following:
 1. Inspect the structural or vegetative best management practice(s), drainage issue/problem, or discharge problem.
 2. Perform the necessary maintenance or corrective actions neglected by the BMP owner or operator. The responsible local township or municipality has the option to obtain a contractor to complete the work and charge the owner/developer for costs incurred plus a 25% surcharge for administrative fees.
- B. Any and all necessary maintenance or correction actions that the responsible local township or municipality must perform will be charged to the owner or operator of <name of site>.

VI. Spills:

- *Identify key spill response personnel and train employees on who they are.*
- *Store and maintain appropriate spill cleanup materials in a clearly marked location near storage areas; and train employees to ensure familiarity with the site's spill control plan and/or proper spill cleanup procedures.*
- *Locate spill cleanup materials, such as absorbents, where they will be readily accessible (e.g. near storage and maintenance areas).*
- *If a spill occurs, notify the key spill response personnel immediately. If the material is unknown or hazardous, the local fire department may also need to be contacted.*
- *If the spill gets into the storm drainage system, contact the Saginaw County Public Works Commissioner, or appropriate agency depending on amount of material spilled.*
- *If safe to do so, attempt to contain the material and block the nearby storm drains so that the area impacted is minimized. If the material is unknown or hazardous wait for properly trained personnel to contain the materials.*
- *Spills or leaks from vehicles in parking lots such as oils, antifreeze, or fuels should be addressed immediately when noticed by staff working at the site. The spill MUST be cleaned up using adsorbent materials such as Oil Dry or even kitty litter and then swept up and properly disposed of. DO NOT hose down and wash into the storm drain system, these systems drain directly to rivers in our area and eventually the Great Lakes.*

VII. Operation and Maintenance Verification:

I have read this document and agree to implement the operation and maintenance procedures listed for this site to protect stormwater quality leaving this site and to ensure best management practices are installed and being implemented. I agree to update this document as necessary when there is a change to the site regarding any structural stormwater controls and provide an updated copy to the County within fourteen (14) calendar days.

Authorized Signature

Date

Email address of responsible party: _____

NOTE: Any change in email address must be provided to the SCPWC or local municipality within 5 business days from the change of responsible parties.

APPENDIX D

1. RUNOFF COEFFICIENTS TABLE

TABLE 1. Runoff Coefficients

Description of area	Runoff coefficients
Impervious Areas	
Pavement, Roofs, Buildings	0.90
Water	1.00
Park/Playground/Cemetery Area	0.30
Lawn Area	0.17
Woodland Area	0.45
Pasture Area	0.40
Cultivated Area	0.60

Note: The coefficients in this tabulation are applicable for storms of 5-year to 10-year frequencies. Less frequent higher intensity storms will require the use of higher coefficients because infiltration and other losses have a proportionally smaller effect on runoff. The coefficients are based on the assumption that the design storm does not occur when the ground surface is frozen.

APPENDIX E

1. BEST MANAGEMENT PRACTICES

Best Management Practices

Best Management Practices recommended by the County can be obtained from the County Engineer or Designee by requesting the BMP manual appropriate to a commercial or industrial activity from the *BMP Guidance Series*.

The standard BMP Guidance series to utilize within Saginaw County can be found in the following sources:

- Guidebook of Best Management Practices for Michigan Watersheds, published by the Michigan Department of Environmental Quality – Water Division.
http://www.michigan.gov/documents/deq/deq-wb-nps-Intro_250601_7.pdf
- Soil Erosion and Sedimentation Control Guidebook, February 2003, from the Michigan Department of Management and Budget's – Infrastructure Services Design and Construction Division.
- Michigan Department of Transportation – Drainage Manual, Chapter 9 – Best Management Practices found at the following web site.
<http://www.michigan.gov/stormwatermgt/0,1607,7-205--93193--,00.html>
- Any recommended or required BMPs that are established in Watershed Management Plans written for the Upper Saginaw, Lower Tittabawassee, Lower Cass Rivers, or Swan Creek.
- Storm Water Management For Construction Activities, published by the United States Environmental Protection Agency.
<http://nepis.epa.gov/Exe/ZyPDF.cgi/2000461J.PDF?Dockey=2000461J.PDF>
- NPDES Best Management Practices Guidance Document, published by the Environmental Protection Agency Office of Water Enforcement and Permits NPDES Technical Support Branch.
<http://nepis.epa.gov/Exe/ZyPDF.cgi/9100FCSA.PDF?Dockey=9100FCSA.PDF>