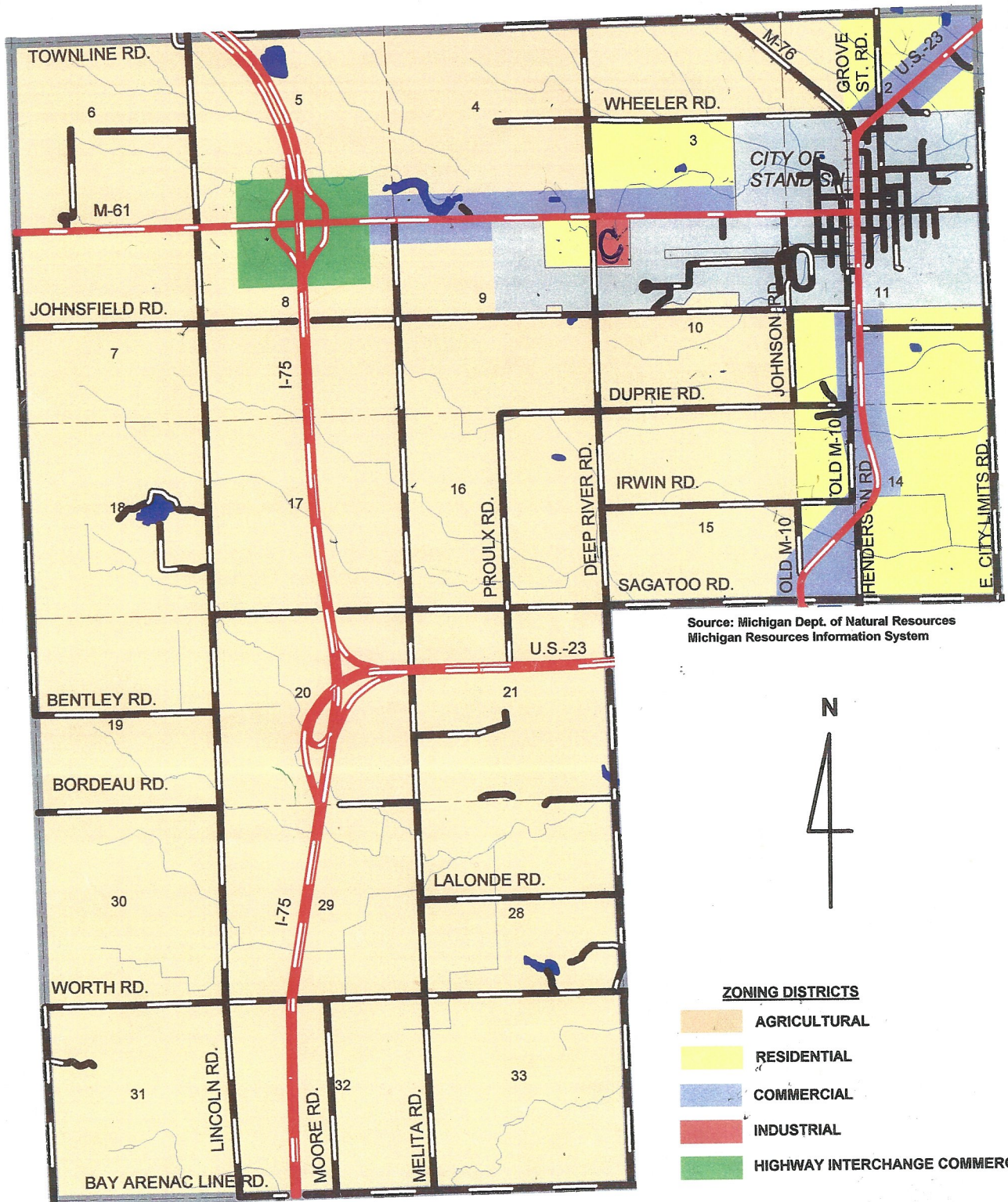


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Source: Michigan Dept. of Natural Resources  
Michigan Resources Information System

**ZONING DISTRICTS**

- AGRICULTURAL
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- HIGHWAY INTERCHANGE COMMERCIAL

Lincoln Township, Arenac county, Michigan

SETBACK ON M-61: 330' FEET  
SETBACK ON US-23: 660' FEET

# Lincoln Township Zoning Map

**LAPHAM ASSOCIATES** ENGINEERING  
PLANNING  
ENVIRONMENTAL  
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# ZONING ORDINANCE OF LINCOLN TOWNSHIP ARENAC COUNTY, MICHIGAN

## CHAPTER 1 PREAMBLE

### SECTION 1.1 TITLE

This Ordinance shall be known as the "Zoning Ordinance of Lincoln Township" and shall be referred to as "this Ordinance."

### SECTION 1.2 PURPOSE

This Ordinance is based on the Lincoln Township Master Plan and designed to be the primary means for its implementation. It sets forth regulations for the uses of land, structures, and natural resources of the Township and for development, redevelopment or restoration of all property by establishing requirements requisite to proper land use. This Ordinance, along with the Zoning Map, delineate allowed land uses and their restrictions within the Township. The Zoning Ordinance and the Zoning Map are organized into five basic zone areas:

- The Agricultural District
- The Residential District
- The Commercial District
- The Industrial District
- The Highway Interchange District

In the Ordinance each district is divided into six parts that provide regulations for each in a clear, concise, and organized fashion:

- Purposes;
- Permitted and Conditional Uses;
- Property Development Standards;
- Standards;
- Accessory Structures and Uses;
- Miscellaneous Regulations.

The objectives of the Lincoln Township Ordinance are:

- A. To promote the public health, safety, and general welfare;
- B. To ensure that land uses shall be in appropriate locations and in proper relationships with other uses;
- C. To provide for open spaces in order to prevent the overcrowding of land and congestion of population, transportation, and public facilities;
- D. To provide for adequate and efficient transportation, sewage disposal, water, and energy systems, and for recreation, public safety, and other public service and facility needs;
- E. To cause and perpetuate the wise use of lands and natural resources in accordance with their character and their adaptability to development or not;
- F. To eliminate the improper use of land;

- G. To effect the proper and orderly development of the Township; and
- H. To accomplish the goals and objectives of the Township's Master Plan.

To meet these objectives, Lincoln Township is divided into districts of such number, shape and area, and of such common purpose, adaptability or use, that are deemed most suitable to protect the common rights and interests within each district and the Township as a whole, to preserve the property owners' rights to the use of their lands, and to promote quality of life and business vitality.

The regulations of this Ordinance accomplish the purpose and objectives as outlined above by providing for land uses within each district, by acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; by promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures by defining maximum residential density and specifying the percentage of a site available for building by providing for basic site design standards to ensure that land is developed in a functional and aesthetic manner, and by requiring various setbacks from property lines and public street rights-of-way.

### SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- C. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards, lots, or setback areas, created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may change ownership.
- F. The regulations herein established shall be minimum regulations for promoting and protecting the public health, safety, and welfare.

### SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with Act 184 of the Public Acts of 1943, as amended.

#### SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of the Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

#### SECTION 1.6 EFFECTIVE DATE

- A. The previous Lincoln Township Zoning Ordinance adopted 19 February 1992 along with all amendments is hereby rescinded.
- B. This Ordinance is adopted by the Lincoln Township Board on 13 December 2001, and is ordered to take effect on 18 January 2002.

## CHAPTER 2 DEFINITIONS

### SECTION 2.1 RULES APPLYING TO THE TEXT

The following rules of construction shall apply to the text of this Ordinance.

- A. Except with respect to the headings contained in Section 2.2, the headings that title a chapter, a section or a subsection of this Ordinance are for the purposes of clarity and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms or provisions in any respect.
- B. The illustrations contained within this Ordinance are intended to exemplify hypothetical applications of the provisions that refer to them, and shall not have the effect of enlarging or restricting the terms or provisions which refer to them. In the event of any conflict between the provisions of the written text of the Ordinance and the illustrations, the text shall govern.
- C. When inconsistent with the context, words used in the present tense shall include the future tense, words in the singular shall include the plural and words in the plural shall include the singular.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof unless specifically excluded.
- F. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or any combination of them as well as a natural person.
- G. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be" or "designed to be" used or occupied.
- H. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- I. The particular shall control the general.
- J. Terms not herein defined shall have common, customary meanings.



## SECTION 2.2 DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

**Accessory Building or Structure** is a building or structure that is detached from the principal building located on the same lot and is customarily incidental to the principal building. A permit is not required for an accessory structure 200 square feet or smaller.

**Accessory Use** shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

**Adult Entertainment Establishment** is any one, or combination of the following: adult bookstore, adult tavern or bar, adult cabaret, adult live entertainment, adult mini-motion picture theater, adult motion picture theater, adult novelty, adult video sales or rental, or related adult amusement. Any business that devotes more than thirty (30%) percent of its total sales, stock, or trade to adult uses shall be considered an adult entertainment establishment. "Adult" in this context shall mean sexually explicit materials and actions not intended for exhibit to minors.

**Agriculture** is farms and general farming, including horticulture, floriculture, dairying, fish farming, livestock, and poultry raising, and other similar enterprises or uses.

**Alley** is a service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

**Bed and Breakfast Establishment** is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests do not stay more than seven (7) consecutive days and are provided a sleeping room and a breakfast in return for payment.

**Boarding or Lodging House** is a building other than a hotel where, for compensation and by prearrangement for definite periods, lodging, meals, or both are provided for three (3) or more, but not exceeding twenty (20), persons.

**Bonafide Commercial Agricultural Operation** is the raising of plants or animals, commonly grown in Central Lower Michigan, on a parcel of land appropriate for a continuing agricultural enterprise.

**Building** is any structure which is erected having a roof supported by columns or walls.

**Building Height** shall mean the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, mechanical equipment, chimneys, or other such incidental appurtenances.

**Building Site** shall mean a legally created parcel or contiguous parcels of land in single or joint ownership that provides the area and the open spaces required by this Ordinance for the location or construction of a building, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

**Development Plan** is the documents and drawings required by the Zoning Ordinance necessary to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

**Drive-through Business** is a business establishment organized so that its retail or service character 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, Multiple-Family** is a building containing three (3) or more dwelling units, or a minimum 420 square feet per dwelling unit, designed for exclusive use and occupancy by three (3) or more families.

**Dwelling, Single-Family** is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family, complying with the following standards:

1. A single-family dwelling shall have a minimum of 720 square feet of living space.
2. It complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of P.A. 230 of 1972 as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards and regulations for construction are different from those imposed by the state building code, then, and in that event, such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect, and shall have a 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. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set-up 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 perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the District Health Department.
6. The dwelling contains no additions or rooms or other areas which do not meet the same construction requirement listed above and are permanently attached to the principal structure.



7. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
8. 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 or otherwise specifically required in this Ordinance.
9. All construction required herein shall be commenced only after a land use permit and building permit have been obtained in accordance with the applicable building code provisions and requirements.

**Dwelling, Two-Family (Duplex)** is a building containing two (2) separate dwelling units, one unit having a minimum 720 square feet and the other having a minimum of 420 square feet, designed for residential use by no more than two (2) families and connected by either a common wall or an attached garage area.

**Dwelling Unit** is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation.

**Essential Service** is a service utility which is needed for the health, safety, and welfare of the community. In Michigan, these services are controlled by the Public Services Commission.

**Family** is an individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

**Flag Lot** is a lot not fronting on or abutting a road where access to the road is by a narrow, private right-of-way.

**Floor Area** is the total area of the floor space within the outside walls of a building, excluding porches, breezeways, garages, attics, basements, utility areas, cellars or crawl spaces, but which may include that portion of a walkout basement that is finished for everyday living and not just for storage or occasional use.

**Frontage** is 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.

**Garage - Private** is a detached accessory building or portion of a main building used only for the parking or storage of vehicles.

**Garage - Public** is a building other than a private garage primarily used for the purpose of parking, storing, repairing or equipping motor vehicles therein as commercial use.

**Home Occupation** is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly ancillary to the use of the dwelling for residential purposes. No more than two non-family members may be employed in such activity; outdoor storage shall be completely screened; and no activity shall become a nuisance to its immediate neighbors or neighborhood.

**Indoor Recreation Establishment** is a facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

**Kennel** is any land, building, or structure where eight (8) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for profit.

**Land Division** is any splitting or dividing of a plot of land (parent parcel) that results in the creation of a new defined parcel or parcels of land from the original parent parcel.

**Lane** is a service way providing a secondary means of public access to abutting properties and not intended for general traffic circulation.

**Loading Space** is a space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicles while loading and unloading merchandise or materials.

**Lot** is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision, having frontage upon a public or private street and having sufficient size to comply with the requirements of this Ordinance.

**Lot Area** is the total area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

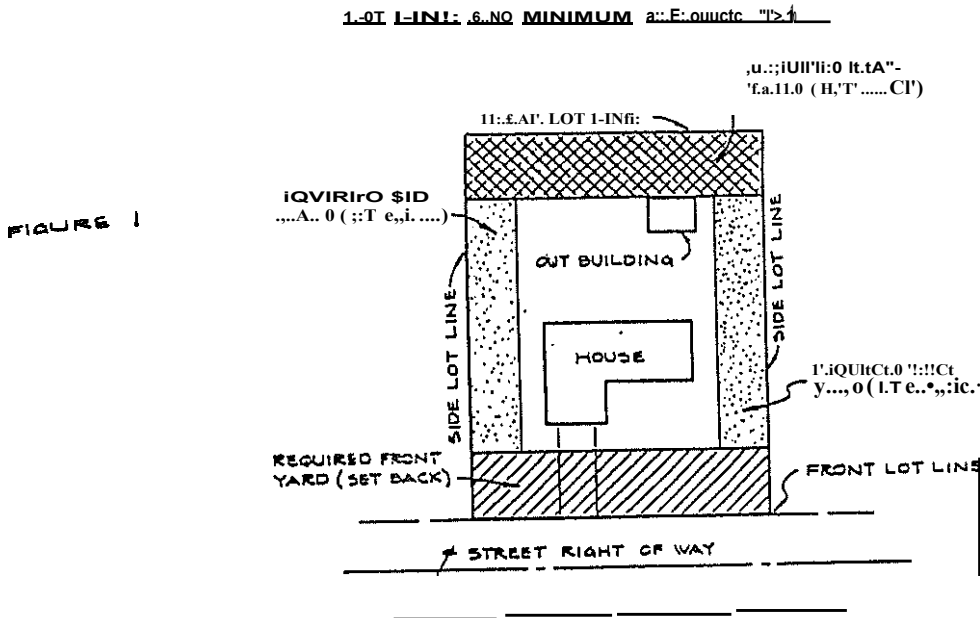
**Lot Coverage** is a part or percent of a lot occupied by buildings or structures and other impervious surfaces.

**Lot Depth** is the arithmetic mean of the shortest and longest distance from the front lot line to the rear lot line.

**Lot Line** is the line bounding a lot, parcel, or general common element (if there is no limited common element) that separates the lot, parcel, or general common element (if there is no limited common element) from another lot, parcel, general common element (if there is no limited common element), existing street right-of-way, approved private road easement, or the ordinary high water mark.

**Lot Line, Front** is the lot line separating a lot or parcel from a street right-of-way (refer to Figure 1), or in the case of a lake lot, the ordinary high water mark.

**Lot Line, Rear** is 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 ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (refer to Figure I).



**Lot Line, Side** is any lot line not a front or rear lot line (refer to Figure 1).

**Manufactured Home** is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected.

**Mobile Home** is 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 includes the plumbing, HVAC, and electrical system in the structure. Mobile home does not include a recreational vehicle or motor home.

**Motor Vehicle Sales and/or Repair** is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pick-up trucks, recreational vehicles, or travel trailers, or a business performing repairs on such vehicles.

**Motor Vehicle Service Facility** is any establishment engaged in the direct retail sale of gasoline or other engine fuels, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans, pick-up trucks, or other motor vehicles.

**Non-Conforming Structure** is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments become effective and fails to meet the minimum requirements of the zoning district in which it is located.

**Non-Conforming Use** is the use of a building or of land lawfully existing at the time this Ordinance or amendments become effective but does not conform with the use regulations of the district in which it is located.

**Off-Site Sign** is a sign which advertises or directs attention to products or activities that are not provided on the parcel upon which the sign is located.

**Ordinary High Water Mark** is 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 high 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** is a facility designed and equipped for the conduct of sports, amusement or leisure time activities, and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

**Owner(s)** shall mean any combination of persons who have equitable or legal title to the premises, dwelling, or dwelling unit.

**Planned Development** is an area of a minimum contiguous size, as specified by this Ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

**Principal Use** is the main use to which a premises is devoted and the principal purpose for which a premises exists.

**Private Road** is any road or thoroughfare for vehicular traffic which is privately owned and maintained and provides the principal means of access to abutting properties.

**Public Street** is a public thoroughfare for vehicular traffic which is publicly owned and maintained and provides the principal means of access to abutting properties.

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

**Retail Store** is any building or structure in which goods, wares, or merchandise are sold to a customer for direct consumption and not for resale.

**Right-of-way** is a street, alley or other thoroughfare or easement permanently established for the passage of persons or vehicles and under the legal authority of an agency having jurisdiction over the right of way.

**Road** refer to definition of "street".

**Salvage** is material saved for future use, recycling, or sale.

**Salvage Yard** is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. A "salvage yard" shall be defined as less than three (3) acres in size and does not include landfills or recycling centers.

**Screen** is a structure such as a fence or wall, providing enclosure and visual barrier between the area enclosed and the adjacent property.

**Seasonal** is any use or activity that cannot or should not be performed during the entire year.

**Setback** is the required minimum horizontal distance between a lot line or other controlling entity and a building, structure, or use line.

**Sign** is an outdoor sign, display, figure, painting, drawing, message, placard, or poster which is designated, intended, or used to advertise or inform.

**Site Condominium Projects** are land developments done in accordance with the Condominium Act (P.A. 59 of 1978), as amended. All such developments shall follow the standards and procedures of Section 4.11, Planned Developments, and meet the requirements of the district(s) for which they are intended.

**State Licensed Residential Facility** is a structure that is constructed for residential purposes that is licensed pursuant to P.A. 287 of 1972 or P.A. 116 of 1973, which provides resident services for six (6) or less persons.

**Street** is an approved thoroughfare which affords the principal means of access to abutting properties.

**Structure** is 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. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

**Uniform Setback** is where fifty (50%) percent or more of the frontages of existing structures along a roadway between two (2) intersecting streets maintain the same minimum setback.

**Use** is the purpose for which land or a building (or buildings) is intended, designed or intended, or for which land or a building (or buildings) is or may be occupied and used.

**Variance** is a modification to the rules or provisions of this Ordinance which may be granted by the Zoning Board of Appeals where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of this Ordinance. ( 1

**Vehicle** is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

**Yard** is a space open to the sky and unoccupied or unobstructed, except by structures or uses specifically permitted by this Ordinance. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

**Yard, Front** is the yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the main building (refer to Figure 1).

**Yard, Rear** is the yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear foundation line of the main building (refer to Figure 1).

**Yard, Side** is the yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (refer to Figure 1).

## **CHAPTER 3 NON-CONFORMITIES**

### **SECTION 3.1 INTENT AND PURPOSE**

It is the intent of the Chapter to provide for the use of lands, buildings, and structures which were lawfully established prior to the effective date of this Ordinance to continue, even though the use may be prohibited or differently regulated under the terms of this Ordinance. Such non-conforming lots, uses of land, structures, and uses of structures are declared by this Ordinance to be incompatible with permitted conforming uses, buildings, and structures. In order to adequately regulate the conflicts between conforming and non-conforming uses, buildings, and structures, the regulations that follow are enacted.

### **SECTION 3.2 NON-CONFORMING LOTS**

See Chapter 5 General Provisions

### **SECTION 3.3 NON-CONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on a parcel of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

No such non-conforming use shall be enlarged or increased to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

### **SECTION 3.4 NON-CONFORMING STRUCTURES**

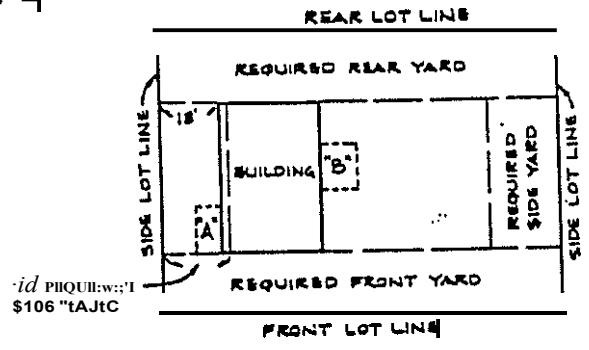
Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions (refer to Figure 2):

- A. No such structure may be enlarged or altered in a way which increases its non-conformity.
- B. Any such structure destroyed by fire or an act of God may be reconstructed, but as nearly conforming with the provisions of this Ordinance as possible.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area into which it is located.



NON-CONFORMING STRUCTURES

FIGURE 2



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SECTION 3.5 REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, ordinary maintenance may be done. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be change of tenancy, ownership or management of any existing non-conforming use of land, structure, or premises provided there is no change in the nature of the character of such non-conforming use that would be at variance with the provisions of this Chapter and Ordinance.

SECTION 3.7 ABANDONMENT OF NON-CONFORMING USES AND STRUCTURES

- A. If for any reason a non-conforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to be re-established, and any subsequent use shall conform to all the requirements and provisions of this Ordinance. Under extraordinary circumstances, a petition may be made to the Zoning Board of Appeals to extend the period of disuse or re-establish the non-conforming use.
- B. If for any reason the use of a non-conforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure, unless authorized by the Zoning Board of Appeals.

## **CHAPTER 4 DISTRICT REGULATIONS**

### **SECTION 4.1 INTENT AND PURPOSE**

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

AG	Agricultural
R	Residential
C	Commercial
I	Industrial
HI	Highway Interchange

For the specific regulations and requirements of each of the districts listed above, refer to Sections 4.5 - 4.10. Section 4.11 allows for and regulates Planned Developments (PD) within the above districts.

### **SECTION 4.2 OFFICIAL ZONING MAP**

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

### **SECTION 4.3 INTERPRETATION OF BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- A. Boundaries shown following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries shown approximately following Township boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries shown approximately parallel to the centerline of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

### **SECTION 4.4 CLASSIFICATION OF USES NOT LISTED**

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Chapter 11. Said use shall be treated in a like manner with comparable uses, as determined by the Zoning Board of Appeals, and permitted or prohibited in accordance with the District Regulations found in any Zoning District.

## SECTION 4.5 AGRICULTURAL DISTRICT (AG)

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(...)

The purpose and intent of the Agricultural District is to provide areas for commercial agricultural and farming operations, as well as limited residential areas. This district is established to conserve and protect agricultural lands as an ecologically and economically valued resource by preventing the encroachment of urban land uses in predominantly agricultural areas where geographic and social conditions favor continued agricultural production. A range of farming activities shall be permitted in this zone in order to foster the continuation of agriculture in the Township.

### SECTION 4.5.1 PERMITTED PRINCIPAL USES

In an Agricultural District, no building, structure, land or water use shall be permitted except for one or more of the following:

- A. All historically practiced general agricultural uses. (Large scale livestock enterprises see "Conditional Uses.")
- B. Farm dwellings, accessory buildings, farm labor housing:
  - 1. More than one farm dwelling shall not be permitted unless substantial evidence is provided that shows that the additional farm dwelling is necessary for the operation of the commercial farm. In making the determination whether the additional farm dwelling is necessary for the farm operation, the Zoning Administrator shall take into consideration whether any non-farm dwellings already exist on the farm that may be used for that purpose. Migrant housing shall be allowed in accordance with state regulations.
  - 2. A dwelling may be considered to be in conjunction with farm use or the propagation or harvesting of a forest product when located on a lot or parcel that is managed as part of a farm operation or woodlot. A separate parcel one acre or larger must be created for a new dwelling unit.
  - 3. Farm dwellings in addition to the principal dwelling shall be located to minimize adverse affects upon productive areas for farm crops and livestock.
- C. Churches and other religious buildings.
- D. Home Occupations.
- E. Planned Developments (see Section 4.11).

### SECTION 4.5.2 CONDITIONAL USES

- A. The following uses are permitted in this district upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9 and are subject to lot, building and other requirements of Section 4.5. The necessary conditions for approval of any of these uses shall be a demonstrated need

for the use and the placement of the facility in a manner which least affects the productive agricultural land of the site or surrounding properties:

- Large scale livestock enterprises
- Agricultural research and development facilities, public and private
- Other similar agricultural businesses or uses
- Schools and day care operations
- Bed and breakfast establishments
- Residential single-family dwelling units in non-productive agricultural areas
- Slaughter houses
- Salvage yards
- Riding stables
- Kennels
- Cemeteries
- Public or private outdoor recreation or park facilities
- Sawmills and other forestry related businesses
- Telecommunication towers and antennas (see Section 5.10)
- Outdoor advertising structures (see Chapter 7)

- B. A roadside stand for the sale of agricultural products, provided that:
  - I. Adequate parking and maneuvering areas are provided to ensure safe vehicle ingress and egress and pedestrian movement within the site.
  - 2. The products sold at any stand are mainly grown or produced on the premises.
- C. A temporary house trailer or an approved detached accessory structure for the living purposes during the construction of a permanent dwelling on the same lot or for an elderly or infirm family member during the period of convalescence or debility, provided that:
  - 1. The trailer house will be removed within eighteen months or as soon as the original reason for the temporary dwelling has ceased whichever comes first;
  - 2. The Zoning Administrator may in extraordinary circumstances extend the zoning permit for this use for one year.
  - 3. The trailer will be connected to an approved well and septic system; and,
  - 4. Will be anchored securely and properly and will follow all other applicable township, county, state, and federal regulations.

**SECTION 4.5.3 DEVELOPMENT STANDARDS**

- A. Minimum fann parcel size: Ten (10) acres, or as specified in a project for which a Special Use Permit has been secured.

	<u>Farm Buildings</u>	<u>Commercial or other non-farm Structures</u>
Minimum frontage	330 feet	330 feet
Minimum front setback	50 feet	50 feet
Minimum side setback	50 feet	50 feet
Minimum rear setback	50 feet	50 feet
Maximum height	95 feet	40 feet

Amendment 4.5.3 A

- B. Residential development shall be permitted within agricultural areas on non-productive farmland by designing a Planned Development in accordance with Section 4. I I of this Ordinance, with an underlying allowable dwelling unit density of one (I) dwelling unit per one and one-half (I ½) acres and a minimum of sixty-five (65%) percent permanently preserved unbuilt open space. Minimum project area twenty (20) acres.
- C. Metes-and-Bounds or platted lots for residential uses on non-productive farmland shall meet the following standards:
 

Minimum parcel size	2 acres
Minimum frontage	220 feet
Minimum front setback	50 feet
Minimum side setback	50 feet
Minimum rear setback	50 feet
Maximum height	35 feet

**SECTION 4.5.4 PERFORMANCE STANDARDS**

- A. Farming and approved ancillary activities shall be carried out conscious of neighboring uses. Wherever feasible and justifiable, buffers of hedgerows, tree lots or other barriers should be maintained between different districts and uses to minimize conflicts. Michigan Department of Agriculture "Generally Accepted Management Practices" (GAMPS) shall be used to determine whether a new use may be sited as proposed. Setbacks prescribed in the GAMPS shall be used to assess the distances needed by a new use from existing residences and other uses.
- B. Variances for farm lot size may be granted by the Planning Commission if applicant can prove the desired agricultural operation is a bonafide commercial agricultural operation.
- C. To the greatest degree practicable, land divisions, including single lot splits, must be designed to protect and preserve natural resources, productive farmland, and the culture and character of the area.
- D. Within all setbacks, landscape plantings shall be required by residential uses to buffer them from adjacent agricultural, or potential agricultural operations, and to retain the rural character of the area.
- E. All residential developments, or residential plots, units or parcels, and any other non-farm use within this district shall be devised with the understanding that agricultural operations are the primary use of this district and therefore layouts for residences and other non-farm uses shall be designed in such a manner as to protect farming and other agricultural operations from interference and nuisances.

**SECTION 4.5.5 ACCESSORY STRUCTURES AND USES**

Any use or structure customarily incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures shall generally be located in side or rear yards. Accessory structures may be used for home occupations as prescribed by this Ordinance.

SECTION 4.5.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other farm animals is allowed on residential parcels of two and one-half (2 ½) acres or larger within this district.

General Provisions as permitted in Chapter 5.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

**SECTION 4.6 RESIDENTIAL DISTRICT ( R )**

The purpose and intent of this district is to provide for development of family homes at low to medium densities. The district is meant to encourage the development of attractive residential areas with compatible services and amenities. Multiple-family housing developments may be appropriate within this district provided that adequate water and sewer services can be furnished.

**SECTION 4.6.1 PERMITTED PRINCIPAL USES**

- Single-family dwellings
- Two-family dwellings (duplexes)
- Residential condominium developments
- Home occupations
- State licensed residential facilities
- Planned developments including mobile home parks (see Section 4.11)

**SECTION 4.6.2 CONDITIONAL USES**

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 5.16 for specific landscaping standards for particular uses.

- Bed and breakfast establishments
- Public and private parks and recreational facilities
- Family day care homes, child day care centers, and related facilities providing care to seven (7) or more persons
- Multi-family dwellings
- Churches and other religious buildings
- Public and private schools
- Contractor and builder establishments

**SECTION 4.6.3 DEVELOPMENT STANDARDS**

	<u>Without public sewer</u>	<u>With public sewer</u>
Minimum lot size	22,500 square feet	15,000 square feet
Minimum frontage	100 feet	75 feet
Minimum front setback	50 feet	25 feet
Minimum side setback	25 feet	10 feet
Minimum rear setback	50 feet	30 feet
Maximum height	2½ stories or 35 feet	

**SECTION 4.6.4 PERFORMANCE STANDARDS**

- A. Higher density housing will only be allowed where services and facilities warrant them, primarily in areas adjacent to the City of Standish.
- B. In designing homesites and developments, care shall be taken to preserve the quality of the Township's natural environment. Proper drainage, including retention and detention



areas, shall be provided and buffer areas shall be provided along the creeks, streams and drainage swales within this district.

- C. Streets and roads shall integrate rationally into the county and city road networks. Connections to existing streets shall be required where appropriate. Access onto a county primary road shall be no closer than 300 feet to one and other wherever possible.
- D. Residential developments in rural portions of the district shall retain trees and other vegetation between the developed portions of a project and the county road rights-of-way.

#### SECTION 4.6.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures may be used for home occupations as prescribed by this Ordinance. No accessory structure shall be larger than two thousand (2,000) square feet.

#### SECTION 4.6.6 MISCELLANEOUS REGULATIONS

The keeping of horses, ponies and other farm animals is not allowed on residential lots within this district.

General Provisions as permitted in Chapter 5.

Parking as permitted in Chapter 6.

Signs as permitted in Chapter 7.

Amendments 4.6,- 4.6.2- 4.6.3- 4.6.6

SECTION 4.7 COMMERCIAL DISTRICT ( C )

The purpose and intent of this district is to provide locations for commercial uses in the Township. Permitted uses are generally small in nature and will primarily serve Township residents. All proposed commercial uses are required to submit a Development Site Plan in accordance with Chapter 9 of this Ordinance. Uses allowed by Special Use Permit shall be located in areas where the infrastructure and locale can support them.

SECTION 4.7.1 PERMITTED PRINCIPAL USES

General retail, office, financial, and service businesses  
Restaurants, not including drive-through restaurants  
Planned developments (see Section 4.11)

SECTION 4.7.2 CONDITIONAL USES

The following uses are permitted upon securing a Special Use Permit and upon Development Site Plan Review approval in accordance with Chapters 8 and 9. Also see Section 5.16 for specific landscaping standards for particular uses.

Building supply yard, warehouses, and wholesale businesses  
Drive-through businesses  
Motor vehicle service facilities, including gas stations and car washes  
Motor vehicle sales and/or repair facilities  
Self-service storage facilities  
Contractors and builders establishments  
Commercial recreation, such as bowling alleys, skating rinks, and arcades  
Theaters  
Coin-operated laundries  
Mortuaries and funeral homes  
Hotels and motels  
Adult entertainment uses  
Taverns, bars, and similar establishments not providing adult entertainment  
Residential dwellings - single-family, duplex, and multi-family  
Telecommunication towers and antennas  
Single-family dwellings, duplex, multiple-family dwellings, and home occupations in accordance with standards and rules in Section 4.6

SECTION 4.7.3 DEVELOPMENT STANDARDS

Minimum lot area	25,000 square feet
Minimum frontage	100 feet
Minimum front setback	50 feet
Minimum side setback	10 feet
Minimum rear setback	10 feet
Maximum height	35 feet

#### SECTION 4.7.4 PERFORMANCE STANDARDS

- A. This district intends that the historic pattern of commercial development along the major trunklines be continued with the further intention that new development shall be directed toward infill and/or rehabilitation of existing commercial sites.
- B. A street tree and landscape planting plan shall be followed.
- C. Driveways shall be kept to a minimum and service drives and/or parking areas must be connected to neighboring lots or to the lot lines between adjoining commercial parcels.
- D. Parking shall contain treed landscape islands or isles if a lot has over sixteen (16) parking spaces.
- E. Buffers and proper drainage devices shall be provided to ensure protection of township creeks, streams, and other waterways.
- F. Where appropriate, sidewalks shall be provided.
- G. All storage shall be within a structure or screened from public view.
- H. Commercial establishments adjacent to residential areas shall provide an opaque screen (landscaping, fencing, or berms) at these property boundaries and carry on no activities including parking or storage within a rear or side yard setback adjacent to a residential district.

#### SECTION 4.7.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right and must be located in side or rear yards only.

#### SECTION 4.7.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 5.  
Parking as permitted in Chapter 6.  
Signs as permitted in Chapter 7.

SECTION 4.8 INDUSTRIAL (I)

The purpose of this district is to provide for areas where moderate scale industrial activities may occur within the Township. These areas will primarily be adjacent to the current industrial areas of the City of Standish. All proposed industrial uses are required to submit a Development Site Plan in accordance with Chapter 9 of this Ordinance.

SECTION 4.8. PERMITTED PRINCIPAL USES

- Building supply yards, warehouses, and wholesale businesses
- Motor vehicle service businesses including gas stations and car washes
- Motor vehicle sales and repair operations
- Storage facilities
- Contractors and builders establishments
- Manufacturing, processing, packaging, treatment or use of previously prepared materials
- Planned developments (see Section 4.11)

SECTION 4.8.2 CONDITIONAL USES

Any industrial use not specifically listed here may be submitted for a Special Use Permit in accordance with Section 8 of this Ordinance. The primary criterion for the Planning Commission accepting an application for review, to be determined solely at the Commission's discretion, will be the suitability of the proposed use at the proposed location. Factors used in this determination will include, but will not be limited to, the character of the neighborhood, necessary infrastructure availability, availability of a more appropriate site within the Township, traffic and roadway requirements, and the other elements of the proposed site plan submitted by the applicant.

Telecommunications towers and antennas (see Section 5.10)

SECTION 4.8.3 DEVELOPMENT STANDARDS

	<u>Without public sewer</u>	<u>With public sewer</u>
Minimum lot size	25,000 square feet	15,000 square feet
Minimum frontage	100 feet	75 feet
Minimum front setback	25 feet	25 feet
Minimum side setback	10 feet	10 feet
Minimum rear setback	30 feet	30 feet
Maximum height	50 feet	50 feet

SECTION 4.8.4 PERFORMANCE STANDARD

- A. Proposed activities shall provide for all necessary infrastructure to the site.
- B. Ingress and egress drives shall be kept to a minimum, and where appropriate, service drives shall connect businesses. Flare or turning lanes may be required at highway

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- C. Buffers and proper drainage devices shall be provided to ensure protection of township creeks, streams, and other waterways.
- D. A street tree and landscape planting plan shall be followed.
- E. Where appropriate, sidewalks shall be provided.
- F. All storage shall be within a structure or screened from public view.
- G. Industrial operations adjacent to residential areas shall provide an opaque screen (landscaping, fencing or berms) at these property boundaries and carry on no activities including parking or storage in a rear or side yard setback adjacent to a residential district.

SECTION 4.8.5 ACCESSORY STRUCTURES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right and must be located in side or rear yards only.

SECTION 4.8.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 5.  
 Parking as permitted in Chapter 6.  
 Signs as permitted in Chapter 7.

**Amendment 12.9**

## SECTION 4.9 HIGHWAY INTERCHANGE DISTRICT (HI)

The purpose of this district is to encourage the development of general retail, service, warehousing and distribution businesses, and light industry in conjunction with the M-61 / I-75 interchange. All proposed highway interchange businesses shall submit a Development Site Plan in accordance with Chapter 9 of this Ordinance.

### SECTION 4.9.1 PERMITTED PRINCIPAL USES

General retail and service businesses  
Restaurants  
Hotels and motels  
Drive-through businesses  
Motor vehicle service operations  
Telecommunication towers and antennas (see Section 5.10)  
Storage facilities  
Contractors and builders establishments  
Commercial recreation  
Theaters  
Planned developments

### SECTION 4.9.2 CONDITIONAL USES

The following uses require a Special Use Permit in accordance with Chapter 8 of this Ordinance.

Light manufacturing operations

### SECTION 4.9.3 DEVELOPMENT STANDARDS

Minimum lot area	25,000 square feet
Minimum frontage	100 feet
Minimum setback from Interstate Highway	50 feet
Minimum front setback	50 feet
Minimum side setback	35 feet
Minimum rear setback	30 feet
Maximum height	45 feet

### SECTION 4.9.4 PERFORMANCE STANDARDS

- A. Development plans for quadrants or large parcels of the area are preferred to individual plots.
- B. Provision of adequate public services is necessary for large, intensive uses.
- C. Ingress and egress drives shall be kept to a minimum, and where appropriate, service drives shall connect businesses. Flare or turning lanes may be required at highway entries.
- D. Buffers and proper drainage devices shall be provided to ensure protection of township creeks, streams, and other waterways.
- E. A street tree and landscape planting plan shall be followed.

- F. Where appropriate, sidewalks shall be provided.
- G. All storage shall be within a structure or screened from public view.
- H. Highway Interchange businesses adjacent to residential areas shall provide an opaque screen (landscaping, fencing, or berms) at these property boundaries and carry on no activities including parking or storage within a rear or side yard adjacent to a residential district.

#### SECTION 4.9.5 ACCESSORY STRUCTURES AND USES

Any use or structure incidental to a permitted principal use not otherwise regulated by this Ordinance is allowed by right. Accessory structures in this district must follow the same setbacks required for principal structures.

#### SECTION 4.9.6 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 5.  
Parking as permitted in Chapter 6.  
Signs as permitted in Chapter 7.



**SECTION 4.10 TABLE OF DIMENSIONAL REQUIREMENTS**

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ZONING DISTRICT		MINIMUM LOT AREA	MINIMUM FRONTAGE REQUIREMENT (FEET)	MINIMUM FRONT YARD SETBACK (FEET)	MINIMUM SIDE YARD SETBACK (FEET)	MINIMUM REAR YARD SETBACK (FEET)	MAXIMUM STRUCTURE HEIGHT: (FEET)
<b>AG</b>	FARM	10 acres	330	50	50	50	95
	COMMERCIAL	10 acres <sup>1</sup>	330	50	50	50	40
	RESIDENTIAL	<b>2 acres</b> <sup>3</sup>	220	50	50	50	35
<b>R</b>	WITHOUT SEWER	22,500 sq ft	100	50	25	50	<b>2½stories</b> or 35 feet
	WITH SEWER	15,000 sq ft	75	25	10	30	<b>2½stories</b> or 35 feet
<b>C</b>		25,000 sq ft	100	50	10	10	35
<b>I</b>	WITHOUT SEWER	25,000 sq ft	100	25	10	30	50
	WITH SEWER	15,000 sq ft	75	25	10	30	50
<b>HI</b>		25,000 sq ft	100	50	35	30	45

<sup>1</sup>Parcel size variations may be granted by Planning Commission as part of a Special Use Permit.

<sup>2</sup>Telecommunication tower and antenna heights are governed by Section 5.10.

<sup>3</sup>For specific dwelling unit parcels, see Section 4.5.

## SECTION 4.11 PLANNED DEVELOPMENTS (PD)

### SECTION 4.11.1 PURPOSE

Planned Development regulations furnish a beneficial and productive means to design site plans within areas designated in the Master Plan for housing, commercial, or special purpose developments. These regulations, while adhering to the underlying densities specified in the various districts of the zoning ordinance, provide for better design and planning of land uses by making the geography, the history and culture, and the ecology of the area the standards and determinants of that 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, while encouraging a diversity of housing types, and mixed uses where appropriate, by maintaining the high degree of quality control necessary for the preservation of the natural and scenic elements that are integral to the rural character of the Township.

Projects approved hereunder shall be designated (PD) Planned Development.

### SECTION 4.11.2 PERMITTED AND CONDITIONAL USES

- A. Planned Developments within zones established by the Township Board.

All legal methods of land subdivision may be used in the design of a Planned Development. All pertinent regulations addressed elsewhere in the zoning ordinance or in separate ordinances of the Township shall be complied with. Condominium projects, mobile home parks, and land divisions shall be administered and reviewed under this Section.

- B. Permitted and conditional uses of the property prior to PD zone designation as uses compatible with surrounding zoning districts.

**SECTION 4.11.3 TABLE OF DISTRICT REGULATIONS FOR PLANNED DEVELOPMENTS**

<b>ZONING DISTRICT</b>	<b>MINIMUM PROJECT AREA</b>	<b>MINIMUM CONTINUOUS PROJECT FRONTAGE'</b>	<b>MAX.DU/ DEVELOPABLE ACREAGE</b>	<b>REQUIRED PERCENT OF PROJECT AS OPEN SPACE'</b>	<b>AREA, YARD AND OTHER REQUIREMENTS <sup>3</sup></b>
<b>AGRICULTURE</b>	20 acres	110feet	1 unit/ <b>2 acres</b>	60%	<b>see Section 4.10</b>
<b>RESIDENTIAL</b>	<b>20 acres</b>	165 feet	8 d.u./ <b>acre</b>	50%	<b>see Section 4.10</b>
<b>COMMERCIAL</b>	10 acres	165 feet	varies by type of uses	35%	<b>see Section 4.10</b>
<b>INDUSTRIAL</b>	10 acres	165 feet	not applicable	25%	<b>see Section 4.10</b>
<b>HIGHWAY I:S-TERCHANGE</b>	10 acres	100 feet	not applicable	25%	<b>see Section 4.10</b>

<sup>1</sup> On a county or state highway.

<sup>2</sup> Public or private easements, rights-of-way, drives, streets or alleys, parking areas or required lots shall not be counted as part of required open space.

<sup>3</sup> Standards set forth in Section 4.10 shall be used as guides to development design; modifications shall be reviewed and approved based upon standards of this chapter.

**SECTION 4.11.4 DIMENSIONAL REQUIREMENTS**

- A. See Section 4.11.3, above, and Section 4.10.
- B. "Open space" as used in this section shall be defined as land areas that are open and unbuilt and permanently preserved as such by easement or other means suitable to the Township Board. It may include recreational facilities and structures.

**SECTION 4.11.5 PERFORMANCE STANDARDS**

The following development requirements shall apply to all Planned Developments:

- A. The Planned Development should be designed and developed in a manner compatible with and complementary to existing uses or development indicated by the current Master Plan for the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
- B. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, to improve natural habitat, and to prevent erosion and control drainage. Open space left in its natural state shall be kept free of litter. Open spaces shall link with those on adjoining properties to ensure maximum landscape cover and wildlife habitat.

- C. If development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and planned amenities of the total development.
- D. All or any part of designated open space shall be reserved for use in common by the owners or residents of the Planned Development. Areas permanently preserved for common open space shall be reserved for the use and enjoyment of the owners and residents. The Township may, with the developer's consent, require that open space easements be conveyed to the Township or to another responsible entity.
- E. All public streets within or abutting the proposed Planned Development shall be improved to Township and County specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be maintained for their intended purposes by the development's landowners association or other means acceptable to the Township and County. All roads and passageways must be designed to allow emergency vehicle access.
- F. Planned Developments shall be in harmony with the topography of the site, shall preserve water courses, drainage areas, wooded area, rough terrain, and similar natural features and areas.
- G. All utilities within a Planned Development shall be placed underground where feasible; otherwise, they shall be placed in the most unobtrusive manner possible. Sufficient easements shall be provided for all necessary utilities.
- H. The designation of building plots or building areas within which structures must be sited is required to ensure proper placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
- I. A property owners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Necessary stipulations of the Planned Development approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
- J. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No Planned Development shall be granted final approval until all necessary approvals are obtained.
- K. 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--all the major components of the project. 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 for the ensuing year of each component 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.

#### SECTION 4.11.6 ACCESSORY STRUCTURES AND USES

Accessory uses and structures shall be located as specified on the development plans as approved by the Township.

#### SECTION 4.11.7 MISCELLANEOUS REGULATIONS

General Provisions as permitted in Chapter 5.

Parking as permitted in Chapter 6.

Signage as permitted in Chapter 7.

#### SECTION 4.11.8 CONCEPTUAL DEVELOPMENT PLAN: APPLICATION REQUIREMENTS

- A Twelve (12) copies of a conceptual development plan encompassing all phases of the proposed PD, prepared at a scale 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, if more, containing the following information:
1. Name of development, applicant name, preparer name, if different, date of preparations, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
  2. Zoning and use 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 with sizes shown, and any existing easements of record.
  5. Existing site elevation contours at a minimum of twenty (20) foot intervals.
  6. If applicable, identify existing shoreline, existing one-hundred (100) year flood hazard area boundary and existing wetlands.
  7. Existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
  8. Layout and typical dimensions of proposed lots, including building plots or pads. If the proposed Planned Development zone includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the Planned Development 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.
- B. A legal description of the land to be included in the Planned Development.
- 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 Planned Development.
- D. A narrative statement describing the overall objectives of the Planned Development.
- E. A complete application on a form supplied by the Township.
- F. Payment of the fee established, from time to time, by resolution of the Township Board to cover the cost of the Planned Development project review.

**SECTION 4.11.9 PLANNING COMMISSION REVIEW OF CONCEPTUAL DEVELOPMENT PLAN**

- A. The Planning Commission shall review the conceptual development plan at a public meeting. Recommendations made by the Planning Commission shall be based upon its consideration of the standards for approval of a Planned Development contained in this section, and based upon the intent of the Ordinance. The recommendation of the Planning Commission shall be transmitted in written form to the Township Board, the County Planning Commission, and a copy of the recommendations transmitted to the applicant.
- B. In the course of its review of a conceptual development plan for a Planned Development, the Planning Commission shall notify adjoining property owners within three hundred (300) feet of the property to provide an opportunity for public comment on the proposed Planned Development.
- C. Review Procedure:
  - I. The Planning Commission shall review the conceptual site plan to ensure that:
    - a. The uses, buildings, and structures shown on the conceptual site plan are not in conflict with the Master Plan of current adoption.
    - b. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to mitigate adequately non-compatible uses have been included on the conceptual site plan.
    - c. That the plan meets the applicable development and performance standards of this section and of the district in which it is proposed to be situated.
  - 2. Based on the findings of its review, the Planning Commission shall do one of the following:
    - a. Grant conceptual site plan approval.
    - b. Grant conceptual site plan approval subject to conditions and the submission of a revised site plan.
    - c. Reject the conceptual site plan, stating the specific reasons for the rejection.

**SECTION 4.11.10 APPLICATIONS FOR REZONING**

Once the Planning Commission has granted concept development plan approval subject to conditions, an application for Planned Development zoning may be filed and processed in accordance with Chapter 12 of this Ordinance. The approved conceptual site plan shall be made part of the application, and shall be considered as part of the rezoning request.

**SECTION 4.11.11 SITE PLAN REVIEW REQUIRED**

Either concurrent with the application for rezoning or upon rezoning approval, the applicant must apply for Development Site Plan approval in accordance with Chapter 9. Prior to any new construction, site plan approval must be obtained.

C

In addition to the information required for Development Site Plan approval, the applicant shall submit, where relevant, the following:

- A. Lot lines and building pads.
- B. Details of proposed project lighting.
- C. A copy of all of the following that are applicable: proposed deed restrictions, covenants, condominium or landowner association documents.
- D. Summary data schedules:
  - 1. Number and sizes of proposed units, including accessory or ancillary structures.
  - 2. Area and percentage of building site coverage.
  - 3. Area and percentage of impervious surface coverage.
  - 4. Area and percentage of open, undeveloped space.
  - 5. Parking space calculations, if applicable.

#### SECTION 4.11.12 CHANGES TO AN APPROVED PLANNED DEVELOPMENT

- A. No changes to an approved development plan for a Planned Development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval, with the exception of minor administrative changes, which do not alter the layout, number of units or other details of the plan by more than five (5%) percent, shall be processed in the same manner as an application for approval of a Development Site Plan, as specified in Chapter 9.
- B. Minor administrative changes may be made by the Planning Commission or the Commission may delegate this responsibility to the Zoning Administrator.

#### SECTION 4.11.13 TIME LIMIT FOR APPROVED PLANNED DEVELOPMENTS

- A. Construction of an approved Planned Development shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the Planned Development by the Township Board.
- B. The owner or applicant of the Planned Development may apply to the Township Board for one (1) extension of the original approval for an additional term of one (1) year. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
  - 1. The Planned Development has encountered unforeseen difficulties beyond the reasonable control of the owner or applicant.
  - 2. The Planned Development is likely to commence and to be completed.
- C. If the Planned Development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one permitted extension thereof, then the Planned Development approval shall automatically become invalid and void and the prior zoning of the property shall obtain.



## CHAPTER 5 GENERAL PROVISIONS

### SECTION 5.1 INTENT AND PURPOSE

In addition to the development and performance requirements set forth in Chapter 4, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. **It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.**

### SECTION 5.2 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where an accessory building is structurally attached to a main building, except where otherwise noted, it shall be subject to and must conform with all regulations applicable to the main buildings.
- B. Accessory buildings shall not be erected in any required front yard.

### SECTION 5.3 LOT ALLOCATION

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.

### SECTION 5.4 SUBSTANDARD LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance, provided:

- A. That the lot or parcel complies with Section 5.3 of this Chapter.
- B. That a proposed building, structure, or use for the lot satisfies the yard requirements set forth in Chapter 4 of this Ordinance.
- C. That the requirements set forth in Section 5.14 of this Chapter are fulfilled.

### SECTION 5.5 CORNER CLEARANCE

No fence, wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty-six (36) inches within a triangular area formed by the intersection of any street or road right-of-way lines at a distance along each such line of twenty (20) feet from their point of intersection.

### SECTION 5.6 NUMBER OF DWELLING UNITS PER LOT

Unless otherwise permitted by this Ordinance, only one (!) dwelling unit shall be constructed or placed on one lot meeting the minimum lot area requirements set forth in Section 4.10. In the

case of condominium developments, unit area and limited common areas may be used to satisfy lot area requirements. General common areas shall not be applied toward satisfying minimum lot area requirements.

#### SECTION 5.7 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas or other similar utilities, 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 (see Section 5.10).

#### SECTION 5.8 FENCES, WALLS AND SCREENS

Fences, walls, or screens are permitted in all yards, but shall be subject to sight distance requirements at drives and roadways.

#### SECTION 5.9 PORCHES AND DECKS

Open, unenclosed porches, decks, or paved terraces may project into a required rear, side or front yard provided that the porch, deck or terrace is located no closer than ten (10) feet from any lot line.

#### SECTION 5.10 SATELLITE DISH ANTENNAS, TELECOMMUNICATION TOWERS AND ANTENNAS, AND SIMILAR STRUCTURES

- A. Satellite dish antennas, television antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following:
1. All satellite dish antenna, television antenna, amateur radio antennas and other similar structures shall be subject to the following setback requirements:
    - a. All satellite dishes shall be located no closer than ten (10) feet from any side or rear lot lines.
    - b. All antennas and antenna towers shall be located no closer than the height of the tower from any lot line. Antennas and antenna towers greater than ninety (90) feet in height shall require a Special Use Permit.
    - c. Satellite dishes, antennas, and similar structures shall not be placed or constructed in any required front yard unless there is no other placement for acceptable reception.
    - d. Satellite dishes may be placed or mounted on poles, however, they shall be subject to accessory building height limitations.
- B. Telecommunication towers and antennas shall be subject to the regulations of the districts in which they are allowed in addition to the following:
1. All towers, tower structures, poles for holding telecommunication antennas, and other like structures require land use and building permits.

2. All towers and antennas must meet applicable state and federal regulations.
3. All towers shall be designed to accommodate collocation of antennas by additional users.
4. Tower height shall be limited to one hundred ninety-nine (199) feet unless justified to the Township's sole satisfaction.
5. No tower shall be closer to any boundary of the lot on which it is sited than its height.
6. Towers shall be separated from one another in accordance with the following table:

Table 1: Separation distances between towers (feet)

	Lattice	Guyed	Monopole Greater Than 75 Ft in Height	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole Greater Than 75 Ft in Height	1500	1500	1500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

7. Towers shall be of galvanized steel or be painted to blend with the surrounding environment.
8. No advertising or signage of any kind shall be attached to a tower or its appurtenant structures.
9. No lighting of any kind shall be allowed on or to illuminate a tower or its appurtenant structures except that required by FAA requirements if the structure is allowed to exceed one hundred ninety-nine (199) feet.
10. Plantings and fencing are required to screen a tower and its appurtenant structures from public view as much as possible. Native trees and other vegetation shall be retained on site and landscaping installed to achieve this objective.
11. An applicant for the installation of a telecommunication tower shall provide the Township a statement explaining the necessity for such a proposed tower.
12. The owner of any tower installed in the Township shall provide a Certificate of Insurance listing Lincoln Township as an additional insured party.
13. The Township may require the owner of any tower installed in the Township to provide a bond or performance guarantee that will ensure the removal of its tower and all appurtenance structures and equipment if its use shall be discontinued for more than 365 consecutive days.
14. The Township may retain a qualified expert to aid in its review of an applicant's request; the expense of this review shall be borne by the applicant.

**SECTION 5.11 ROAD ACCESS REQUIREMENTS**

- A. Each lot shall have access to a public road or dedicated easement.
- B. A new road or driveway access to an existing primary county or state highway shall be allowed no closer than three hundred fifty (350) feet from another existing or proposed

road or driveway. If the lot and driveway configurations existing prior to the date of adoption of this Ordinance preclude this action, or the Jay of the land is such that meeting this requirement would create an unsafe or non-functional condition, the Zoning Administrator shall approve the location for a new proposed driveway which will meet the required distance as closely as possible. In industrial and commercial areas, service drives shall be used to meet this requirement.

- C. Driveway areas or easements shall be a minimum of thirty-three (33) feet wide.

#### SECTION 5.12 TEMPORARY OUTDOOR EVENT USES

Temporary outdoor event uses may be permitted in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. Any others require a review by the Planning Commission and may require an approved site plan at the Commission's discretion in accordance with Chapter 8.

A land use permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by the event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

#### SECTION 5.13 PERMITS

- A. No construction activity requiring a building or grading permit shall commence until a zoning permit and building or grading permit has been issued.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one (1) year after the date the permit was issued.

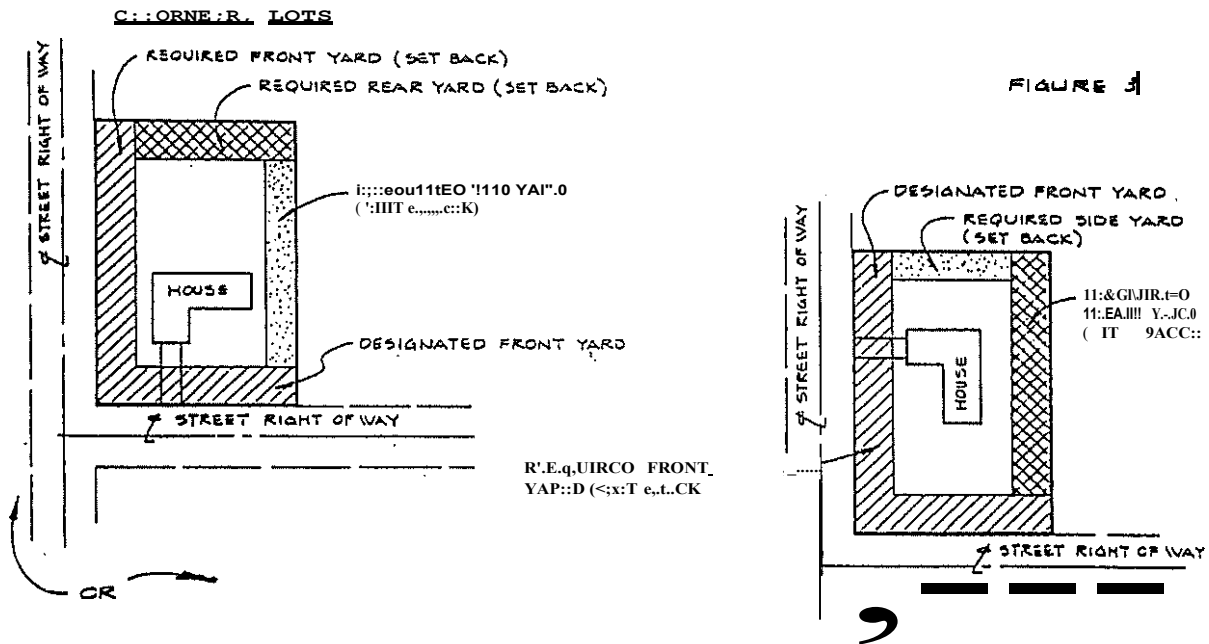
#### SECTION 5.14 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

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 with the requirements of the District Health Department and applicable state agencies and all applicable permits authorizing said facilities shall be obtained. The owner or applicant for any zoning permit shall 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, but in no case should a septic field be closer than ten (10) feet to a lot line.

## SECTION 5.15 CORNER LOTS

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

The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.



## SECTION 5.16 LANDSCAPING, SCREENING, BUFFERS AND FENCING

- A. The intent of this Section is to promote the public health, safety, and general welfare by:
- I. Minimizing the nuisances that new development may cause, including additional noise, air and water pollution, and the destruction of scenic views.
  2. Improving the appearance of off-street parking and other vehicular use areas.
  3. Requiring buffering between incompatible land uses.
  4. Regulating the appearance of property abutting the public rights-of-way.
  5. Protecting and preserving the appearance, character and value of the community and its neighborhoods.
  6. Preventing soil erosion and soil depletion.
  7. Promoting soil water absorption.

Sizes and amounts of landscaping and plant types shall be dependent upon what is already present in the area and landscaping needs of the specific site. Generally, landscaping shall at least equal surrounding landscaping in newer areas and tend toward upgrading older areas. Landscaping needs will be determined by using the standards set forth in this Section, and other applicable sections of this Ordinance, but plantings covering a minimum of twenty (20%) percent of any site shall be used as a guideline.

B. The following standards shall be followed:

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1. Additional landscaping shall be added to the retained natural landscape features to reduce the apparent mass and height of buildings, to visually break expanses of paving, to reduce the visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.
2. Except in urban areas where more exacting conditions may require selection of more specific and hardy species, plant materials shall be used that complement the natural landscape. Minimum required plant material sizes shall be as follows: evergreen trees, six (6) feet in height; deciduous trees, two (2) inch caliper; shrubs, two (2) gallon pot or 18-24" in height and width.
3. Ground cover shall be primarily of living materials.
4. Areas that are intended to be planted shall be provided with a minimum depth of topsoil of four (4) inches and mulched appropriately.
5. All plantings shall be maintained in a vigorous, healthy, and weed-free state. Any dead or diseased plants shall be removed and replaced.

C. The Township may retain a qualified expert to aid in reviewing landscaping requirements. The expense of a review shall be borne by the applicant.

#### SECTION 5.17 PRIVATE ROAD STANDARDS

Landowners installing a private roadway or driveway for more than two (2) dwellings shall meet these standards:

- A. The edge of the travelway or paved portion of the road shall be a minimum of ten (10) feet from the property boundary. The Planning Commission may require a greater distance if surrounding uses indicate a greater distance necessary to separate incompatible uses.
- B. All dead end roads shall terminate in a cul-de-sac or T-shaped turn-around sufficient for emergency vehicles.
- C. Landowners creating private roads shall provide the Township with a recorded affidavit at the time of project approval that the road(s) to be constructed shall never become public roads, unless brought to the Arenac County Road Commission standards and are accepted by the Road Commission, and that this recorded affidavit shall become a deed restriction of all parcels to which the proposed road will provide access.

## **CHAPTER 6 PARKING**

### **SECTION 6.1 INTENT AND PURPOSE**

It is the purpose of these regulations to ensure that adequate parking facilities are provided for and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

### **SECTION 6.2 ADEQUATE OFF-STREET PARKING**

For all uses, adequate off-street parking shall be required. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a county street or an approved private street, service drive, or alley. Street rights-of-way shall not be construed as satisfying the requirements of this Chapter except as allowed by specific districts and uses in this Ordinance. Parking needs shall be reviewed as a part of Development Site Plan Review, Chapter 9.

### **SECTION 6.3 JOINT PARKING**

The use and construction of shared parking is encouraged and allowed when it can be demonstrated that the parking requirements will be adequate.

### **SECTION 6.4 OFF-STREET PARKING AREA CONSTRUCTION**

#### **REQUIREMENTS**

- A. The off-street parking areas shall be surfaced with a durable material that shall be graded to drain and dispose of storm water.
- B. Storm water collection, drainage and retention structures meeting all requirements of the Arenac County Road Commission and the Arenac County Drain Commissioner shall be installed for all off-street parking areas.
- C. Driveways and aisles for any off-street parking area shall be clearly defined meeting the following requirements:
  1. Each driveway lane shall be a minimum of nine (9) feet and a maximum of twenty (20) feet in width per direction. Lanes for entering and exiting traffic shall be defined.
  2. A driveway shall intersect the abutting street at a ninety (90°) degree angle.
  3. Aisles shall be at least eighteen (18) feet wide.
- D. Each parcel shall have no more than one (1) driveway entrance and exit opening to an abutting public thoroughfare for each three hundred fifty (350) feet of frontage, or fraction thereof. Where more than one (1) driveway is allowed because of an existing driveway, it will be as far as possible from the nearest driveway(s), except in high density area. No parking lot driveway shall be located closer than ten (10) feet from a neighboring property line.

- E. 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 directed toward the ground and is not directed toward a public thoroughfare or adjacent properties.
- F. Parking and loading areas in general shall be located beside or behind structures, but in no case closer than fifty (50) feet from any road right-of-way and shall not be located any closer than ten (10) feet from any lot line.
- G. Any parking area larger than ten (10) spaces shall have a visual screen not less than four (4) feet high between the parking area and adjacent property zoned for residential uses.
- H. A zoning permit shall be required for construction of any parking lot.



# CHAPTER 7 SIGNS

## SECTION 7.1 INTENT AND PURPOSE

The intent of this Chapter is to regulate the type, number, physical dimensions, erection and placement of signs in Lincoln Township. The purpose of these regulations is to:

- Promote the public health, safety, and welfare of residents and visitors
- Reduce hazardous distractions to motorists and pedestrians
- Protect commercial districts from visual clutter and ugliness
- Protect property values
- Protect the rural character and natural beauty of the Township

## SECTION 7.2 DEFINITIONS

**Sign** - A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building, structure, or lot, and which directs attention to an object, project, service, activity, person, institution, organization, or business.

**Sign Area** - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign, including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the word, or words, as a whole. For purposes of computing sign area, only one side of a sign shall be used.

**Building Sign** - A sign attached to a building as either a wall sign, projecting sign, awning sign, window or canopy sign. No sign shall be placed above the roof line (refer to Figure 4).

**Directional Sign** - A sign directing vehicular or pedestrian traffic or parking but bearing no advertising matter except for the logo of the business for which the directional signs are associated.

**Freestanding Sign** - A sign supported by one or more uprights, braces or pylons located in or on the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs.

**Illuminated Sign** - Any sign designed to give forth artificial light or designed to reflect any such light given from any source which is intended to cause such light or reflection.

**Outdoor Advertising Structure** - A sign or billboard that may be erected for the purpose of advertising a business or other activity and is not on the same parcel as the business or activity advertised.

**Portable Sign** - Any sign so constructed to be readily moveable from one location to another and not permanently affixed to a building or the ground. Portable signs

**Digital Sign**-A sign that uses technologies such as LCD, LED, and projection to display contents.

Lincoln Township Zoning Ordinance

7- **Definitions: 7.2**

**Outdoor Advertising local directional sign.** A sign that only advertises a local location and gives direction.

## SECTION 7.3 SIGN REGULATIONS

The following regulations shall apply to on-premises signs:

- A. Unless a sign is exempt from permit requirements as specified in Section 7.3.B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign. Outdoor advertising structures require a Special Use Permit in accordance with Chapter 8.
- B. Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance:
  - 1. One (1) temporary construction sign shall be permitted for a construction project, not to exceed thirty-two (32) square feet in area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.
  - 2. On-premises directional signs, not to exceed six (6) square feet in area per sign, shall be permitted as a means of directing traffic to parking, loading, customer service, and related areas.
  - 3. Public signs or notices of Lincoln Township, Arenac County, the State of Michigan, or the United States Government may be erected as deemed necessary and appropriate by the unit of government.
  - 4. Real estate signs not exceeding six (6) square feet of display area per side shall be permitted. These signs must be removed within thirty (30) days of the sale of the property upon which they are placed.
  - 5. One (1) nameplate sign per premises not to exceed six (6) square feet shall be permitted.
  - 6. Garage or yard sale signs may be installed twenty-four (24) hours in advance of sale and shall be removed within twenty-four (24) hours after the sale.
- C. Outdoor advertising structures are permitted in every district, except the Residential District, but only along or adjacent to the following highways US ?J, M 76, I 75, M 61 in accordance with the following conditions:
  - 1. Special use requirements shall be followed (see Chapter 8).
  - 2. Minimum setback from any highway - 100 feet or in line with existing outdoor advertising structures.
  - 3. Minimum spacing between advertising structures 5,280 feet measured along a line parallel to the right-of-way on either side of the highway upon which the structure may be located: only one advertising structure per mile of highway.
  - 4. Maximum sign size - 300 square feet in surface display area per side.
  - 5. Maximum sign height - 50 feet
- D. Any sign not specifically permitted is prohibited. The Zoning Board of Appeals shall have the authority to classify other signs not specifically permitted.

E. General Sign Standards:

1. Illumination, if permitted, shall be by a non-flashing reflective light. Said source of illumination shall be shielded from direct view of adjacent residential properties and vehicles passing on adjacent highways. The source of any illumination shall not be visible beyond the property lines of the parcel upon which the advertising structure is located.
2. All signs shall be subject to the Building and Safety Codes of Arenac County.
3. All signs shall be set back a minimum of ten (10) feet from all lot lines, except where regulated otherwise by this Ordinance.
4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance, provided however, ground mounted signs shall not exceed eight (8) feet in height.
5. Freestanding signs shall have a minimum clearance of eight (8) feet between the ground surface and lowest point of the sign.
6. No signs shall be placed in required clear vision areas.
7. New signs in areas that have many existing signs shall be placed in line with existing signs as much as possible while attempting to adhere to required setbacks.
8. All signs shall be adequately maintained; if not, written notice shall be issued by the Zoning Administrator to the owner of the structure. If disrepair is not corrected within thirty (30) days, said structure shall be removed at the owner's expense.

*Cf.*

F. Sign Size and Height:

1. On-premises freestanding signs shall not exceed forty-eight (48) square feet total face size.
  2. On-premises freestanding signs shall not exceed fourteen (14) feet total in height.
  3. Township commercial establishments are allowed one freestanding sign.
  4. Township commercial establishments are allowed building wall signage for identification and advertisement of goods sold on premises not to exceed ten (10%) percent of one face of the building fronting on the road of access to the building.
  5. Signs for home occupations shall not exceed six (6) square feet.
- G. Temporary signs, a maximum of thirty-two (32) square feet, shall be allowed for special events, subject to Zoning Administrator approval, not to exceed sixty (60) days total in one year.

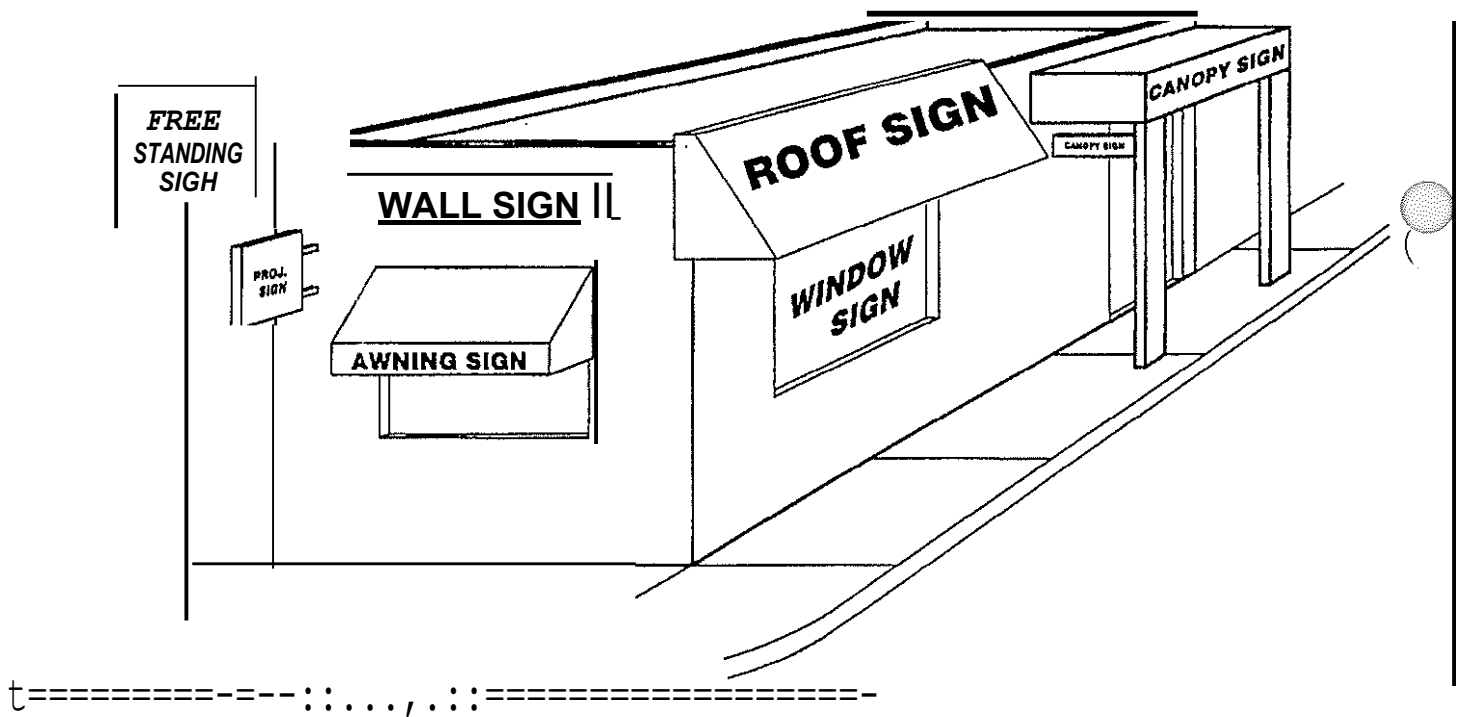
**SECTION 7.4 NON-CONFORMING SIGNS**

A non-conforming sign or sign structure existing and in place as of the date of the enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign existing on the day of enactment of this Chapter SHALL NOT:

- A. Be changed to another non-conforming sign.

- B. Be structurally altered so as to prolong the life of the sign or to change the shape, size, location, type, or design of the sign.
- C. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- D. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEY) of the sign, as determined from its most recent assessed valuation.

Figure 4



## SIGN TYPES

## **CHAPTER 8 SPECIAL USES**

### **SECTION 8.1 INTENT AND PURPOSE**

Rather than attempting to foresee and regulate all the possible land use activities within individual and limited zoning districts, it is the intent of this Ordinance to provide a set of procedures and standards for special uses of land or structures that allows latitude for a land owner or developer, and, at the same time, maintains sound provisions for the protection of the health, safety, and general welfare of Township inhabitants. Such uses may be authorized within certain zoning districts through the issuance of a Special Use Permit as provided in the 1979 amendments to the Township Rural Zoning Act, P.A. 184 of 1943.

### **SECTION 8.2 PRE-EXISTING USE**

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 8.3 REVIEWING AUTHORITY**

All applications for Special Use Permits shall be considered by the Planning Commission, hereafter referred to as the "Commission," and a recommendation made to the Township Board. The Township Board shall have the authority to grant, to deny, or to grant with conditions such Special Use Permits. The Township Board's determination may be appealed to the Zoning Board of Appeals.

### **SECTION 8.4 APPLICATION AND FEE**

An application for a Special Use Permit shall be submitted to the Commission through the Zoning Administrator. The applicant shall provide the Zoning Administrator with seven (7) copies of the application, and seven (7) sets of all required data. Each application shall be made by the owner of record of the property on which the proposed special land use is to exist or be conducted, or by an applicant, if not the owner, with a signed authorization of the property owner, and shall be accompanied by the payment of a fee as set forth in the schedule established by the Township Board to cover the costs of processing the Special Use Permit application.

### **SECTION 8.5 DATA 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 full 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 options on the property, if any;
  3. A detailed description of the proposed special use for which the permit is requested;

4. 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 five hundred (500) feet of the subject parcel; and
7. A written statement relative to the project's effects on existing infrastructure, including but not limited to, traffic, capacity of roads, schools, and existing utilities, and upon the natural environment.

B. A site plan in accordance with Chapter 9 - Development Site Plan Review.

**SECTION 8.6 PROCEDURE UPON RECEIPT OF APPLICATION**

Upon receipt of a Special Use Permit application, which is supported by all the data and fees required above, the application shall be put on the agenda for preliminary consideration at the earliest Commission meeting practicable.

- A. Notice Requirements. Notice that a special use application has been received and will be considered by the Commission and shall meet the following requirements:
  - I. Content. The content of the notice shall:
    - a. Describe the nature of the special land use permit request.
    - b. Indicate the property which is the subject of the Special Use Permit request.
    - c. State when and where the Special Use Permit request will be considered.
    - d. Indicate when and where written comments will be received concerning the request.
    - e. State where and when a copy of the Special Use Permit may be inspected.
  2. Publish Notice. The above notice shall be mailed by first class mail to the following persons:
    - a. The owner of property for which approval is being considered.
    - b. All persons to whom real property is assessed within five hundred (500) feet of the boundary of the property in question.
    - c. The occupants of all structures within five hundred (500) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of structure; except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
  3. An affidavit or notice as to the manner and date of service to all required parties shall be filed with the Commission before the meeting at which the Special Use Permit is considered.

- B. The Planning Commission shall hold a public hearing on the Special Use Pennit request.
- C. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.
- D. Following its review of the request, the Planning Commission shall take one of the following actions:
  - 1. To approve the Special Use Permit ifit is found to satisfy the requirements of this Chapter; send in writing its recommendation to the Township Board;
  - 2. To place conditions on, and then approve, the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
  - 3. To deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

**SECTION 8.7 TOWNSHIP BOARD ACTION**

Upon receiving the Commission's written recommendation on the proposed special use, the Township Board shall schednle deliberations on the application at its next regular meeting. The Township Board may hold another public hearing on the matter if requested or at its discretion. Upon examining the application, the recommendation of the Commission, and any other evidence brought, the Township Board may take one of the following actions:

- 1. Refer the matter back to the Commission for further deliberations whereupon the Commission will re-examine the evidence and information referred to it by the Township Board and resubmit a recommendation to the Township Board.
- 2. To approve the Special Use Permit ifit is found to satisfy the requirements of this Chapter; send in writing its recommendation to the Township Board either
- 3. To place conditions on, and then approve, the Special Use Permit to ensure that it complies with the requirements of this Chapter; or
- 4. To deny the Special Use Permit because it is found that the proposed use fails to satisfy the requirements of this Chapter.

**SECTION 8.8 BASIS FOR DETERMINATION**

Before approval of a Special Use Permit, the Township Board shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be 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 appropriate in appearance with the existing or intended character of the general vicinity as indicated in the Township Master Plan or other policies of the Township.
- B. Not be hazardous or disturbing to existing uses in the same general vicinity and will not have adverse effects on the market value of surrounding property and to the community as a whole.
- C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- D. Not create excessive additional requirements at public cost for public facilities and services.

- E. Not involve uses, activities, processes, materials, and equipment or conditions of operations that will be detrimental to any persons, property, or the general welfare by fumes, glare, noise or odors, or any other harmful effects.
- F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.
- G. Will not directly or indirectly have an adverse effect upon the natural resources of the Township, including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forests, wetlands, wildlife areas.
- H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Arenac County Drainage Commissioner requirements.
- I. Phases of development are 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.
- J. Be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, County Conservation Service, area fire departments, Department of Natural Resources and any other applicable township, county, state and federal statutes.

#### SECTION 8.9 CONDITIONS AND SAFEGUARDS

Additional conditions and safeguards may be imposed by the Commission if reasonable and necessary to protect the natural environment or to conserve natural resources or energy, to ensure compatibility with adjacent uses of land, to promote the use of the land in a socially and economically desirable manner, and to ensure that public services and facilities affected by the proposed use or activity will be capable of accommodating the increased activity. Any conditions so imposed shall meet the following requirements:

- A. To ensure that public services and facilities affected by a proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use of activity;
- B. To protect the natural environment and conserve natural resources and energy; .
- C. To ensure compatibility with adjacent uses of land;
- D. To promote the use of land in a socially and economically desirable manner;
- E. To protect the health, safety, welfare, social and economic well-being of those who will be using the proposed special land use or activity under consideration;
- F. To protect the health, safety, welfare, social and economic well-being of Township residents, and lot owners adjoining the proposed special land use or activity, including, but not limited to, requirements such as screening, or the erection of natural or artificial barriers, or limitations on the time of day during which operations may occur or during which special land use activities may be carried on;
- G. Be necessary to meet the intent and purposes of this Ordinance, and be related to the standards established for the land use activity under consideration, and be necessary to ensure compliance with those standards;



- H. Be necessary to ensure compliance with any part of the application received and approved by the Township Board; and
- I. Be recorded as part of the Special Use Permit.

When requiring conditions for a Special Use Permit, the following findings shall be made and documented as part of the special use review:

1. That such requirements and conditions will mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other harmful effects upon adjoining parcels; and
2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

#### SECTION 8.10 VARIANCES

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

#### SECTION 8.11 GRANT OR DENIAL OF THE SPECIAL USE PERMIT

The Township Board may approve, deny, or approve with conditions, a request for Special Use Permit approval. The decision on a Special Use Permit under consideration shall be incorporated in a statement containing the conclusions which form the basis of the decision and any conditions and safeguards imposed. One (1) copy shall be distributed to each of the following: Zoning Administrator, Township Clerk, and the Commission. Only upon approval by the Township Board may a Special Use Permit be issued by the Zoning Administrator.

#### SECTION 8.12 PERMIT EXPIRATION

A Special Use Permit issued pursuant to the requirements of the Ordinance shall be valid for a period of one (1) year from the date of issuance of said permit. If 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. A Special Use Permit may be renewed for a period of time not to exceed two (2) years.

#### SECTION 8.13 BINDING EFFECT

Any Special Use Permit approved by the Township Board pursuant to the provisions of this Ordinance shall be binding between the parties, and said use shall not be modified, altered, expanded, or otherwise changed, unless the Special Use Permit holder obtains a new or amended Special Land Use Permit in accordance with the procedures of this Chapter. Further, such conditions shall run with the land, and shall be binding on the landowner, his successors, heirs and assigns. If at any time during the existence of a pennitted special land use the land, lot, or

structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Special Use Permit and the permit may be revoked and previously permitted special use activities cease.

#### SECTION 8.14 INSPECTIONS

The Zoning Administrator shall be responsible for the inspection of all conditions imposed by the Special Use Permit and for all improvements required by the approved final site plan. All subgrade improvements, such as utilities, subbase and base installations for streets, drives, and parking lots, and similar improvements shall be inspected by the Zoning Administrator or other appropriate official or individual and approved before covering. It is the responsibility of the applicant to request such necessary inspections at the appropriate times. The Zoning Administrator shall report periodically to the Township Board and Commission on the progress of each Special Use Permit. He shall notify the Township Board and Commission in writing of any failure on the part of the applicant to meet the requirements of the Site Plan and Special Use Permit, and report on steps being taken to ensure compliance. The fees established by the Township Board may include an amount to cover such inspections.

#### SECTION 8.15 FINANCIAL GUARANTEES

In the interest of ensuring compliance with the provisions of this Ordinance, 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 Township Board may require the applicant to:

- A. Deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to: roadways, lighting, utilities, sidewalks, drainage, fences, berms, screens, walls, landscaping, reclamation, and widening strips.
  1. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of any improvements to be made as determined by the applicant and verified by the Township Board.
  2. The performance guarantee shall be deposited with the Township Board at the time of the issuance of the permit authorizing the activity or project. No Special Use Permit may be issued before the receipt of all required performance guarantees by the Township Board.
  3. An approved Special Use Permit shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of issuance of the permit.
  4. In the event the performance guarantee deposited is a cash deposit or certified check and the improvement for which the guarantee is provided will be done over an extended period of time, the Township Board shall rebate to the applicant fifty (50%) percent of the deposited funds when sixty (60%) percent of the required improvements are completed as confirmed by the Township Board, and the remaining fifty (50%) percent of the deposited funds when one hundred (100%)

percent of the required improvements are completed as confirmed by the Township Board. If a request is made by the applicant for a temporary certificate of occupancy without completion of the required improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of this Ordinance and the specifications of the approved site plan.

5. Upon the satisfactory completion of the improvements for which the performance guarantee was required, the Township Board shall return to the applicant the performance guarantee deposited and any interest earned thereon.
6. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period as agreed to in the site plan, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvement through contract or otherwise, including specifically the right to enter upon the subject property to make 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 posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvement exceeds the amount of the performance guarantee deposited. The costs shall be billed to the permit holder and a lien placed against the subject property. If unpaid, the costs shall be collected in the same manner as delinquent taxes or as allowed by law.

#### SECTION 8.16 OTHER SPECIAL USES

Land and structural uses that are not specified in any other section of this Ordinance, but, upon being applied for under the provisions of Chapter 8, may be considered by the Planning Commission and Township Board as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

## **CHAPTER 9 DEVELOPMENT SITE PLAN REVIEW**

### **SECTION 9.1 INTENT AND PURPOSE**

Land development affects the character of the community and its public health, safety, and general welfare. This Chapter provides that all the land uses shall be subject to Development Site Plan review except single-family or duplex dwellings located on a single lot and agricultural uses not subject to a Special Use Permit or as otherwise indicated in this Ordinance.

### **SECTION 9.2 SCOPE**

All land developments, excluding those addressed in Section 9.1 above, 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, shall be reviewed under this Chapter. Land divisions for any purpose other than Planned Developments shall be reviewed under this Chapter. No building or land use permit shall be issued except in accordance with a plan approved under this Chapter.

No person shall undertake any activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith, for which Development Site Plan approval is required by this Ordinance without first obtaining such approval, nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or flood plain permits.

### **SECTION 9.3 APPLICATION AND FEE**

An application for site plan review shall be made by filing the application form, 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 fee shall be returned to the applicant, unless authorized by an action of the Township Board.

### **SECTION 9.4 REVIEWING AUTHORITY**

The Planning Commission, or its qualified designee, shall review development site applications in accordance with the standards presented in this Chapter and Ordinance. The Planning Commission shall review the site plan application and its designee's report, and shall thereafter approve, approve with conditions, or deny the request for Development Site Plan approval.

### **SECTION 9.5 MAJOR AND MINOR DEVELOPMENT PROJECTS DEFINED**

A minor project, for the purposes of this Chapter, is defined as follows:

- A. The remodeling, alterations, or additions to commercial and industrial buildings of less than twenty-five (25%) percent of the square footage of the existing structure.
- B. Improvements to, erection of, or reconstruction of accessory buildings and structures, parking areas, and similar facilities.

- C. Site changes that do not exceed twenty-five (25%) percent of the existing developed site area.

Major projects are all projects not listed above, including, but not limited to, site condominium projects, multi-family apartment project developments, commercial and industrial buildings and additions, alterations or redevelopment of buildings and sites greater than listed above.

#### SECTION 9.6 CONCEPTUAL DEVELOPMENT SITE PLAN REVIEW

The applicant is encouraged to submit a conceptual plan for review by the Planning Commission in order that errors, miscalculations or misconceptions are not incorporated into preliminary plans. This procedure is intended to be informational only and shall not necessarily bear directly upon later reviews. Submissions for this review may consist of all those items listed in Section 9.7 that shall present an adequate overview of the intended project.

#### SECTION 9.7 SITE PLAN REVIEW: REQUIRED INFORMATION

For major projects, Development Site Plan Review shall entail the examination of all the items in Section 9.7 B. For minor projects, the abbreviated review indicated in Section 9.7 A is allowed.

##### A. Required Submittals - Minor Projects

All project applicants shall submit to the Zoning Administrator, the Development Site Plan application provided by the Township and seven (7) copies of the detailed site plan. The detailed site plan shall consist of the following items for review:

1. A site plan, drawn to scale showing the property boundaries, the proposed location of structures and other improvements including, where appropriate, roads, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls.
2. A conceptual landscape plan, including required buffers, existing vegetation, water courses, and other significant site features, and proposed new plantings.
3. Accurate scale drawings of all signs indicating their size, material, color and illumination, if any, and the method of installation of any free-standing sign.
4. Conceptual grading and drainage plans with existing and proposed elevations.
5. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for asking for additional information.
6. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

##### B. Required Submittals - Major Project

The following are among the items to be included on the detailed plan for major projects. Development Site Plans should be accurately drawn at the scale of at least one (1) inch equals one hundred (100) feet showing the site and all land and structure within five

hundred (500) feet of the site. The Planning Commission may require details to be provided in a scale as great as one (1) inch equals twenty (20) feet. If multiple sheets are used, each must be labeled, dated, and the preparer identified.

1. The location of proposed or existing property lines, dimensions, legal descriptions, tax parcel numbers, setback lines, and monument locations.
2. 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.
3. Existing topographic elevations at two-foot intervals, proposed grades and directions of drainage flows.
4. The location and type of existing soils on the site and any certifications of borings.
5. Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within five hundred (500) feet of the project site and proposed erosion control measures.
6. Location of existing and proposed buildings and intended uses thereof.
7. Proposed location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators, and similar equipment, and the method and details of screening, where applicable.
8. Location of existing public roads and streets, that abut or cross the site, plus rights-of-way and private easements of record.
9. Location 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 entryway and entryway sign locations should be separately depicted with elevation views.
10. Location, design, and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof.
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 shut-off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, 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 diameter 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 areas of vegetation 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, 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 Act 245 Program.
22. Identification of any significant or unique site features.
23. Indication of any significant views onto or from the site.
24. The zoning classifications of the site and adjacent properties.
25. North arrow, scale and date of original submittal and all revisions.
26. Such other data as may be required by the Planning Commission to ensure that the purposes of this Chapter are satisfied. The Commission shall state for the record its reasons for requiring such data.
27. The Planning Commission may waive a requirement or requirements listed above if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such actions.

#### SECTION 9.8 SITE PLAN REVIEW PROCEDURE

- A. When all necessary information as provided by this Chapter is submitted to the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission Chairman.
- B. The Chairnan shall place the Site Plan Review on the next 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 in Section 9.9, the Planning Commission shall act either to approve or to deny the request for Development Site Plan approval or to provide information to the applicant by which he may amend his plans to conform to certain stipulated requirements to obtain approval. Upon re-submittal, the Planning Commission shall, within sixty (60) days, inform the applicant of the acceptance or rejection of his plans.
- D. If plans are denied at any time, the Planning Commission shall submit in writing to the applicant the reasons for the action.

#### SECTION 9.9 DEVELOPMENT SITE PLAN REVIEW STANDARDS

The following standards shall be utilized in reviewing all Development Site Plans. These standards are intended to provide guidance for the applicant in the production of plans as well as a method for the review of site plans by Township Officials.

A. Elements of Development Site Plan Review

1. Neighborhood and Community Elements:

a. *Historical Preservation.* Owners of existing structures of historical significance are encouraged to preserve these structures and to renovate them in a manner which preserves that significance and places them appropriately among other like structures. Variances may be granted by the Zoning Board of Appeals when necessary to accomplish this purpose.

b. *Relation of Proposed Buildings to Environment.* Proposed structures shall be related harmoniously to the terrain, the size and shape of a lot, the character of adjoining properties, and the existing buildings in the vicinity that have a visual and functional relationship to the proposed buildings. Such a relationship may include the enclosure of a space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain or other buildings. In all cases, open spaces should be created that are usable.

Other concerns which shall be addressed include microclimate effects created by structure placement, solar exposure and shadow effects, wind and canyon effects, including snow build-up and drifting, and effects upon wetlands, drainage, and habitat systems.

Views and privacy, while dealing with the siting of buildings on individual parcels, shall be provided for on a larger scale by buffering and screening to preserve or create unintrusive site lines wherever possible.

c. *Landscape Preservation.* Except in urbanized areas, the landscape shall be preserved in as natural a state as possible by minimizing tree and soil removal. Areas such as steep slopes, wetlands, and littoral areas, as well as resource areas such as forests, wooded lots and farmlands shall be preserved wherever possible. Any grading changes shall be in keeping with the lay of neighboring lands. Golf courses in particular shall be designed to retain as much of the native terrain and herbage as possible and shall provide wide screening buffers between fairways and the public roadways and other non-compatible uses.

d. *Business Districts.* Design standards may be developed by particular business districts, and if promulgated, will be used to design the elements of structures and site improvements proposed within these districts.

e. *Trafficways and Gateways.* Site plans shall address the effects of new structures or uses upon traffic at or near their sites. A major use may require a traffic study to determine potential effects and possible necessary mitigating actions. Proposed uses at entryways to the community shall provide appropriate design features to welcome travelers to the community.

f. *Security, Fire and Emergency Access.* Setbacks, access paths with adequate lane widths and sufficient areas for fire and emergency vehicle turnarounds, and fire hydrant locations (where applicable) shall be provided per existing statutes and ordinances and in accordance with requirements of the appropriate reviewing authorities. All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practical means to all sides. Where applicable, security shall also



be considered integral to the design. Sufficient illumination and ease of surveillance shall be addressed where appropriate.

2. Engineering Elements:

- a. *Drives, Parking and Circulation.* Parking spaces sufficient only for the intended use shall be allowed. Calculations and justification for spaces provided shall be noted on the plans. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and neighboring properties. Parking areas shall be screened from roadways and from other adjacent uses by landscaped areas or by walls. Sufficient distance between drives and property lines shall be provided.
- b. *Surface Water Drainage.* Attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in such a manner that it will not obstruct the flow of vehicular or pedestrian traffic, and will not puddle or freeze in paved areas. Run-off waters shall be detained or retained to remove sediments and to prevent erosion.
- c. *Utility Service.* New utility service distribution lines shall be underground wherever feasible. Any existing utility installations remaining above ground shall be placed out of sight as much as possible and situated harmoniously in relation to neighboring properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current standards, rules and regulations of those entities having jurisdiction. No project shall be approved without permits or authorization from all appropriate governing agencies.

B. General and Necessary Conditions

All other standards and requirements of this Ordinance and other applicable ordinances, regulations and statutes must be met by development plans presented for review under the provisions of this Chapter. It is specifically intended that a use allowed in the Township will not be or become a nuisance within its neighborhood or to the Township as a whole. The Planning Commission may confer or consult with a qualified expert, e.g., a planner, engineer, or landscape architect, at the applicant's expense, to aid it in evaluating a difficult or complex project.

SECTION 9.10 FINAL DEVELOPMENT SITE PLAN APPROVALS

- A. Complete drawings, plus all certified final drawings and plans which are subject to Development Site Plan review and contain all necessary modifications or additions required, shall be submitted before final Development Site Plan approval is granted.

- B. Conditions of Final Approval. Development Site Plans may be approved subject to the performance of certain conditions, including the provision of required improvements as the Commission shall deem to be reasonable and necessary, or advisable under the circumstances, so that the objectives of the Zoning Ordinance, the Master Plan, and any other Township policies and regulations shall be achieved. A Development Site Plan may be approved conditionally 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 bank 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.
  2. *Provisions of Required Improvements.* Whenever a Development Site Plan approval is granted or modified subject to the conditions that specified improvements be provided by the applicant, such improvements shall be installed by the applicant and approved and accepted by the Zoning Administrator.
  3. *Non-performance of Required Conditions.* In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Township Board shall have the right to enforce a letter of credit or to use the monies being held as security to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to cover the costs incurred by the Township to complete the improvements, including attorney's fees and court costs, if any, the applicant shall be required to pay the Township the amount by which the costs of completing the improvements exceeded the amount of the performance guarantee. These costs shall be collected in the same manner as delinquent taxes or as allowed by law.
  4. *Condition Declared Void.* Whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of conditions of a development review approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions, said Development Site Plan approval shall cease to be valid and all rights or privileges granted thereby shall end.
  5. *Violation of Required Condition or Conditions.* Whenever a Development Site Plan is approved or modified by the Planning Commission subject to a condition or conditions, the use or enjoyment of the Development Site Plan in violation of, or without observance of, any such condition shall constitute a violation of the Zoning Ordinance, and Development Site Plan approval may be revoked.

#### SECTION 9.11 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review Special Use Permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of this Ordinance.

## SECTION 9.12 AMENDMENTS TO APPROVED DEVELOPMENT PLANS

- A. Amendments to an approved Development Site Plan may be made by the Planning Commission upon written request by the landowner. Minor changes to an approved Development Site Plan may be approved by the Zoning Administrator after construction has begun, provided no such change results in any of the following:
1. A significant change in use or character of the development.
  2. An increase in overall coverage of structures.
  3. An increase in the intensity of use.
  4. A reduction in the required open space.
  5. A change that may increase the storm water run-off to adjacent properties.
  6. A reduction in required off-street parking and loading.
  7. A reduction in required pavement widths or utility sizes.
  8. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.
- B. If the Zoning Administrator finds that a proposed amendment to an approved Development Site Plan does not qualify as a minor change, he shall notify the landowner that he must apply for a modification of the Development Site Plan in accordance with the procedures of Section 9.7; or if the developer or landowner has already effected the changes in question, the Zoning Administrator shall immediately notify the permit holder in writing that Development Site Plan approval has been suspended pending approval by the Planning Commission of the proposed amendment. The permit holder's notice shall be delivered personally or by certified mail. The permit holder shall then apply for a modification of the Development Site Plan in accordance with the procedures in Section 9.7 hereof.

## SECTION 9.13 TIME LIMIT FOR APPROVED SITE PLANS

- A. A site plan approval granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall expire.
- B. The Planning Commission may grant one (1) extension of the site plan approval for a one (1) year period upon submittal in writing by the applicant of a request for an extension. The Planning Commission shall grant such an extension 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.

## SECTION 9.14 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals. The appellant shall file a letter with the Zoning Administrator within ten (10) days of the decision of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

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 minutes taken during the Planning Commission's review of the site plan.
3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
4. 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.

In its determination of the appeal, the Zoning Board of Appeals may take any of the following actions:

1. Affirm the decision of the Planning Commission with or without modification.
2. Refer the matter back to the Planning Commission for further consideration, study, or additional documentation. The Zoning Board of Appeals shall inform the Planning Commission of the issues that it believes are in need of further consideration, study, or documentation. Once the Planning Commission 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 of the Planning Commission if the decision is not in accordance with the intent and purpose of this Ordinance.

## **CHAPTER 10 ADMINISTRATION AND ENFORCEMENT**

### **SECTION IO.I ZONING ADMINISTRATOR**

Unless otherwise designated under a specific provision of this Ordinance, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed by the Township Board. The terms, conditions, and rate of compensation shall be determined by the Board. All authority delegated to the Zoning Administrator is granted by the Township Board.

### **SECTION 10.2 LAND USE PERMIT REQUIRED**

Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any restricted use undertaken until a permit has been issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Land Use Permit may be issued. The Land Use Permit shall be non-transferable and shall remain valid for one(!) year from the date of issuance. A Land Use Permit must be obtained prior to the application for a building permit.

### **SECTION I 0.3 APPLICATION FOR LAND USE PERMIT**

All applications for Land Use Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Township Board. The application shall be made up of the following:

- A. A site plan drawn to scale showing 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, and any other items required by this Ordinance to illustrate the intended use and its site; or the site plan approved by the Planning Commission or Zoning Board of Appeals.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.

### **SECTION 10.4 ISSUANCE OF LAND USE PERMIT**

Within ten (10) days of the receipt of the application for Land Use Permit, the Zoning Administrator shall issue a Land Use Permit if it is found that the application is complete and that the proposed building, structure, and/or use is in conformance with the requirements of this Ordinance and all required fees are paid. The Zoning Administrator shall keep a record of all permits issued and report these monthly to the Planning Commission and the Township Board.

### **SECTION 10.5 FAILURE TO OBTAIN PERMIT**

The permit fee shall be doubled upon failure to obtain a permit from the Zoning Administrator before beginning construction.

## SECTION 10.6 DENIAL OF LAND USE PERMIT

Within ten (10) days of the receipt of the application for Land Use Permit, the Zoning Administrator shall deny a Land Use Permit if it is found that the application is not complete or that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance, or the required fees are not paid. The Zoning Administrator shall inform the applicant in writing of the reasons for the denial of the permit. The Zoning Administrator shall keep a record of all permits denied and report these monthly to the Planning Commission and the Township Board.

## SECTION 10.7 REVOCATION OF LAND USE PERMIT

The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit in case of failure or neglect to comply with any provision of this Ordinance or any false statement or misrepresentation made in the application. The revocation or cancellation of the Land Use Permit shall be made in writing and all construction, uses, or other activities allowed by the permit shall cease.

## SECTION 10.8 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this Ordinance may be appealed to the Zoning Board of Appeals. The appeal, along with the appropriate fee, shall be filed with the Township Clerk within ten (10) days of the decision of the Zoning Administrator. The Zoning Board of Appeals shall review the available evidence and make a decision to uphold or reverse the decision of the Zoning Administrator.

## SECTION 10.9 ENFORCEMENT

- A. 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. The Zoning Administrator shall inspect all alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator shall issue within seven (7) days from the date of inspection, a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.
- C. After the order to correct has been issued, the violation shall be corrected within thirty (30) days. If the violation cannot be corrected within 30 days, an application to extend the correction period may be made to the Township Board. Any violation not corrected shall be reported to the Township Board. The Township Board may then initiate legal procedures against the violator.
- D. Any person, firm, or organization that violates or refuses to comply with any provision of this Ordinance or lawful order of the Zoning Administrator, Zoning Board of Appeals, or Township Board issued pursuant to this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, one shall be punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment for not more than ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The Township Board reserves the right to pursue civil remedies (the collection of fees,

injunctive relief, and corrective measures) for certain provisions of this Ordinance in accordance with applicable state statutes.

- E. The Zoning Administrator, the Township Board, and the Zoning Board of Appeals, or any interested party may bring a suit for an injunction, mandamus, abatement or any other appropriate method to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## **CHAPTER 11 ZONING BOARD OF APPEALS**

### **SECTION 11.1 AUTHORIZATION**

There is hereby established a Zoning Board of Appeals, which shall derive its authority from P.A. 184 of 1943, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced, and that substantial justice is done.

### **SECTION 11.2 MEMBERSHIP AND PROCEDURES**

- A. The Township 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 (1) member may be a member of the Township Board, the remaining member(s) 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 shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.
- B. 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 if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall 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 of Zoning Board of Appeals members shall be for three (3) years, except for members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. 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 shall be filled for the remainder of the term.
- D. The total amount allowed such Board of Appeals in one (!) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- E. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose a chairman, and in the chairman's absence, an acting chair.
- F. 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.



- G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.
- H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
- I. 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 must be filed with a court of competent jurisdiction.
- J. A member of the Zoning Board of Appeals shall disqualify oneself from a vote in which the member has a conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct.
- K. The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter.

### SECTION 11.3 VARIANCES

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out.

- A. The Board of Appeals shall ensure that all variances comply with the following:
  - 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 not adversely affect property values in the immediate vicinity or in the Township as a whole.
  - 4. Will relate only to the property for which the application has been submitted.
  - 5. Is not a request that occurs regularly, that could be addressed through an amendment to this Ordinance.
  
- B. The Board of Appeals shall not grant a variance unless at least one (I) of the following is demonstrated:
  - 1. Where there are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant or previous owner after the effective date of this Ordinance.
  - 2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally economic difficulty on its face is not a

- qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
  4. Where such variance is necessary for the preservation of a substantial property right possessed by other properties in the same district.
- C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board last took action on the request unless substantive new evidence is to be presented or new circumstances arise.
- D. No use variances may be granted by the Zoning Board of Appeals.

#### **SECTION 11.4 ADMINISTRATIVE REVIEW**

The Zoning Board of Appeals is authorized to 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 any other entity 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.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

#### **SECTION 11.5 INTERPRETATION AND CLASSIFICATION OF USES**

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance.

- A. The Board shall determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. The Board shall interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, or purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Principal Use or a Conditional Use. The basis for such classification shall be that the activity is consistent and similar to the uses already listed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.

The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission and the public.

## **CHAPTER 12 AMENDMENTS AND REZONING**

### **SECTION 12.1 AUTHORIZATION**

Amendments to this Ordinance may be made as is deemed necessary, and shall be in accordance with P.A. 184 of 1943, as amended.

### **SECTION 12.2 REZONING**

For the purposes of this Chapter 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 Chapter for Amendments.

### **SECTION 12.3 INITIATION OF AMENDMENTS**

Proposals for amendments may be initiated by the Township Board, Planning Commission, or any person or persons having an interest.

### **SECTION 12.4 PROCEDURE**

- A. Each petition by one (1) or more owners or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendations.
- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board and the County Planning Commission.
- C. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Township as specified in Sections 12.4 D and 12.4 E. Said notice shall contain the time, place, date and purpose of the hearing; the name of the applicant; a description of the property to be rezoned and the requested zoning change or, if a text change, an outline of the proposed amendment; and where and when the text of the proposed amendment may be examined.
- D. Notice shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days, and the second not more than eight (8) days before the date of such hearing.
- E. Mailed or delivered notice shall be made in accordance with the following:
  1. To each railroad, electric, gas, pipeline, and telephone company that chooses to register its name and mailing address with the Township for the purpose of

receiving such notice. Said notice shall be made at least twenty (20) days in advance of the hearing.

2. To each owner of property as listed on the most recent tax roll of all real property located within three hundred (300) feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be made at least eight (8) days in advance of the hearing.
  3. To each occupant of all structures within three hundred (300) feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be made at least eight (8) days in advance of the hearing.
  4. To the applicant and owner of the property in question.
- F. Upon receipt of the County Planning Commission's recommendation or expiration of thirty (30) days, the Township Board shall review both the County's and the Planning Commission's recommendations. The Township Board shall adopt or reject the proposed amendment unless one (1) or more of the following occurs:
1. The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request for such a hearing with the Township Clerk. Said request shall be filed in a timely manner. The Planning Commission, or its designated representative, may be requested to attend the hearing. Notice of the hearing shall be published in a newspaper of general circulation within the Township. The notice shall be published not more than fifteen (15) nor less than five (5) days prior to the hearing.
  2. If the Township Board deems advisable any changes or additions to the amendment recommended by the Planning Commission, it shall refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any interested property owner who requests a hearing. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The Township Board shall request the Planning Commission, or its designated representative, to attend the hearing.
- G. Following a hearing or review of the Planning Commission's report, the Township Board by majority vote of its membership may adopt or reject the proposed amendment with or without changes.
- H. If the amendment is adopted and an effective date is not specified, the amendment will take effect thirty (30) days after adoption.
- I. The amendment shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within thirty (30) days of adoption. The notice shall contain:
1. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
  2. The effective date of the amendment; and
  3. The time and place where a copy of the amendment may be examined.

- J. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the notice of the adopted amendment published without a hearing or referring the amendment to any other board or agency provided for in this Ordinance.

# AMENDMENTS

SECTION NUMBER

DESCRIPTION

DATE

LINCOLN TOWNSHIP AMENDMENTS

DESCRIPTION

Section#	Date
5.18 Storing of Inoperative Vehicles. The parking or storing of more than two unlicensed and inoperative automobiles, trucks or other motor vehicles on any public or private property other than a licensed salvage yard for a period of 30 days is prohibited. A vehicle shall be deemed to be "inoperative" if it cannot be started or driven under its own power on public highways or is in such condition as to render it illegal to be operated on the public highways under the provisions of the Motor Vehicle Code of the State of Michigan.	9-12-02
4.5.3 The rear setbacks for garages and pole barns will be twenty feet, fifty feet for residences adjacent to active farmland, and twenty feet for other properties.	10-10-02
5.10B.3a Tower permits will be needed by all additional users.	10-10-02
4.5.3 Change the minimum farm parcel size from ten acres to one acre; change one dwelling unit on one and one half acres to one acre; and change the minimum parcel size from two acres to one acre, with 150 foot frontage.	10-9-03
5.20 Internet businesses are allowed throughout the township. All internet business must be completely enclosed and conducted in a structure and meet all other zoning requirements of the residential district.	10-10-05
12.5 The property on Deep River Rd, Tax code# 006-0-003-300-065-20 which was zoned residential has been zoned commercial.	11-10-06
12.6 The property on the corner of Wheeler Rd. and M-76, Tax code# 006-0-002-200-015-05 which was zoned agricultural has been re-zoned to commercial.	5-10-06
12.7 To comply with the Michigan Zoning Enabling Act P.A. 110, the Township is deleting their old requirements and is referencing the ZEA.	9-13-08
12.4d Notice shall be given in one publication in a newspaper of general circulation in the township, to be printed no less than fifteen (15) days before the date of such hearing.	9-13-08
5.18A General Provisions. Running at large prohibited. It shall be unlawful for any person, firm or corporation owning, possessing or having charge of any dog to allow such dog to be at large at any time in the Township of Lincoln or stray beyond the premises of the owner or keeper. Dogs on leash or accompanied by their owners or custodians having reasonable control there of shall not be deemed to be running at large. B. Frequent barking prohibited. It shall be unlawful for any person, firm or	

corporation to keep or harbor a dog which by reason of frequent or habitual loud barking, yelping or howling shall cause serious annoyance amounting to nuisance to the people of the neighborhood where such dog is kept or to people using the public streets in such neighborhood.

9-11-08

12.8 No. 2011-12, Lincoln Township Ordinance to confirm the establishment of a planning commission with zoning authority.

3-10-11

12.9 The property on the corner of M-61 and Deep River Rd, parcel code# 006-0-010-200-015-02 and parcel# 006-0-010-200-015-05 is re-zoned from industrial to commercial.

6-9-11

12.10 The property on the corner of Irwin Rd. and Old M-10, property tax code# 006-0-014-200-035-10 which was zoned residential and agriculture has been re-zoned to commercial. Effective 7-12-2012

7-12-12



3-13-2014

Amendments to the Lincoln Township Zoning Ordinance

Section 4.6 Residential District

Section 4.6.2 Conditional Uses

Kennels on 5 acre parcels or greater in this district.

Section 4.6.6

Miscellaneous Regulations.

The keeping of horses, ponies and other farm animals is allowed on residential parcels of 5 acres or more within this district. The keeping of horses, ponies and other farm animals is not allowed on smaller residential lots within this district.

Section 4.6.3

The required side setbacks for non-conforming small lots will be 10'.

Effective immediately on 3-13-14

11-10-2016

Amendment# 2016-1

Digital Sign. Chapter 7, Section E, No. 9

- a. If the sign is digital, 1,750 feet spacing is required between the next permitted digital sign on either side of the highway facing the same direction of travel.
- b. The digital sign cannot involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights.
- c. Rate of change for between 2 static messages cannot exceed more than 1 change per 8 seconds, each change is complete in 1 second or less and the sign possesses and utilizes automatic dimming capabilities.
- d. Maximum luminescence level is not more than 0.3 foot candles over ambient light levels.

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5-14-2015

# 2015-2

4.7 Commercial District.

Section 4.7.1

Permitted Principal Uses.

State licensed residential facilities.

7-9-2015

# 2015-3

Chapter 7 Signs

7.2 Definitions

Outdoor advertising local directional sign. A sign that only advertises a local location and gives direction.

Section 7.3 SIGN REGULATIONS

H. Outdoor advertising local directional signs. Permitted in every district, except the Residential District, but only along and adjacent to the following highways, US 23, M 76, 1-75, M 61 in accordance with the following conditions:

1. Special use requirements shall be followed: (See Chapter 8)
2. Minimum setback from any highway-100 feet or in line with existing outdoor advertising structures.
3. Allowed only to advertise and give a direction to a local location.
4. Maximum sign size, 200 sq. ft.
5. Maximum sign height, 16' with 6' ground clearance.

## Lincoln Township Amendments

Chapter 13. Amend the Lincoln Township Ordinance to add Chapter 13, Solar Energy Facilities. August 9, 2021

Section 4.7.2 Add boarding kennels to the Commercial District as a conditional use. April 14, 2022

**LINCOLN TOWNSHIP, ARENAC COUNTY, MICHIGAN**

**ORDINANCE NO. 2021-1**

**ORDINANCE AMENDING TOWNSHIP ZONING ORDINANCE TO ADD CHAPTER 13,  
SOLAR ENERGY FACILITIES**

**THE TOWNSHIP OF LINCOLN ORDAINS:**

Lincoln Township hereby amends the Lincoln Township Zoning Ordinance to add new Chapter 13, Solar Energy Facilities, which shall read as follows:

**SECTION 1: PURPOSES AND OBJECTIVES.**

- A. To preserve the dignity and aesthetic quality of the environment in Lincoln Township.
- B. To preserve the physical integrity of land in close proximity to residential areas.
- C. To preserve and protect the health, welfare, safety and quality of life for the citizens of Lincoln Township.
- D. To protect and enhance the economic viability and interests of the citizens and residents of Lincoln Township who have made substantial financial investments in homes, businesses and industry in Lincoln Township.
- E. To facilitate the construction, installation, and operation of Solar Energy Facilities (SEFS) in the Township of Lincoln in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

**SECTION 2: DEFINITIONS**

**Abandonment:** A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission of the intent to maintain and reinstate the operation of that facility.

**Ancillary Solar Equipment:** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

**Decommissioning plan:** shall mean a document that details the planned shut down or removal of a solar energy facility from operation or usage as further governed by this ordinance.

**Fence:** For purpose of Chapter 13 only, "fence" shall mean a continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of topsoil, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

**Gate:** shall mean a door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

**Improved Area:** shall mean any area containing solar panels, electrical inverters, storage buildings and access roads.

**Opaque Fence:** shall mean a continuous opaque, non-perforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of topsoil, wood, stone, steel or other metal, or any substance of a similar nature and strength which will hide the solar energy facility.

**Residence:** shall mean a building used as a dwelling for one or more families or persons.

**Residential Area:** shall mean an area zoned for residential use.

**Solar Collector Surface:** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

**Solar Energy:** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

**Solar Energy Facility (SEF):** shall mean an energy facility, an area of land, or a structural roof top principally used to convert solar energy to electricity, which includes, but is not limited to,

the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off site.

**Solar Energy System (SES):** shall mean a system {including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

- A. Personal-Scale SES** shall mean a solar energy system that is accessory to the principal use on site. The total surface area of all Solar Collector Surfaces within a Personal-Scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system and not its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
- B. Utility Scale SES** shall mean a solar energy system that meets one or more of the following:
  - 1. Is primarily used for generating electricity for sale and distribution to an authorized public utility.
  - 2. The total surface of all Solar Collector Surfaces exceeds 1,500 square feet.
  - 3. Is not an accessory use or structure.
- C. Building-Mounted SES:** shall mean a solar energy system affixed to a permanent principal or accessory building {i.e. roof or wall).
- D. Ground-Mounted SES:** shall mean a freestanding solar energy system that is not attached to and is separate from any building on the parcel of land on which the solar energy system is located.

### **SECTION 3: GENERAL REQUIREMENTS**

All Solar Energy Systems are subject to the following general requirements:

- A.** All Solar Energy Systems must conform to the provisions of this ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
- B.** Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

#### SECTION 4: STANDARDS FOR PERSONAL-SCALE SES

- A. Personal-Scale Solar Energy Systems:** Personal-Scale Solar Energy Systems shall be permitted by right in all zoning districts, provided such systems conform to applicable County, State, and Federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installations of any Personal Solar Energy Systems.
- B. Roof or Building Mounted Personal-Scale Solar Energy Systems:** Roof or building mounted Personal-Scale Solar Energy Systems shall be considered an accessory used in all zoning districts, subject to the following requirements:
1. No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy Systems is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
  2. No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
  3. No part of a Solar Energy System mounted on a roof shall extend more than two feet above the surface of the roof.
  4. In the event that a roof or building mounted Personal-Scale Solar Energy System has been abandoned, the property owner shall notify the Township and shall remove the system within 12 months from the date of abandonment.
  5. A building permit shall be required for installation of roof or building mounted Personal-Scale Solar Energy Systems.
- C. Ground Mounted Personal Scale Solar Energy Systems.** Ground mounted Personal-Scale Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements.
1. Prior to the installation of a ground mounted Personal-Scale Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
  2. A ground mounted Personal-Scale Solar System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted Personal-Scale Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.



3. A ground mounted Personal-Scale Energy System shall be located in the rear or side yard and shall meet a minimum setback of 20' in both rear and side yards in all zoning districts.
4. All power transmission or other lines, wires or conduits from a ground mounted Personal-Scale Solar System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Personal-Scale Solar System, they must be placed in a secured container or enclosure.
5. There shall be greenbelt screening around any ground mounted Personal-Scale Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. Greenbelts shall use materials, colors, textures, screening and landscaping, that will blend with the natural setting and existing environment. In lieu of planting a greenbelt, an approved decorative fence may be used.
6. No more than 20 % of the total lot area may be covered by a ground mounted Personal-Scale Solar Energy System.
7. In the event that a ground mounted Personal-Scale Solar Energy System has been abandoned, the property owner shall notify the Township and shall remove the system within 12 months from the date of abandonment.
8. A building permit shall be required for installation of a ground mounted Personal-Scale Solar Energy System.

## **SECTION 5: STANDARDS FOR UTILITY-SCALE SES**

Utility-Scale SES shall be permitted by a Special Land Use in Agricultural, Residential and Commercial districts only, subject to the following standards, in addition to any other requirements for special land use approval:

### **A. Setbacks.**

1. Front Yard: Utility-scale solar energy systems shall be set back at least two hundred feet from the road right-of-way line.

2. Each side yard and rear yard setback shall be a minimum of one hundred (100) feet from the property lines in which the system is located.

### **B. Height:** Utility-scale ground-mounted solar energy systems shall conform to the maximum height standards of thirty-five (35) feet.

### **C. Minimum Lot Area:** Minimum lot area for a utility-scale solar energy system shall be twenty (20) acres.

- D. **Lighting:** On-site lighting shall meet the performance standards of the Lincoln Township Zoning Ordinance. Lighting shall be limited to that required for safety and operational purposes, and shall be directed downward and shielded from abutting properties.
- E. **Signage:** Signs shall comply with the requirements described in the Lincoln Township Zoning Ordinance. Further, utility-scale energy system installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system. An information sign shall be posted and maintained at the entrance (s) which lists the name and phone number of the operator.
- F. **Warning Signage:** Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Additionally, a sign shall be posted at the entrance containing the following information: emergency contact, emergency phone number and emergency shutdown procedures. The utility company is responsible to provide Knox Box information to responders.
- G. **Screening:** When a utility-scale solar energy system is adjacent to a residentially-zoned or used lot, front, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professionals to address this issue.
- H. **Landscaping:**
  - 1. **Buffer:** The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

All solar energy facilities shall have a minimum landscape buffer of 15 feet. The buffer shall contain evergreen trees or bushes no more than 8 feet apart and at least 4 foot tall at time of planting. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial, agriculture, or commercial use. A planted buffer will not be required if an approved fence is installed.

- 2. **Maintenance:** Each owner, operator or maintainer of a solar energy facility to which this ordinance applies, and who chooses to use vegetation as defined above with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation

shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height.

3. **Site Clearing:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation. No top soil shall be removed from the construction site. Other items such as lumber, stones, etc. may be removed upon written consent of the Lincoln Township Planning Commission.

## **SECTION 6: ABANDONMENT**

### **Abandonment:**

A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission of the intent to maintain and reinstate the operation of that facility. After 18 months the Planning Commission will determine the SEF abandoned.

- A. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible of such determination and the responsible party or parties must respond within 30 days.
- B. If the responsible party (or parties) fails to respond or fails to provide substantial evidence of the intent to maintain and reinstate operation the Lincoln Township Supervisor or his designee may remove the SEF, sell any removed materials, make use of the funds provided by the financial surety agreement, initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a non-hazardous, pre-development condition.

## **SECTION 7: ANCILLARY SOLAR EQUIPMENT**

Where feasible, ancillary solar equipment shall be located inside the building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

## SECTION 8: APPLICATION REQUIREMENTS

The following items must accompany any request for a Special Land Use Permit, in addition to the requirements set forth in Chapter 8 of the Zoning Ordinance.

- A. Special Land Use Permit Application and appropriate fee must accompany site plan.
- B. **Site Plan**
  - 1. 6 copies of a site plan which conforms to the standards of this Ordinance shall be forwarded to the Lincoln Township Planning Commission and shall identify or depict all of the following:
    - I. Setbacks, designated panel area, location of property lines, buildings and road right of ways.
    - ii. Existing structures on the subject property and properties within a quarter mile of the property.
    - iii. All existing and proposed underground and above ground utilities, servicing the subject parcel whether on or off site, including all collector and distribution cables whether above or below ground.
    - iv. All rights of way, wetlands, wooded areas and public conservation lands, on the subject property and within one quarter mile of the subject property.
    - v. Ingress and egress from the site as proposed during construction and thereafter, indicating
      - a. Proposed road surface and cover.
      - b. Dust control.
      - c. Width and length of access route.
      - d. Road maintenance progress or schedule for proposed land.
  - 2. If a variance is required, the Applicant shall apply for such variance from the Zoning Board of Appeals pursuant to Chapter 11 of the Township Zoning Ordinance.
- C. After initial departmental site plan review, ten copies of the site plan in 18" x 24" format must be provided for the Planning Commission public hearing along with the following:
  - 1. **Product Description:** A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number and size of each panel, angles of orientation, and other related information.
  - 2. **Owner Agreement:** An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

- 3. Proof of agreement or Application to Purchase Electricity:** A copy of the application with the utility company that will be purchasing electricity from the proposed site.
- 4. Documents to Provide Proof of Easement with Adjacent Property Owners:** Evidence of covenants, easements or similar documentation with abutting property owners to allow the crossing of their property with any part of the solar energy system, to include but not limited to output lines.
- 5. Proof of appropriate required storage battery storage:** If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all county, state and federal requirements regulating battery storage have been met.
- 6. Drainage Disposal Plan:** Plan for drainage disposal and erosion control approved by the Arenac County Soil Erosion Department.
- 7. Airport Notification Proof:** Proof of delivery of notification and date of delivery to all affected airports, of location and product glare test results or proof of non-applicability.
- 8. Airport Location Map:** A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted.
- 9. Environmental Impact Documentation:** The applicant shall have a third party qualified professional, approved by the Planning Commission and the applicant, to conduct an analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities, and adjacent agricultural uses such as rotating crops. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts. In addition a water usage or impact study shall be completed that will indicate any impact that the solar farm will have on township water resources.
- 10. Avian and Wildlife Impact Documentation:** The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- 11. Operation and Maintenance Plan:** A plan for the operation and maintenance of the utility-scale system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation.
- 12. Emergency Plan:** The owner/operator of the solar energy system shall cooperate with local emergency services in developing an emergency response plan to be submitted with the application. All means of shutting down the solar energy system shall be clearly marked. The owner/operator shall identify a responsible person for public inquires throughout the life of the installation. An information sign shall be posted and maintained at the entrances(s) which lists the name and phone number of the operator.
- 13. Financial Surety:** The applicant for a utility-scale solar energy system shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event Lincoln Township must remove the installation, in an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facility. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the solar facility. The amount shall include a mechanism for calculating and providing increased removal costs due to inflation. The decommissioning cost shall be made to Lincoln Township, by cash, surety bond or irrevocable letter of credit before any construction commences.
- 14. Escrow.** An escrow account shall be set up when the applicant applies for special land use approval for utility-scale solar energy system. The monetary amount shall be in accordance with a fee schedule set by the Township Board. These funds may be used to cover all reasonable costs and expenses associated with the special use approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and engineering firm, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and

unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

**15. Water Acquisition, Reclamation and Disposal Plan:** The applicant for a utility-scale solar energy system must provide a plan for the acquisition, reclamation and disposal of any water at the SES site, used in the operation of this system.

**16. Complete Decommissioning Plan:** The decommissioning plan shall have the following information provided for removal within 9 months.

- i. All solar collectors and components, above-ground improvements and outside storage.
- ii. Foundations, pads, and underground electrical wires.
- iii. Hazardous material from the property and dispose of in accordance with federal and state laws.
- iv. Restore the site to original condition by filling with top soil and restoring to a state compatible with the surrounding vegetation.

**D. Other Required Documents:** Any other relevant studies, reports, certificates and approval as may be reasonably required by Lincoln Township.

Prior to final inspection, proof that a permit issued by the State in accordance with applicable provisions of the General Statutes has been issued.

No new solar facility shall be constructed until the site plan has been approved by the Lincoln Township Planning Commission and a special land use permit has been issued.

**E. Subsequent Owners and Operators:** All subsequent owners or operators of a Utility-Scale Solar Energy System are subject to all requirements of this Ordinance, including but not limited to the financial surety and escrow requirements of this section.

## **SECTION 9: LIABILITY INSURANCE**

The owner or operator of the Solar Energy System shall maintain a current general liability policy covering bodily injury and property damage and name Lincoln Township as an additional insured with limits of at least two million dollars (\$2,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate with a deductible of no more than five thousand dollars (\$5,000). Proof of current policy coverage must be provided to the Township annually.

## **SECTION 10: ENFORCEMENT AND PENALTIES**

Any person, firm or corporation violating any of the provisions of the ordinance shall be subject to the following penalties:

- A. Violations of this Ordinance shall be a misdemeanor punishable upon conviction by a fine not to exceed \$ 500.00 or by imprisonment in the county jail for a period not to exceed 90 days, or by both fine and imprisonment. Each day the violation exists shall constitute a separate offense. In addition to the foregoing penalties, anyone convicted of violating this Ordinance under this provision shall be assessed the costs of prosecuting, including attorney fees, incurred by the Township.
- B. This ordinance shall be enforced by such person or persons as may be designated by the Lincoln Township Board of Trustees.
- C. The Township shall have the right to petition the Arenac County Circuit Court for an injunction prohibiting the continuing violation of this Ordinance. Anyone found to be in violation of this Ordinance and enjoined by said Court will be assessed the cost and attorney fees incurred by the Township in seeking said injunction.

## **SECTION 11: VALIDITY AND SEVERABILITY**

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its opinion to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

## **SECTION 12: REPEALER CLAUSE**

Any ordinances, resolutions or parts of ordinances or resolutions, in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **SECTION 13: EFFECTIVE DATE**

This ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation as provided by law.



A roll call vote on the foregoing ordinance was taken and was as follows:

**AYE:** Supervisor, K(€ • Treasurer/5\_11;\_- Clerk, A-1tE  
Trustee.c.\V( Trustee 14-;/(G.

**Nay:** 1

**ABSTAIN:** 0

*if- /*

This ordinance was duly adopted at 6:15 P.M. by the Township of Lincoln, County of Arenac, State of Michigan at a meeting held on the 12th day of August, 2021 and ordered to be published in the manner prescribed by law.

#### CLERK'S CERTIFICATE

I, Ardith Demo, being duly qualified and acting Clerk of the Township of Lincoln, County of Arenac, State of Michigan, do hereby certify that (1) the foregoing is a true and complete copy of an ordinance duly adopted by the Township Board at a regular meeting held on August 12, 2021 at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and the public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267), Public Acts of Michigan, 1976, as amended, and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Dated: August 9, 2021



Ardith Demo  
Lincoln Township Clerk

Lincoln Township Board

WHEREAS, the Township of Lincoln desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) in order to protect the public health, safety, and welfare; and,

WHEREAS, the Lincoln Township Board determines that it is desirable to immediately forbid the sale or dispensation of medical marihuana until an amendment to the Zoning Ordinance (Chapter 12, Sec, 12.3) becomes effective and a permitting process is established: and,

WHEREAS. The Tovmship of Lincoln may enact ordina."lces immediately necessary for public health, peace, or safety to be adopted at the session at which first introduced, (l 2.H) and the Lincoln Township Board determines that the following ordinance satisfies that requirement.

RESOLVES, that the following ordinance-to impose a moratorium on the issuance of permits or licenses for the sale or dispensation of medical marihuana for a period of six (6) months from the effective date of this ordinance, or until the effective date cifthe adoption of proper text amendments to the Zoning Ordinance (Chapter 12) and any necessary licensing requirements, whichever occurs first---is hereby adopted and given immediate effect.

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS OR LICENSES FOR THE SALE OR DISPENSATION OF MEDICAL MARIHUANA WITHIN THE TOWNSHIP OF LINCOLN.

ORDINANCE NO. *i ;:/\_ //;).O)f- I*

THE PEOPLE OF THE TOWNSHIP OF LINCOLN DO ORDAIN:

Section I. Findings. The Township Board of Lincoln has determined that:

1. The provisions with the Lincoln Township Ordinance that was adopted ori December 13, 2001 and that these zoning regulations have not kept pace with recent statewide legislation.
2. It is within the rights of the Township of Lincoln to establish reasonable regulations to control the sale and dispensation of medical marihuana in order to protect the public health; safety, and welfare.
3. A moratorium should be imposed upon the issuance of any and all permits or licenses for the sale r dispensation of medical marihuana for six (6) months or until an amendment of the Zoning Ordinance and other applicable codes, whichever occurs first.

Section 2. That there be and hereby is imposed for a period of six (6) months from the effective date of this ordinance a moratorium upon the issuance of any and all permits or licenses for the sale or dispensation of medical marihuana with the Township of Lincoln.

Section 3. The moratorium imposed by this ordinance shall expire the earlier of six (6) months from its effective date or the effective date of an amendment to the Zoning Ordinance- Chapter 12 of the Lincoln Township Ordinance and /or other applicable codes as deemed necessary.

Carried by a roll call voif! Yeas: JJ./I / Nays: \_ ·-&- \_

Motion made by &u \_\_\_\_\_ and supported by lu Jlt...

Moved that the o mmediate effect pursuani to Chapter 12 of the Lincoln Township Ordinance.

Adopted: /.l.:e.c.. //, J.vi'-j Yeas: ...+tt' Nays: ...&-

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**TOWNSHIP OF LINCOLN  
ARENAC COUNTY, STANDISH, MICHIGAN**

**RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES  
AUTHORIZED BY PA 281 OF 2016  
10122017-1  
DATED: October 12, 2017**

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that "[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility"; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that "[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations..."; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of Lincoln Township, Arenac County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

1. Lincoln Township, Arenac County, Michigan (Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a **"marihuana facility shall not operate in the Township"**; and
3. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and
4. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety compliance facility in the Township as evidence that the same shall not be allowed in the Township; and
5. All resolutions in conflict herewith are repealed; and
6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

This RESOLUTION was offered by Board member Demo, supported by Board member Bell at a meeting on October 12, 2017. The members of the Township Board voted as follows:  
Hertzberg Yes Demo Yes Bell Yes Ruzala Yes Walter Yes

The TOWNSHIP SUPERVISOR declared the RESOLUTION duly adopted.

Ardith Demo, Township Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Lincoln Township Board held on\_ October12, 2017 ; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

*Ar-dith De-mo, Clerk*

Ardith Demo, Clerk  
Township of Lincoln  
Arenac County, Michigan

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TOWNSHIP OF LINCOLN

STATE OF MICHIGAN

06132019-2  
ORDINANCE NUMBER

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE  
TOWNSHIP OF LINCOLN

The Township of Lincoln ordains:

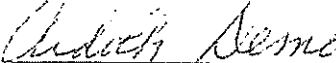
Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the Township of Lincoln elects to prohibit marihuana establishments within its boundaries.

This Ordinance shall become effective on June 13, 2019

The Ordinance was duly enacted at the Regular Meeting of the Lincoln Township Board held on:

First Reading: May 9, 2019

Second Reading: June 13, 2019

  
Ardith Demo, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Board of Directors of the Township of Lincoln, Arenac County, State of Mithigan, at a regular meeting held on the 9<sup>th</sup> day of May, 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and the minutes of said meeting were kept and will be or have been, made available as required by said Act.

  
Ardith Demo, Clerk