

Henrietta Township

Zoning Ordinance

Revised through September 2024

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HENRIETTA TOWNSHIP ZONING ORDINANCE

Approved:

An Ordinance to establish zoning districts and provisions governing the unincorporated portions of Henrietta Township, Jackson County, Michigan, in accordance with the provisions of Act 110 of 2006, MCL 125.3101 as amended.

THE TOWNSHIP BOARD FOR THE TOWNSHIP OF HENRIETTA, COUNTY OF JACKSON, AND STATE OF MICHIGAN, ORDAINS:

ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006 to provide for the establishment, regulation, and administration of zoning districts in the unincorporated portions of the Township of Henrietta, Jackson County, Michigan, of such areas and location as are deemed best suited to carry out the objectives of the Township of Henrietta, within which districts the proper use of land and natural resources is encouraged and regulated, and the improper use of land and waste of natural resources prohibited; and within which districts the use of buildings, structures and land for agriculture, recreation, residence, industry, trade or other specified uses are encouraged, regulated or prohibited; and within which districts provisions are made to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine minimum size of yards, courts and open spaces; to regulate and limit the density of population; to regulate and to determine minimum sanitary, safety and protective measures; and to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures throughout each district; and to provide for administering of this Ordinance; and to provide for conflicts in other ordinances or regulations; and to provide penalties for violations; and to provide for the collection of fees for land use permits; and to provide for appeals; and to provide for repeal of ordinances in conflict herewith; and to provide for any other matters authorized by the above mentioned "Michigan Zoning Enabling Act".

ARTICLE I  
GENERAL PROVISIONS

SECTION 100 – TITLE

This Ordinance shall be known and cited as the Henrietta Township Zoning Ordinance.

SECTION 101 – PURPOSE

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of land and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazards to life and property; to prevent public nuisances; to establish the location and size of, and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads and streets; to provide safe traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

SECTION 102 – SCOPE

Except as hereinafter provided, no land shall be used and no existing building, structure, including tents and mobile homes, premises or part thereof and no new building, including tents, mobile homes, premises or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered or used for purpose other than in conformity with the provisions of this Ordinance.

SECTION 103 – NONCONFORMING USE OF LAND, BUILDINGS OR STRUCTURES

1. At the discretion of the owner and except as otherwise provided in this Ordinance, the lawful use of any parcel of land, building or structure existing at the time of enactment of this Ordinance, although such use does not conform with the provision hereof, may be continued.
2. The nonconforming use of any parcel of land, building, or structure shall not be changed to any other nonconforming use.
3. Whenever the nonconforming use of any parcel of land, building or structure has been changed to a conforming use, the use shall not thereafter be reverted to any nonconforming use.
4. If the nonconforming use of any parcel of land, building or structure is discontinued through vacancy, lack of operations or other use for a continuous period of twelve (12) months or more, then any future use of such building, structure or parcel of land shall conform to the provisions of this Ordinance.



**SECTION 104 – REPAIR, IMPROVEMENT AND COMPLETION OF NONCONFORMING BUILDING AND STRUCTURES**

Nothing in this Ordinance shall prevent such repairs and re-enforcement of any nonconforming building or structure existing on the effective date of this Ordinance as may be necessary to secure or ensure continued advantageous use of such building or structure.

Subsection 1. A lakefront property dwelling that cannot meet the minimum forty (40) foot setback from the ordinary high-water mark for an accessory deck, or similar structure shall adhere to the following as identified in Table 1 of this section.

- A. A dwelling\* less than forty (40) feet from the ordinary high-water mark may use up to twenty-five (25%) percent of the total distance from the front of the dwelling to the ordinary high water mark.

40 feet	equals	10 feet
35 feet	equals	8.75 feet
30 feet	equals	7.5 feet
25 feet	equals	6.25 feet
20 feet	equals	5 feet

- B. Projections of a deck, or similar structure, into the required lakefront yard setback shall be permeable in construction, open, unenclosed, without impervious covers, (except where railing or other elements are required by the building code).
- C. All lakefront property within the forty (40) foot lakefront setback shall require a building permit for a deck, or similar structure.
- D. No accessory deck, or similar structure(s) shall be permitted within fifteen (15) feet of the ordinary high water mark.
- E. Space beneath the deck or similar structure may not be occupied.
- F. No additional or new accessory building(s) will be allowed within the lakefront setback.

\*A nonconforming dwelling, or “lot of record” “grandfathered” prior to the reenactment of this ordinance.

**SECTION 105 – RESTORATION AND USES OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES**

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and resumption of use of any nonconforming building or structure damaged by fire, collapse, acts of God, or acts of the public enemy following the effective date of this Ordinance, wherein the expense of such reconstruction, repair or restoration does not exceed original footprint of the building’s or structure’s pre-catastrophe total square footage, and that such construction, repair or restoration is completed within one year following the granting of the Building Permit for such reconstruction, repair or restoration as required by this Ordinance and that resumption of uses takes place within thirty (30) days after the Certificate of Compliance has been issued.

**SECTION 106 – EXTENSION OF ANY NONCONFORMING USE**

The extension of any nonconforming use in any existing building or structure or any additions to or alterations of any existing building or structure for the purpose of extending such nonconforming use and the extension of a nonconforming use throughout a given lot or parcel of land existing as such unit and on public record as such unit, prior to the effective date of this Ordinance may be granted by the Board of Appeals, after a public notice of the proposed addition or extension is given in a newspaper of general circulation in the Township. Expense of such publication shall be the obligation of the Applicant for the extension of the nonconforming use and shall be paid by said Applicant at the time of the filing of the application. If, addition, alteration or extension of such nonconforming use conflicts with the provisions of

Section 101 of this Ordinance or is injurious to the neighborhood wherein situated, then permissions for such addition, alteration or extension shall be denied.

#### SECTION 106.1 – SUBSTITUTION OF ANY NONCONFORMING USE

A nonconforming use may be substituted for another nonconforming use subject to Planning Commission recommendation in accordance with the following standards:

- a. Such use is equally or more compatible with the district in which the existing nonconforming use is located.
- b. The use does not adversely impact the public health, safety, and welfare.
- c. No structural alterations are required to accommodate the substituted change.
- d. Any nonconforming land use which is a listed conditional use in the respective district shall be subject to planning commission recommendation and may require conditions to accomplish the purpose of the Zoning Ordinance

#### SECTION 107 – DISTRICT BOUNDARY CHANGES

When District Boundaries shall hereafter be changed, any nonconforming use may be continued but subject to all provisions of this Ordinance.

#### SECTION 108 – PUBLIC UTILITIES

The erection, alteration and maintenance of public buildings and structures and of power, communication, supply, disposal, distribution and similar public utility systems, including accessories essential therewith, as authorized by law, shall be permitted in every Zoning District. It is the intent to exempt such buildings, structures and systems from the application of this Ordinance when not in conflict with the provisions of Section 101. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities may be erected.

#### SECTION 109 – HEIGHT OF BULDINGS

No dwelling, buildings or structures or parts thereof, except radio towers, television towers and farm silos for personal use, shall be hereafter erected, altered or moved on any land or premises in these Districts which shall exceed a height of two and one half (2 ½) stories or thirty five (35) feet from the ground level, except as provided in “AG-1” Agricultural, “C-1” Commercial and “I-1” Industrial Districts.

#### SECTION 110 – BUILDINGS FOOTINGS AND TEMPORARY FARM STRUCTURES

No building or structure other than temporary farm structures shall be erected, altered or moved upon any organic soil area or upon other unregulated wetlands unless such land has been drained sufficiently to reduce the water table below any health hazard, and subsoil conditions be such as to provide a solid foundation. Drainage, dredging or filling of any wetland is subject to state and federal controls and regulations.

#### SECTION 111 – USES EXCLUDED

No land shall be used for the storage, treatment or disposal of toxic materials, sewage, garbage, or offal. The sale, storage, dismantling or demolition of machinery or vehicles, or sale, storage or collection of scrap metal, junk, vehicles, machinery, bottles, batteries, rags or similar materials commonly known as “second hand” or “junk” yards shall be allowed only in districts where permitted as a use by-right or as a conditional use.

#### SECTION 112 – FUTURE SUBDIVISIONS-CONDOMINIUMS

1. Any subdivisions made after the effective date of this Ordinance and approved by the Township Board, and which is legally recorded as required by law, shall be virtue of such approval become a part of the “R-1” or “R-2” Residential District as determined by the Township Board provided that any subdivisions with the land area of 10 or more acres shall provide a recreational area, the area of which shall be determined by the Township Board.
2. Condominiums and all proposals to divide property other than according to the Subdivision Control Act require site plan approval be the Henrietta Township Planning Commission and the Henrietta Township Board. And further, Site Condominiums shall comply with this Ordinance and the normal zoning regulations, engineering standards and assurance of proper maintenance of common areas. See ARTICLE XII (Condominium Approval).

The final Site Condominium approval would be based upon approval from all necessary county and state agencies and submittal of a detailed design.

#### SECTION 113 – AREA NOT TO BE REDUCED

No parcel of land shall be reduced in size so that the same thereby becomes less than the required minimum prescribed by this Ordinance.

#### SECTION 114 – EFFECTIVE DATE

The effective date of this Ordinance shall be April 11, 1990.

#### SECTION 115 – MOBILE HOME PLACEMENT

No person shall place, cause to be placed, or authorize to be place for more than twenty-four hours any mobile home, whether occupied, or with intent to occupy the same except in a licensed Mobile Home Park, mobile home subdivision, or as otherwise permitted by this Ordinance.

#### SECTION 115.1 – AGE LIMITATION

- a. Prior to the placement of any mobile home, as defined, that is sited outside of a mobile park, the date of manufacture or completed construction must not ne older than *ten (10) years* of age within the current year.
- b. The dwelling shall compare aesthetically to site-built housing in the area, and comply with the national manufactured housing construction and safety standards act of 1974, and other State and Local standards.
- c. Exception, if a mobile home is replacing an older existing mobile home (by at least one calendar year). A swap-out will be allowed after age has been verified that it is newer than the current one and has been inspected by a State licensed inspector and a copy of inspection is provided.

#### SECTION 116 – TEMPORARY OCCUPANY OF MOBILE HOMES

No temporary occupancy of mobile homes will be permitted, except hardship temporary occupancy of mobile homes may be permitted by action of the Township Board.

#### SECTION 116.1 – TEMPORARY OCCUPANCY DURING CONSTRUCTION

A “hardship” temporary permit for occupancy of a mobile home for up to one hundred eighty (180) days while a dwelling house is being constructed on the same premises, provided that an approved water supply and an approved sewage disposal system are installed prior to such occupancy. The Zoning Administrator or designated Township staff may grant renewals of the permit for an additional one hundred eighty (180) days or less, if construction is progressing on the dwelling house.

## SECTION 117 – ACCESS TO PUBLIC STREETS

1. In any Residential District, Commercial District, and Industrial District, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.
2. In any Agricultural District, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public or private easement of access to a public street.
3. A private road which serves more than one dwelling unit, or more than one commercial or industrial activity shall be constructed to the standards set forth in the Jackson County Road Commission Plat Policy.  
See Henrietta Township Ordinance No. 16 for requirements.

## SECTION 118 – QUARRIES

The removal of soil, sand, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entranceway from a public road to said lot for each five hundred (500) feet of front lot line.
2. Removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset unless specific hours of operation are established in the Conditional Use Permit issued for such removal.
3. On said lot, no digging or excavating shall take place closer than one hundred (100) feet to any lot line, or greater distance as may be required by prevailing conditions.
4. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet to any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads nuisance caused by wind-borne dust. No oil or petroleum products shall be used.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
7. Such removal, processing, or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any Residential Zoning District, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top

edge of any slope.

10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The operator shall file with the Planning Commission and the Zoning Administrator a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
12. The operator shall file with the Township of Henrietta a performance bond or performance guarantee, payable to the Township of Henrietta and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Henrietta Township Board. The bond shall be released upon written certification of the Zoning Administrator or engineer hired by the Township Board that the restoration is complete and in compliance with the restoration plan.

#### SECTION 119 – HOME OCCUPATION

The regulation of home occupation/home business as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of the residential districts, in terms of use and appearance to be changed by the occurrence of non-residential activities.

- a. Home occupations/home business shall be conducted solely by persons residing at the residence and allowing one (1) outside employee.
- b. There shall be no exterior storage of materials or equipment.
- c. No alteration to the exterior of the residential dwelling, accessory buildings or yard that alters the residential character of the premises is permissible.
- d. No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor, or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in voltages off the premises shall be prohibited.
- e. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area by reason of unsanitary conditions, fire hazards, chemical substances, hazardous waste, or the like, involved on or resulting from such home occupation.
- f. The conduct of the home occupations shall not violate any of the township, county, state or other applicable laws or regulations.
- g. No article shall be sold on the premises except that which is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- h. Traffic generated by a home occupation shall not be greater in volume than that of a normal residential neighborhood generates. Parking for the home occupation shall be met off the street.
- i. Visits by customers shall be limited to the hours of 8 am to 8 pm.

- j. Signs indicating a home occupation/home business are for demarcation only and limited to four (4) square feet, shaded light of 100 watts or less, and placed thirty five (35) feet from the centerline of the road, or on the setback line when such line is less than thirty five (35) feet from the road centerline. Any proposed home occupation/home business sign plans must be submitted with the permit application.
- k. Use of a garage and/or accessory building is permitted but use is limited to six hundred (600) square feet of the building. Use of a residence is limited to twenty percent (20%) or three hundred (300) square feet of floor space in the dwelling unit.
- l. Any application for a home occupation permit shall be in writing and subject to the approval of the Zoning Administrator. Such approved application shall be forwarded to the Planning Commission and kept on file in the Township Offices. The Zoning Administrator will issue a onetime home occupation permit with applicable fee set forth by the Henrietta Township Board.
- m. Neighborhood complaints and/or non-compliance with all requirements and/or expansions to the home occupation shall be considered an amendment to the original permit, will result in referring a home occupation to be reviewed in accordance with the procedure and standards set forth in Article XI Conditional Uses. Subject to review and approval by the township Board, upon a review and recommendation by the Planning Commission.**

SECTION 120 – MEDICAL MARIJUANA HOME OCCUPATIONS ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF HENRIETTA TOWNSHIP, TO ADD A NEW SECTION 120 ENTITLED MEDICAL MARIHUANA HOME OCCUPATIONS; TO PROVIDE FOR THE LICENSING AND REGULATION AND RELATED USES AND ACTIVITIES ASSOCIATED WITH MEDICAL MARIHUANA; TO ADDRESS THE NEGATIVE SECONDARY EFFECTS ASSOCIATED WITH MEDICAL MARIHUANA BY PROVIDING FOR ADDITIONAL MISCELLANEOUS REGULATIONS; AND TO ALLOW INSPECTIONS.

Section 120 - 1 Purposes and Intent

It is the purpose and intent of this Section to minimize the negative secondary effects associated with Medical Marihuana Home Occupations, and thereby promote the health, safety, and general welfare of the owners and qualifying patients of Medical Marihuana Home Occupations and the citizens and residents of the Township, through licensing and regulating Medical Marihuana Home Occupations.

It is not the intent of this Section to prohibit any use or activity guaranteed protection by the Michigan Medical Marihuana Act, but to enact regulations which address the possible adverse secondary effects of facilities used for the cultivation, sale or dispensation of medical marihuana; to ensure that such facilities are not covertly used for unlawful purposes not authorized by the Michigan Medical Marihuana Act; and to ensure that these types of facilities do not create or cause adverse effects that might contribute to the blighting or downgrading of the surrounding area.

A primary goal of regulating these uses is to prevent a concentration of the uses in any one area of the Township; to minimize or even prevent the possible adverse secondary effects of such uses; to ensure the integrity of the Township’s residential areas; and to protect the integrity of places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this Section shall be construed as permitting a violation of any State or Federal law.

Section 120-2 Definitions:

The following definitions shall apply in the interpretation and enforcement of this Section, unless otherwise specifically stated.

A. Michigan Medical Marihuana Act (MMMA): Michigan Medical Marihuana Act (MCL 333.26421 et seq.) as may be amended, legislation to allow under state law the medical use of marihuana. The MMMA is supplemented by administrative rules promulgated by the Michigan Department of Community Health (MDCH), (R333.101 et seq).

The MMMA defines the following specific categories of people:

1. Primary Caregiver – A primary caregiver is an individual, as defined by MMMA MCL333.26423, and is authorized by and registered through the MDCH to grow and distribute medical marihuana to qualified patients. The primary caregiver must have a valid registry card.

Cultivation of Marihuana by a Primary Caregiver as defined in MCL 333.26423 shall be permitted in Agricultural (AG) Zoning District in single family detached dwellings which are owned or rented and occupied by the Primary Caregiver for their residential use or his/her Qualifying Patients, for their residential use, to whom they are connected through registration with the Michigan Department of Licensing and Regulatory Affairs.

2. Qualifying Patient – A qualifying patient is an individual, as defined by MMMA MCL 333.26423, that has been diagnosed by a licensed physician, as defined by the MMMA, as having a medical condition alleviated by the use of medical marihuana, and who is registered through the MDCH to grow and/or consume medical marihuana. The qualifying patient must have a valid registry card. Cultivation of marihuana by a Qualifying Patient as defined in MCL 333.26423 shall be permitted only in single family detached dwellings which are owned or rented and occupied by the Qualifying Patient for their residential use.

B. Medical Marihuana Home Occupation: A medical marihuana home occupation is an accessory use to a dwelling unit used by not more than one (1) registered primary caregiver for the purposes of the growing and dispensing of medical marihuana outside the privacy of a personal dwelling for up to five (5) qualifying patients (as well as the caregiver if he or she is also a qualifying patient), but where there is no consumption of marihuana on the premises except by the Qualified Patient who resides at the home.

C. Medical Marihuana Home Use: A medical marihuana home use is a single family detached dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their own dwelling, and/or where a registered primary caregiver, serving not more than one (1) qualifying patient who resides with the primary caregiver, grows or distributes medical marihuana for the qualifying patient in the privacy of the primary caregiver's own dwelling, and is allowed as a use by right wherever dwellings are permitted.

D. Other Definitions: Words and phrases used in this Section shall have the same meanings as set forth in the Michigan Medical Marihuana Act, and the regulations adopted under the Michigan Medical Marihuana Act by the State of Michigan Department of Community Health, or any similar or successor agency.

#### Section 120-3 Prohibition

It shall be a violation of this Section for any person to operate or cause to be operated a Medical Marihuana Home Occupation in the Township without a valid license issued pursuant to the provisions of this Section.

#### Section 120-4 Location Requirements

A. A Medical Marihuana Home Occupation is limited to single family detached dwellings in the Agricultural (AG) District.

B. A Medical Marihuana Home Occupation shall not be located or operated within one (100) hundred feet of any public roadway.

C. A Medical Marihuana Home Occupation shall not be located or operated within three (300) feet of any property line.

D. A Medical Marihuana Home Occupation shall not be located or operated within one (1,000) thousand feet of any of the following existing land uses:

1. Another Medical Marihuana Home Occupation (this requirement may be waived upon a determination by the Township Board that a second Medical Marihuana Home Occupation would not contribute to blighting or an excessive concentration of such uses);

2. A church, synagogue, mosque or other place of religious worship, or a public park or community center, playground, library, or municipal facility, or a licensed day care facility (see PA 110 of 2006), or a public or private school (recognizing drug-free school zones), including all other schools that have different name references but serve students of the same age.

The measurement of the above-stated isolation distance requirement shall be made by extending a straight line from the property line of the Medical Marihuana Home Occupation to the nearest property line occupied by any of the land uses stated in this Section.

#### Section 120-5 Applicant's Information

- A. The applicant shall submit proof that he or she is at least 21 years of age.
- B. The applicant shall submit a floor plan to scale of the premises showing the following:
1. The location of the entry, showing areas of the premise to which any patron is permitted access for any purpose, excluding restrooms;
  2. Location of all wquipment and fixtures used for the home occupation;
  3. Identification of any portion of the premises in which patrons will not be permitted;
  4. Identification of the use of each room or other area of the premises; and
  5. Identification of any areas that will be used for the cultivation of marihuana, and the total square footage that will be used for this purpose.
- C. The applicant shall submit a current certificate and straight-line drawing, prepared within 30 days prior to the application, legibly depicting the property lines and the structures of the proposed home occupation, showing a circle extending three (300) feet depicting neighboring property within, and one thousand (1,000) feet from the property line of the property on which the Medical Marihuana Home Occupation will be located, and depicting the property line of any church, synagogue, mosque, other place of religious worship, park, playground, school, licensed day care facility, library, or municipal facility.
- D. The applicant shall submit proof that the proposed operator of the Medical Marihuana Home Occupation has been issued a state registry identification card, to serve as a registered primary caregiver. Not more than one (1) registered primary caregiver from a dwelling unit shall be permitted to service qualifying patients.
- E. The applicant shall submit proof of ownership or legal possession of the dwelling and, if the applicant does not own the dwelling, the notarized signature(s) of all owner(s) on the application indicating that the owner(s) support issuance of a license for the property.
- F. Medical Marihuana Home Occupation activities may not occur in or at an apartment building, multi-family residential building or similar housing or development but, rather may occur only within a detached lawful single-family residential dwelling unit.

#### Section 120-6 License Application

- A. All applicants for a Medical Marihuana Home Occupation license shall sign and file an application for the license with the Township Clerk's Office. The applicant shall be named in each application.
- B. The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with the law and applicable codes by the building inspector. A certificate of occupancy issued pursuant to this article does not eliminate the need for the applicant to obtain other licenses and permits (i.e. building, mechanical, electrical, plumbing, etc.) required for the operation of a medical marihuana home occupation.
- C. Applications for a license, whether original or renewal, must be made to the Township Clerk's Office by the primary caregiver of the Medical Marihuana Home Occupation. The primary caregiver shall be required to give the following information on the application:
1. The application shall state the telephone number of the Medical Marihuana Home Occupation.



2. The application shall state the address and legal description of the real property on which the Medical Marihuana Home Occupation is to be located.
3. The application shall state whether the applicant had a previous Medical Marihuana Home Occupation license under this Chapter, or a Medical Marihuana Home Occupation or business from another city, village, township or county. The application shall further state if any previous license was denied, suspended or revoked; the name and location of the Medical Marihuana Home Occupation or business for which the license was denied, suspended or revoked; and the date of the denial, suspension or revocation.
4. The application shall state whether the applicant holds any other licenses under this Chapter or other similar Medical Marihuana Home Occupation or business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business or home occupation.
5. The application shall state the applicant's driver's license number, social security number, or federally issued tax identification number.

D. The application shall be accompanied by the following:

1. Payment of the application and license fee, as established by resolution of the Township Board;
2. Satisfactory proof that the applicant meets the requirements of this Chapter and the Michigan Medical Marihuana Act;
3. Documentation identifying the owner(s) of the real property on which the Medical Marihuana Occupation is to be situated; and

E. The application shall contain a statement under oath that:

1. The applicant has personal knowledge of the information contained in the application and that the information in the application and furnished with the application is true;
2. The applicant has read this Section.

#### Section 120-7 Operation Requirements

A Medical Marihuana Home Occupation must comply with the following operation requirements:

- A. Age Requirement Regulations. No persons under the age of 18 shall be permitted in the area of a dwelling used for a Medical Marihuana Home Occupation at any time, unless the person is a registered qualifying patient and is accompanied by a parent or legal guardian.
- B. Hours of Operation. Hours of operation of a Medical Marihuana Home Occupation shall be limited to 8:00 AM to 8:00 PM.
- C. Inspection. During regular hours of operation the owner of the dwelling or operator of the Medical Marihuana Home Occupation shall permit all representatives of the Township, County and the State of Michigan to inspect the premises of the Medical Marihuana Home Occupation for the purpose of determining compliance with this Section and other applicable laws.
- D. Exterior Structural Requirements. All Medical Marihuana Home Occupations shall comply with the following exterior structural requirements.
  1. All Home Occupations must be clearly incidental and subordinate to its use for residential purposes.
  2. The merchandise or activities of the Medical Marihuana Home Occupation shall not be visible from any point outside the dwelling.

3. The exterior portion of a Medical Marihuana Home Occupation shall not utilize flashing lights, or any words, signage, lettering, photographs, silhouettes, drawings, flags, or pictorial representations of any kind.

4. Fences shall be a type that does not obstruct vision of the street or highway.

E. Interior Structural Requirements.

1. Any interior space used for the cultivation of marihuana shall have a gross floor area not greater than twenty five (25%) percent to support the cultivation of not more than seventy two (72) individual marihuana plants, and shall be located in a separate locked room, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient. It shall not be accessible to the general public.

2. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 PM and 7:00 AM shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.

3. The interior premises shall be equipped with locks and other 24-hour security devices, sufficient in nature and scope to deter and detect unlawful access and/or theft of marihuana from the premises.

F. Standards of Conduct. The following standards of conduct shall be adhered to on the premises of the Medical Marihuana Home Occupation;

1. The owner of the dwelling or operator of the Medical Marihuana Home Occupation shall not allow the illegal possession, use, or sale of alcohol or controlled substances on the premises.

2. The owner of the dwelling or operator of the Medical Marihuana Home Occupation shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalk, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.

3. All activity of the Medical Marihuana Home Occupation, including but not limited to the legal cultivation, dispensing and sale of medical marihuana, shall be performed indoors.

4. Smoking or consumption of Medical Marihuana shall not be allowed on any portion of the site of the Medical Marihuana Home Occupation by anyone other than the primary caregiver, and then only if in accordance with the Michigan Medical Marihuana Act.

5. A Medical Marihuana Home Occupation shall be operated in compliance with any applicable rules promulgated by the Michigan Department of Community Health or the applicable State licensing agency.

6. Qualifying patients, and their primary caregivers, may be subject to prosecution under federal and state laws relating to the possession and distribution of controlled substances, and Henrietta Township accepts no legal liability in connection with the approval and operation of the Medical Marihuana Home Occupation and /or Medical Marihuana Home Use.

7. There is no authorization for marihuana-related stores, dispensaries, cooperatives, provisioning centers, safety compliance facilities, or other non-profit or for profit businesses that may market to a wide customer base, that do not meet the regulations set by this Section for a Medical Marihuana Home Occupation or registered medical marihuana primary caregiver (see Michigan Attorney General Opinion #7259 of 2011).

Section 120-8 Disallowance of a Medical Marihuana Home Occupation

The Township shall not allow a Medical Marihuana Home Occupation to operate if any of the following are true:

A. An applicant is under 21 years of age.

B. An applicant is overdue in payment to the Township of fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a Medical Marihuana Home Occupation.

C. The premises to be used for the Medical Marihuana Home Occupation have not been approved by the building inspector as being in compliance with applicable building codes, laws and ordinances.

D. The applicant has operated a Medical Marihuana Home Occupation or business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.

E. The application fee has not been paid.

F. The application for the proposed Medical Marihuana Home Occupation is in violation of or is not in compliance with any of the provisions of this Section.

G. The applicant has ever been convicted of a felony involving illegal drugs.

#### Section 120-9 Term of License

All licenses issued pursuant to this Section shall be for a term of one year. The term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated as if they were filed January 1 of that year and shall terminate on December 31 of the same year, and no proration of fees shall be permitted. Renewal or amendment(s) of license or certificate of registration shall be submitted in the same manner, no later than thirty (30) days before expiration date.

#### Section 120-10 Revocation of License

The Township Board shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The Township Board shall also revoke a license if it determines that any of the following has occurred:

A. Any condition exists that would warrant disapproval of a license as set forth in this Section;

B. The Medical Marihuana Home Occupation operator has engaged or has allowed others to engage in acts of misconduct on the licensed premises in violation of any Township ordinance or the laws of the State of Michigan or of the United States, when the operator knew or should have known such acts were taking place; which include but are not limited to having more than twelve (12) plants per patient, two and one half (2 ½) ounces, or dispensing to anyone other than one of their five registered patients;

C. Repeated disturbances of the public peace have occurred within the Medical Marihuana Home Occupation or upon any parking areas, sidewalks, access ways or grounds of the Medical Marihuana Home Occupation;

D. Visible change(s) to the outside appearance of the primary caregiver's or qualifying patient's residence or other visible evidence of the conduct of the medical marihuana operation occurring inside the dwelling. Increased traffic, fire and safety hazards, noise, dirt, odor, gas, glare, fumes, vibration or other nuisance elements are prohibited;

E. When energy use, heat generation odor, and noise resulting from growth of marihuana exceeds levels reasonably attributable to residential uses adversely impact the health and safety risks of any neighboring property to the Medical Marihuana Home Occupation dwelling. In the course of making that determination the zoning administrator, or his or her designee, may find it necessary to order inspection by appropriate inspector(s) with applicable inspection fees.

When the Township Board revokes a license, the revocation shall continue for one year. The licensee shall not be issued a license under this Chapter for one year from the date revocation became effective. If, subsequent to revocation, the Township Board finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

#### Section 120-11 Transfer of License

Any license granted under this Section shall be non-transferable. A licensee shall not transfer any license to another individual or business, nor shall a licensee operate a Medical Marihuana Home Occupation under the authority of a license at any place other than the address designated in the application for the license.

#### Section 120-12 Controlled Substance Penalty

Except as authorized by State law; it shall be unlawful for any person to use or possess marihuana. A person who violates applicable laws and this ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, at the discretion of the Court. Nothing in this Ordinance hereby adopted shall be construed to affect any just or legal right or remedy of any chapter, nor shall any just or legal right or remedy of any chapter be lost, impaired or affected by this Ordinance.

#### Section 120-13 Severability

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

#### Section 120-14 Repeal and Effective Date

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Adopted May 11, 2016 Effective June 6, 2016

### **SECTION 121-CARGO CONTAINERS AND PORTABLE STORAGE CONTAINERS**

**Intent.** A cargo container is a non-traditional industrial designed storage structure that may be considered an “eyesore” (detracts from the aesthetic compatibility of adjacent land uses<sup>1</sup>). Screening this accessory use from roadways and adjacent residential property may be required in the site plan.

**A. Cargo Containers.** Cargo containers are permitted as an accessory use incidental to an existing dwelling or structure, on lots of five (5) acres or more in the Agricultural, Commercial, and Industrial zoning districts subject to the requirements of this Section. Cargo containers placed on the property for storage purposes upon issuance of a site plan review and applicable permit from the Zoning Administrator or designated township official. The following regulations apply to all cargo container use:

1. Well-maintained cargo containers shall not be located in the front yard. The setback shall be located twenty (20) feet or more from the rear lot line, and setback twenty (20) feet or more from the side lot lines. Height maximum shall be ten (10) feet. Other applicable regulations within the district may apply.
2. Cargo containers shall be located in the rear yard with the exception that cargo containers may be allowed in the side yard but not exceed the frontline of the structure or building. No accessory structure shall be, located in, or on any utility, or private road easement, or functional septic tank drainfield.
3. A secured solid foundation as required by the Michigan Building Code for permanent storage use.
4. Cargo containers shall not be used to store hazardous materials, as defined by the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1 et seq.
5. No cargo container shall be placed in a location that may cause hazardous conditions or constitute a threat to public safety.
6. Any structural modifications of a cargo container shall be certified by a structural engineer.

7. No cargo container may be used as living quarters.

8. Cargo containers may not be placed on a vacant lot unless the lot is associated with an approved building construction project.

**B. Portable Storage Containers.** Portable storage containers are permitted as a temporary use in all zoning districts upon issuance of a site plan review and applicable temporary permit from the Zoning Administrator, or designated township official, and shall adhere to the same restrictions found under “A. Cargo Containers”. Exception: driveway placement allowed, with the following restrictions:

**Time Limits:**

a. Portable storage containers shall be removed from the property within 180 calendar days from the date of initial placement. Property owners are allowed one additional period of up to 180 days.

b. Portable storage containers associated with an approved building construction project shall be permitted to remain on-site until the earlier occurrence of approval of the project's final building inspection or the expiration of the building permit.

**C. Referral to Planning Commission.** At any time after receipt of an application for a cargo container or portable storage container pursuant to this Section, the Zoning Administrator or designated Township official may elect to refer the application for review and approval by the Planning Commission at no additional cost to the applicant.

**D. Section Validity and Severability.** If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance. Section

**E. Repeal.** All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**F. Effective Date.** This Ordinance takes effect seven days after publication as provided by law.

Footnote 1. Michigan Zoning Enabling Act 110 of 2006

ARTICLE II  
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 200 – CONSTRUCTION OF LANGUAGE

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

1. The particular shall control the general.
2. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular.

SECTION 201 – DEFINITIONS

Certain words used in this Ordinance are defined below. The words defined in Article II shall, for all purposes of this Ordinance and all Ordinances amending or supplementing this Ordinance, have the meanings herein specified. Words not herein defined shall have the meaning customarily assigned to them.

201.1 – ACCEPTED ANIMAL WASTE MANAGEMENT PRACTICES

Methods through which animal waste are handled, stored or utilized in an environmentally accepted manner so that pollutants generated by animal feeding operations and discharged to the waters of the state are reduced to levels compatible with established water quality objectives.

#### 201.2 – ACCESSORY BUILDING OR STRUCTURE

A supplemental building or structure on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

#### 201.3 – ACCESSORY USE

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

#### 201.3A – ADAPTIVE REUSE

The development of a new use for an older building or for a building originally designed for a special or specific purpose.

#### 201.4 – AGRICULTURE

Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock and poultry husbandry.

#### 201.5 – ALLEY

An easement open to public travel, intended for secondary access to premises; for the purpose of this Ordinance shall not be less than twenty (20) feet wide but not more than thirty-three (33) feet wide.

#### 201.6 – ALTER

Any change in the location or use of a building or structure, and/or any change in the construction, or the structural member of a building or structure such as bearing walls, columns, posts, beams, girders and similar components.

#### 201.7 – ANIMAL FEEDING OPERATIONS

- a. A lot or facility where the following conditions are met”
  1. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of 45 days or more, in any 12 month period, and
  2. A sustained ground cover (crops, vegetation, forage growth or post harvest residues) cannot be maintained during the normal growing season over that portion of the lot or facility where the animals are housed or confined.
- b. Two or more animal feeding operations are deemed to be a single animal feeding operation if they are under common ownership and adjacent to each other or if they share a common area or system for waste disposal.
- c. A new animal feeding operation means:
  1. An animal feeding operation proposed for construction, or
  2. An expansion, enlargement, alteration or substantial change in operation of an existing animal

feeding operation.

#### 201.8 – ANIMAL UNIT

A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in an animal feeding operation where one animal unit is equivalent to:

- 1 (one) beef or slaughter cattle
- .7 (seven-tenths) mature dairy cattle (whether milked or dry cows)
- 2.5 (two and five-tenths) swine each weighing 55 pounds or more
- .5 (five-tenths) horses
- 10 (ten) sheep, lamb, or goats
- 55 (fifty-five) turkeys
- 100 (one hundred) laying hens or broilers (if the facility has a continuous overflow watering system)
- 30 (thirty) laying hens or broilers (if the facility has a liquid manure handling system)
- 5 (five) ducks.

#### 201.9 – ANIMAL WASTE

Manure's, bedding, flush waters or other byproducts of commercial agriculture.

#### 201.10 – BASEMENT AND CELLAR

1. A basement is that portion of a building between floor and ceiling, which is less than fifty (50) percent below finished grade. When fifty (50) percent or more of the space in a basement is used for a habitable room, it shall be counted as a story.
2. A cellar is that portion of a building between floor and ceiling which is more than fifty (50) percent below the finished grade.

#### 201.11 – BLOCK

The property abutting the side of a street and lying between the two nearest intersecting streets or between the nearest such street and railroad right-of-way, unsubdivided acreage, sewer or live stream; or between any of the foregoing and any other barrier to the continuity of a development.

#### 201.12 – BOARDING HOUSE OR ROOMING HOUSE

A dwelling where meals and/or lodging are provided for compensation to persons by pre-arrangement for definite periods of time.

#### 201.13 – BUILDING

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals or chattels.

#### 201.14 – BUILDING HEIGHT

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

#### 201.15 – BUILDING LINE

A line defining the minimum front, side and rear yard requirements outside of which no building or structure shall be located except as otherwise permitted herein.

201.16 – BUILDING SETBACK LINE

A line defining the minimum front, side and rear yard requirements outside of which no building or structure shall be located except as otherwise permitted herein.

201.17 – CABIN

Any one story building or structure which is maintained, offered or used for overnight sleeping quarters, or for temporary occupancy by transients.

201.18 – CABIN COURT

Any site, lot, field, tract or parcel of land on which two or more cabins are located.

201.19 – CLINIC

Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

201.20 – CLUB

An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not the general public.

201.21 – COMMERCIAL AGRICULTURE

The use of land and/or structure for the growing and/or production of farm products for income.

201.22 – CONDITIONAL USE

A use which is subject to review and recommended by the Planning Commission. A conditional use may be allowed only when there is a specific provision in the Ordinance.

201.23 – CONDOMINIUM

Condominium is another form of property ownership in which living units are owned individually but other associated lands (limited and general commons) are owned jointly.

201.24 – CONDOMINIUM ACT

Act 59 of 1978, as amended.

201.25 – CONDOMINIUM LOT

The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

201.26 – CONDOMINIUM UNIT

The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

201.27 – CULL DE SAC



A short minor street with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicular turn-around.

201.28 – DEAD END STREET

A street with only one end open to vehicular traffic and not provided with a vehicular turn-around at the other end.

201.29 – DECK

A permanent structure without a roof attached or unattached to a dwelling.

201.30 – DISTRICT

A part or parts of the unincorporated area of Henrietta Township for which the zoning regulations are prescribed.

201.31 – DRIVE-IN ESTABLISHMENTS

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

201.32 – DWELLING UNIT

One or more rooms with independent cooking facilities designed as a unit for residence by only one family.

201.33 – DWELLING – SINGLE-FAMILY

A detached residence designed or occupied by one family only with housekeeping and cooking facilities, and complying with the following standards:

1. The dwelling shall contain a minimum of seven hundred twenty (720) square feet of living area.
2. The dwelling shall have a minimum width of twenty (20) feet along any exterior side elevation of the principle living area, exclusive of porches not a part of the main living area.
3. The dwelling shall have a minimum floor to ceiling height of seven and one-half (7.5) feet.
4. The dwelling shall be connected to a public sewer and public water supply or to such private facilities as are approved by the Jackson County Health Department.
5. The dwelling shall comply in all respects with the Henrietta Township Building Code.
6. The dwelling shall comply in all respects with applicable Township and State Plumbing, Electrical, Energy and Fire Codes and Regulations and other applicable Ordinances.
7. The dwelling shall be firmly attached to a solid foundation constructed on the site in accordance with the Henrietta Township Building Code. In the case of manufactured housing,

no exposed wheels, temporary towing mechanisms, undercarriage, or chassis shall be permitted. No storage shall be allowed in any crawl space which is not a standard basement.

8. The dwelling shall contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, which space shall be equal to not less than 15% of the interior living area of the dwelling.
9. The dwelling shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes with a roof overhang of not less than six (6) inches, not less than two (2) exterior doors with one being in either the rear or side of the home, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
10. The dwelling shall have a stone, brick, block, concrete, or wood foundation coextensive with the perimeter of the structure
11. The foregoing standards shall not apply to a mobile home located in a licensed Mobile Home Park of a licensed Mobile Home Subdivision except to the extent required by State Law or otherwise specifically required in the ordinances of Henrietta Township.

#### 201.34 – DWELLING – TWO-FAMILY

A building other than a mobile home, designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

#### 201.35 – DWELLING – MULTIPLE

A building other than a mobile home designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each

#### 201.36 – EASEMENT

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

#### 201.37 – ERECTED

Includes built, constructed, re-constructed, moved upon, or any physical operations on the land required for the building; excavations, fill drainage, and the like, shall be considered a part of erection.

#### 201.38 – ESSENTIAL SERVICES

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

#### 201.39 – EXISTING BUILDING

An existing building is a building existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the date of this Ordinance.

#### 201.40 – FAMILY

One person or a group of two or more persons living together, and interrelated by bonds of consanguinity, marriage, or legal adoption, occupying a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

#### 201.41 – FARM

A farm is real property used for commercial agriculture comprising at least five (5) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

#### 201.42 – FARM ANIMALS

Domestic livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur bearing animals, including but not limited to mink. All other animals, fowl, and reptile are to be considered exotic species and require conditional use permit.

#### 201.43 – FARM BUILDING

Any building or accessory structure on a farm other than a farm dwelling.

#### 201.44 – FARM OPERATION

Any condition or activity which occurs on a farm in connection with the commercial production of farm products, including, but not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

#### 201.45 – FARM PRODUCTS

Those plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock including feeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees; aviaries, equine, and other similar products; or any other product which incorporates the use of food, feed, fiber, or fur.

#### 201.46 – FENCE

An artificially constructed barrier of wood, metal, stone or any other materials erected for the enclosure of yard areas.

#### 201.47 – FILLING

The depositing or dumping of any matter into or onto the ground except for common household gardening and general lawn care materials.

#### 201.48 – FIRST FLOOR LEVEL

The area above the basement or cellar, when a dwelling has or is intended to have a basement or cellar, or the area above the grade level when dwelling does not have or is not intended to have a basement or cellar.

#### 201.49 – GARAGE – ATTACHED

A garage which is attached to, and a part of, a principal residential structure. Said garage and attachment shall include walls and a roof consistent with the principal structure.

#### 201.50 – GARAGE – PRIVATE

A building used only for the housing or storage of not more than three (3) motor driven vehicles.

#### 201.51 – GARAGE – PUBLIC

Any building or premises used for housing or care of more than three (3) motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

#### 201.52 – AUTOMOBILE SERVICES

A “gasoline filling station” is a space, structure, or building for the retail sale or supply of motor fuels, lubricants, air, water, and other customary facilities for the installation of such commodities in or on such motor vehicles, but not including special facilities for painting or bodywork.

#### 201.53 – GRADE

A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

#### 201.54 – GREENBELT

A greenbelt as included in the Ordinance shall mean and eight (8) foot wide open space in which a solid planting strip is installed composed of trees or shrubs spaced not more than twenty (20) feet apart and not less than one (1) row of shrubs, spaced not more than five (5) feet or more in height after one (1) full growing season after planting, and which shall be planted and maintained in a healthy growing condition by either occupant or owner of the property.

#### 201.55 – HIGH DENSITY ANIMAL FEEDING OPERATIONS

An animal feeding operation that houses or confines farm animals whose numbers total 250 or more animal units.

#### 201.56 – HIGHWAY

Any public thoroughfare in the Henrietta Township road system, including Federal, State and County roads.

#### 201.57 – HOME OCCUPATION

A gainful occupation conducted by members of the family, only within its place of residence, provided that the space used is incidental to residential use, and that no article is sold or offered for sale, except such as is produced by such home occupation, and provided further, that there is no public display of such articles.

#### 201.58 – HOTEL

A building where lodging with or without meals is furnished to transient or resident guests for compensation and containing more than four (4) sleeping rooms, and having no cooking facilities in any individual lodging, but wherein a restaurant may or may not be located.

#### 201.59 – INDUSTRIAL PROCESSING

Industrial processing or manufacturing is the production of articles from raw or prepared materials by giving the same new forms and qualities, whether by hand labor or machine.

201.60 – INDUSTRIAL ZONE

An area of land in which industrial processing or manufacturing is carried on.

201.61 – JUNK

For the purpose of this Ordinance, the term junk shall mean any motor vehicles, machinery, appliances, products or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated or unused.

201.62 – JUNK YARD

A structure or parcel of land where junk, waste, discard, salvage, or similar non-toxic materials such as old iron or other metal, wood, lumbar, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

201.63 – KENNEL

The land or structure where five (5) or more cats or dogs are boarded for profit.

201.64 – LOT

The piece or parcel of land required by this Ordinance for occupancy or intended occupancy be a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces, and having its principal frontage upon a public highway. A lot may or may not be a lot of existing record.

201.65 – LOT DEPTH

The mean horizontal distance from the front lot line to the rear lot line.

201.66 – LOT, DOUBLE FRONTAGE

An interior lot having frontages on two parallel or approximately parallel streets as distinguished from a corner lot.

201.67 – LOT LINES

The property lines bounding the lot as defined herein;

1. Front Lot Line – The part of the lot line which coincides with the street right-of-way line.
2. Rear Lot Line – The lot line which is opposite and most distant from the front lot line of the lot.
3. Side Lot Line – Any lot line, not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot of lots is an interior side lot line.

201.68 – LOT OF RECORD

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

201.69 – LOT – WATERFRONT

A lot which abuts, adjoins or is contiguous to a private or public body of water or live streams.

201.70 – MASTER DEED

The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

201.71 – MINERAL SOIL

Mineral soil is a soil composed of essentially mineral matter, such as orthoclase, oligoclase, augit, etc., with fifteen (15) percent or less of decayed or decaying organic matter. Mineral soil placed over organic soil which has a thickness of four (4) inches or more shall not be considered mineral soil.

201.71A – MIXED-USE DEVELOPMENT

The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing, retail, public, storage sheds or entertainment, in a compact urban form.

201.72 – MOBILE HOME

A detached portable residential dwelling unit with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling with suitable foundation and shall be connected to existing utilities. The mobile home or prefabricated unit shall be attached to a permanent foundation for public safety reasons. A travel trailer is not to be considered a mobile home.

201.73 – MOBILE HOME PARKS

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots.

201.74 – MOBILE HOME SUBDIVISION

A legally platted residential subdivision accommodating mobile homes.

201.75 – NON-CONFORMING STRUCTURE

A structure conflicting with the provisions of this Ordinance.

201.76 – NON-CONFORMING USE

The use of a structure or land conflicting with the provisions of this Ordinance.

201.77 – NURSERY SCHOOL, DAY NURSERY, OR CHILD CARE CENTER

A duly licensed establishment wherein three (3) or more children, not related by bonds of foster ship to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

201.78 – OFF-STREET PARKING LOT

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

201.79 – ORGANIC SOIL

Organic soil is any soil the solid part of which is predominately organic matter.

201.80 – PARCEL OF LAND

A parcel of land is an area of land recorded as a single unit in the Jackson County Register of Deeds office.

201.81 – PLANNING COMMISSION

The Township Planning Commission of the Township of Henrietta, Jackson County.

201.82 – PORCH

A covered entrance to a building, commonly enclosed in part, projecting out from the main wall and having a separate roof.

201.83 – PREMISES

The term premises shall mean any dwelling, structure, or land where human beings reside, are employed or congregate.

201.84 – PRINCIPLE USE

The main use to which the premises are devoted and the main purpose for which the premises exist.

201.85 – PUBLIC NUISANCE

The term public nuisance shall mean disturbances to adjoining property owners because of: smoke, noise, dust and debris, and odor.

201.86 – PUBLIC, PAROCHIAL AND PRIVATE SCHOOLS

Institution offering courses in general education, not operated for profit.

201.87 – PUBLIC UTILITY

Any person, firm, corporation, municipal organization, or board, duly authorized to furnish and furnishing under State or Municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water or sewer service.

201.88 – QUARRY

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, coal, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in

excess of fifty (5) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

201.89 – RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption, on or off the premises having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of foods.

201.90 – RETAIL COMMERCIAL ESTABLISHMENT

A store, market or shop, in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, and automobile service stations are included in this classification.

201.91 – ROADSIDE STAND

A farm structure used, or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonable farm products of the immediate locality in which such roadside stand is located.

201.92 – SIGN

Any structure or natural object such as tree, rock, and the ground itself or device attached thereto or planted or represented thereon, which is used to attract the attention, object, product, place, activity, person, institution, organization, or business which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Ordinance, the word “sign” does not include the flag, pennant, or insignia of this Nation, State, City or other political unit, nor does it include legal notices, addresses or official signs of any governmental agencies.

201.93 – SITE CONDOMINIUM

A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed herein defined as a condominium unit, as described in the master deed.

201.94 – STABLE, PRIVATE

A stable under one ownership, where no horses are rented or boarded.

201.95 – STABLE, PUBLIC

A stable other than a private stable, where horses are rented or boarded for profit.

201.96 – STREET

A public thoroughfare which affords a principal means of access to abutting property.

201.97 – STRUCTURE



Any construction, the use of which requires location on, and a more or less permanent attachment to the ground or to any construction attached to, or on the ground

#### 201.98 – STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exists, or any substantial change in the roof.

#### 201.99 – SUBDIVISION

The division of a lot, tract or parcel of land into five or more lots, tracts or parcels of land for the purpose whither immediate or future, of sale or of building development. The meaning of the term “subdivision” shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

#### 201.100 – TOURIST HOME

Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

#### 201.101 – USES

1. USES BY RIGHT: A use which is listed as a Use by Right in any given zoning district in this Ordinance. Uses by Right are not required to show need for their location.
2. USE, CONDITIONAL: A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the Ordinance and to any special conditions imposed by the Planning Commission to protect the Use by Right of other properties in the neighborhood.

#### 201.102 – VARIANCE

A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

#### 201.103 – YARD

A space open to the sky, and unoccupied or unobstructed, except by encroachments specifically permitted under action of this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

#### 201.104 – YARD, FRONT

A yard extending the full width of the lot between the front lot line, or road right-of-way line, and nearest line of the main building.

#### 201.105 – YARD, WATERFRONT

No structure shall be placed within forty feet (40 feet) at the normal high water mark of a lake, river, or stream.

201.106 – YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

201.107 – YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of the accessory building attached thereto.

201.108 – ZONING ADMINISTRATOR

The official of Henrietta Township or his authorized representative charged with the responsibility of administering this Ordinance.

201.109 – TRAVEL TRAILERS

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit capable of being towed by a passenger vehicle.

201.110 - (TELE) COMMUNICATION FACILITIES

(Tele)Communication Towers shall be defined as set forth in Section 2100-1.

The following definitions were added as amendments to the Zoning Ordinance on November 8, 2006.

201.111 – BUFFER-ZONE

A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a wetland, stream system or lake.

201.112 – BUILDING FOOTPRINT

The original concrete, brick, or fieldstone foundation of a structure which was in compliance with all applicable Ordinances and Regulations in effect when originally constructed.

201.113 – ROAD FRONTAGE/Frontage/STREET LINE – The total continuous and contiguous length of the front lot line that abuts a public or private road. The legal line of demarcation or division between a street and abutting land.

201.114 – SIDEWALLS – The height of the accessory building shall be measured from the bottom of the rafters or trusses down to the finished floor or sill plate, whichever is lowest.

201.115 – WETLANDS – The lands characterized by soil or substrate that are periodically saturated or covered by water at a frequency and duration sufficient to support, under normal circumstances, wetland vegetation or aquatic life and may be commonly referred to as bogs, swamps, fens or marshes.

The following definitions were added as an amendment to the Zoning Ordinance on 1-11-2017.

201.116 - CLEAR VIEW SETBACK – Clear views of lake from adjacent property shall not be obstructed as a result of the increased structure's height or decreased setback.

201.117 – Floor Area, Gross – The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. For the purpose of calculating parking spaces, gross floor area shall not include areas within the main building used for storage, utility, and/or similar uses.

201.118 – Child Care Center – is a facility, other than a private residence, receiving one or more children for care and supervision for period less than twenty-four (24) hours.

The following definitions were added as an amendment to the Zoning Ordinance on 1-11-2023

201.119 – Electric Vehicle Charging (EV) is a piece of equipment that supplies electrical power for charging pug-in hybrids). Electric Vehicle Chargers are permitted in every zoning district, when accessory to the primary use.

The Following definitions were added as an amendment to the Zoning Ordinance on 9-8-24

**201.120 Cargo Container.** Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation, or storage of freight, articles of goods, or commodities; generally capable of being mounted or moved on a rail car, loaded on a ship, or semi-truck trailers.

**201.121 Portable Storage Container.** A portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables, and merchandise (i.e. PODS or MODS), and which is typically leased on a short-term basis for temporary storage purposes.

**201.122 Setback** - The minimum distance by which any specified building, structure, or use must be separated from a lot line or other specified features. Setbacks have aesthetic and functional benefits that provide access for emergency vehicles, maintenance for utilities, sewers, snow removal; distance from noise, artificial lighting, riparian drainage areas, and steep slope erosion areas.

### ARTICLE III DISTRICTS

#### SECTION 300 – KINDS OF DISTRICTS

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

- Agricultural District (AG-1)
- Residential District (R-1)
- Residential District (R-2)
- Mobile Homes District (MHD-1)
- Mobile Home Park District (MHP-1)
- Commercial District (C-1)
- Commercial District (C-2)
- Commercial District (C-3)
- Industrial District (I-1)

#### SECTION 301 – INTERPRETATION OF ZONING DISTRICTS

1. The area assigned to said districts and the boundaries thereof shown upon the map entitled “Zoning Districts Map of Henrietta Township, Jackson County, Michigan” are hereby established and said map with notations, references, and other information thereon, shall be as much a part thereof, as though set forth herein.
2. Unless otherwise provided, the boundary lines of said districts shall be interpreted as following along section lines or customary division lines of section, such as quarter or eighth lines; or the centerline of highways, streets and waterways; or the highway right-of-way lines, or the shoreline

of water bodies; or the boundaries of incorporated area, recorded plats or subdivisions; or the property lines of legal record on the date of enactment of this Ordinance, or the extension of such lines. The Board of Appeals shall have the power to interpret said map in conformity with Section 101 of this Ordinance, and its determination shall be final.

#### SECTION 302 – ZONING DISTRICTS DESCRIBED

See map.

### ARTICLE IV AGRICULTURAL DISTRICT (AG-1)

#### SECTION 400 – PURPOSE

This district is composed of those areas in the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to or incompatible with farming activities, and to prohibit the use of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities and services of a different type and quantity than those normally required by farming activities.

The intent of this district is to set aside land suitable for commercial agriculture including animal feeding operations. However, because high density animal feeding operations can negatively affect agricultural and non-agricultural uses through emissions of noise and odors, or increased potential for groundwater and surface water contamination, they are only permitted as conditional uses. The intent is also to provide additional land use protection for high density animal feeding operations by isolating them from existing non-agricultural uses.

#### SECTION 401 – USES PERMITTED

No land shall hereafter be used and no building or structure erected or used for other than the following uses:

1. Single family dwelling.
2. Farm dwellings, farm buildings and structures.
3. Roadside stands if used only for the sale of locally grown agricultural products. Any building or structure used for this purpose shall set back off the highway right-of-way a sufficient distance to permit cars or vehicles when stopping, to park off the highway right-of-way. No such stand shall be located at a site creating a traffic hazard.
4. Farming, including both general and specialized farming on areas of not less than five (5) acres. No restriction on the keeping of domestic animals or poultry husbandry shall be applicable to land used for farming as herein set forth, provided however, that all domestic animals, poultry, and livestock shall be properly housed and fenced to as not to become a public nuisance.
5. Private stables, veterinary hospitals, clinics, and kennels.
6. Private landing fields.
7. Cemeteries and hospitals.
8. A single sign not exceeding forty (40) feet in area which may be illuminated with a shielded lamp, not exceeding a total of five hundred (500) watts intensity (or the mean lumen equivalent, using “warm” or

low-color-temperature lamp, directed downward to prevent off-site glare); indicating the sale of goods or the sale of any one property, except that trespassing, and similar signs not exceeding two (2) square feet, shall be allowed. Signs larger in size, greater in light intensity than herein specified are allowed only on approval of the Board of Appeals.

9. Such other buildings or structures or use not herein specifically permitted shall be first approved as to locations, erection or alteration by the Board of Appeals.
10. Accessory buildings, structures and uses incidental to any of the above permitted uses when located on the same parcel of land and not involving the conduct of any business.
11. Telecommunication facilities no more than 25 feet in height mounted to any existing structure.
12. Home Occupation subject to the provisions of Article I, Section 119.
13. Outdoor Wood-Fired boiler subject to the provisions and requirements of Article XXII.
14. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (Serving six (6) or less adults, Foster Family Homes, Foster Family Group Homes, and Family Child Care Homes pursuant to Section 206 of Michigan Enabling Act (PA 110 of 2006, MCL 125.3206), and subject to other requirements in accordance with the applicable State standards.

#### SECTION 402 – CONDITIONAL USES

The following uses are permitted in this District when reviewed and recommended by the Planning Commission:

1. Quarries.
2. Roadside stands – Limited to 20 % of non-agriculturally packaged products.
3. High density animal feeding operations (see pages 75-79 for conditional use regulations).
4. Golf courses.
5. Group or organized camps, camping grounds, and general or specialized resorts.
6. Aircraft landing area for land occupant only.
7. Riding academies and stables.
8. Churches and other buildings for religious worship.
9. Golf driving ranges.
10. Exotic animals.
11. Travel Trailer Parks.
12. Bed & Breakfast.
13. Telecommunication facility which meets the requirements of Article XXI, which does not exceed the height of 200 feet and which is not attached to an existing structure.
14. Home Occupation subject to the provisions of Article I, Section 119.
15. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving more than six (6)

adults), Foster Family Homes, Foster Family Group Homes and Family Child Care Homes pursuant to Section 206 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 25.3206), and subject to other Requirements in accordance with the applicable State requirements.

#### SECTION 403 – SIZE OF PREMISES

1. Not more than one dwelling shall be erected on any one parcel of land. A dwelling erected on the parcel of land at the effective date of this Ordinance shall be the one dwelling as provided in this Ordinance.
2. The minimum parcel size for residential use in Agricultural zoning districts shall be 120 feet of contiguous frontage minimum by 200 feet depth minimum (24,000 square feet).

#### SECTION 404 – SETBACKS

Every building or structure hereafter erected shall be setback not less than fifty (50) feet from the street or highway right-of-way line or lot line whichever is greater. If the building or structure has a driveway, for ingress and egress purposes from the street or highway, then the area of land between the front line of the building or structure and the front lot line of the street or highway right-of-way line, shall be open and unobstructed for a sufficient distance in each direction from the driveway to provide clear vision of the street or highway. Fences shall be a type that do not obstruct vision of the street or highway. Building or structures that are used primarily for the housing of livestock or other farm animals, shall be located not less than one hundred (100) feet from any lot line and not less than one hundred (100) feet from any street or highway right-of-way line.

Buildings or structures that have been or are used primarily for the housing of livestock or other farm animals, may continue to be used for such purposes.

The Board of Appeals may alter the minimum distance of forty feet, provided it finds that the use of and safety on the highway or street which the building or structure fronts will not be jeopardized. When the setback is less than forty (40) feet from the street or highway right-of-way line, no land between the building or structure and the street or highway right-of-way shall be used for any vehicle use.

#### SECTION 405 – YARDS

Every dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width. Attached garages shall be deemed part of the dwelling in determining yard requirements. Garages located ten (10) feet or more behind the rear line of the dwelling may be erected within five (5) feet of the side lot line.

1. Every dwelling shall have a rear yard of not less than twenty (20) feet in depth.
2. The minimum side yard and rear yard requirements for other buildings permitted or approved shall be determined by the Board of Appeals, upon written application of the owner, to the Board as may be deemed reasonable for such use and in conformity with Section 101.
3. Every parcel of land upon which a dwelling is erected shall provide a parking place for a motor vehicle and an area of land of sufficient size to turn a motor vehicle easily around under its own power.

#### SECTION 406 – LOT AREA AND OTHER REQUIREMENTS FOR “R-1” AND “R-2” USES ON LESS THAN FIVE (5) ACRES

Any lot or parcel of land located in this District which is smaller than the required five (5) acres shall conform to the uses, yards, lot area and other more restricted provisions as prescribed for “R-1” Districts if less than one half acre, or for “R-2” Districts if more than one half acre but less than five (5) acres.

#### SECTION 407 – FLOOR AREA

1. Every one-family dwelling hereafter erected, altered or moved upon any premises shall have not less than seven hundred twenty (720) square feet of floor area. Outside dimensions at the first floor level exclusive of attached garages, un-enclosed porches, or other accessory structures shall be used to determine the floor area.
2. Every two or more family dwelling hereafter erected, altered or moved upon any premises, shall conform to the requirements for each one-family dwelling as given in paragraph one of this section.

#### SECTION 408 – PERCENTAGE OF LAND COVERAGE

No dwelling together with its accessory building hereafter erected shall cover more than twenty-five (25) percent of the area of the parcel of land on which it is located.

#### SECTION 409 – HEIGHT OF BUILDINGS

Buildings and structures accessory to farming use of land may be erected, altered, or moved on any land or premises to a height of not exceeding one hundred (100) feet.

#### SECTION 410 – SEWAGE DISPOSAL

All sewage disposal shall be by the water-carried disposal method as provided in the Sewage Regulations of Jackson County.

#### SECTION 411 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

ARTICLE V  
R-1 RESIDENTIAL DISTRICT  
(One Family)

SECTION 500 – PURPOSE

This district is established to provide suitable areas for single-family dwellings at low densities to preserve a predominately rural character in these areas fit for concentrated residential uses because of the availability of the soil to absorb sewage waste from individual septic tanks.

SECTION 501 – USES PERMITTED

No land shall hereafter be used and no building or structure erected or used for other than one or more of the following uses:

1. Single family dwellings.
2. Public parks, playgrounds, churches, and gardening.
3. No farm animals, as defined in Section 201.42, except fowl and rabbits, limited to not more than ten (10) each maximum or a total of twenty (20), for noncommercial uses, provided: They are kept in facilities that are clean, healthful and inoffensive to adjoining property owners, and not less than ten (10) feet from any property line.
4. Detached garages for the storage only of not more than three (3) motor vehicles. Customarily incidental to any of the above permitted uses when located on the same parcel of land and not involving the conduct of any business.
5. Home Occupation subject to the provisions of Article I, Section 119.
6. A single sign not exceeding four (4) square feet in area which may be illuminated with a shielded lamp, not to exceed one hundred (100) watts intensity, (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare); indicating the name and occupation of the occupant, and placed thirty-five (35) feet from the centerline of the street, or on the setback line when such line is less than thirty-five (35) feet from the street centerline.
7. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses when located on the same parcel of land, and not involving the conduct of any business. Maximum side wall height shall not exceed ten (10) feet. No accessory building shall be permitted on platted subdivision lots as a primary use.
8. Accessory buildings – lakefront property, no accessory building located between a dwelling and the water’s edge shall exceed 3’ –0” in height.



A. Non-conforming Uses, Accessory Deck, or Similar Structure – Lakefront Property. See: Article 1, Section 104, Subsection 1 and Table 1.

9. A telecommunication facility no more than 10 feet in height mounted to any existing structure.
10. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.
11. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (Serving six (6) or less adults, Foster Family Homes, Foster Family Group Homes, and Family Child Care Homes pursuant to Section 206 of the Michigan Enabling Act (PA 110 of 2006, MCL 125.3206), and subject to other requirements in accordance with the applicable State standards.

#### SECTION 502 – CONDITIONAL USES

1. Golf courses, but not including golf driving ranges.
2. Country clubs; public swimming pools; recreation centers; and parks, playgrounds and play fields.
3. Churches and other places of worship.
4. Government or community-owned buildings.
5. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving more than six (6) adults, Foster Family Homes, Foster Family Group Homes and Family Child Care Homes pursuant to Section 206 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 25.3206), and subject to other requirements in accordance with the applicable State requirements.
6. Home Occupation subject to the provisions of Article I, Section 119.

#### SECTION 503 – SIZE OF PREMISES

1. Every parcel of land upon which a dwelling is hereafter erected or altered shall contain not less than twelve thousand (12,000) square feet of area, exclusive of any part lying within the boundaries of a public highway. Such parcel shall be not less than eighty (80) contiguous feet in width for a depth of one hundred fifty (150) feet from the front boundary line, or the highway right-of-way line upon which it fronts. Each parcel of land shall have been duly surveyed and the description thereof recorded at the office of the Jackson County Register of Deeds. A lot occurring in a recorded subdivision shall be deemed to have met this requirement, provided, however, that these requirements shall not apply to a single unit on public record, or platted and identified as a single unit on a plat officially approved and recorded prior to the enactment of this Ordinance, and owned by an individual who has no other land contiguous thereto, from which these requirements can be met; provided, further, that no such unit shall be less than eight thousand (8,000) square in area, nor less than eighty (80) contiguous feet in width. Not more than one (1) dwelling shall be erected on any parcel of land.
2. A platted lot occurring in a subdivision and recorded before this Ordinance shall be considered conforming for single-family residential purposes provided that the overall lot shall not be less than eight thousand (8,000) square feet in area, and the width shall not be less than eighty (80) feet.
  - (a.) If a lot diminishes in width throughout its length, it shall not be less than eighty (80) feet wide at a distance of forty (40) feet measured from the front road right-of-way.
  - (b.) Prior approval must be obtained from the Jackson County Health Department for on-

site water, and sewage disposal before a building permit is issued for any lot that is less than twelve thousand (12,000) square feet in area. <sup>1</sup>

- (c.) All structures shall adhere to setbacks, height, and percentage of land coverage requirements of the zoning district.
- (d.) If two or more lots or combination of lots with contiguous frontage are or have been under single ownership and are recorded at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an individual parcel in this Ordinance. This standard intends to ensure that development shall not overbuild the lots; meet health department well & septic standards; not diminish emergency access, movement of light and air, and viewshed; and will be per recommendations of the Township Master Plan.
- (e.) Not more than one (1) dwelling shall be erected on any parcel of land.

3. Except for accessory uses, the minimum area, and dimensions of land.....

- 1. Land Division Act 288 of 1967, Section 560.109(a) & Section 560.105 (g)

#### SECTION 504 – SETBACKS

- 1. Every building or structure hereafter erected shall be setback not less than forty (40) feet from the street or highway right-of-way line or the water's edge of all lakes, rivers and streams or the front lot line, whichever is greater. If the building or structure has a driveway, for ingress and egress purposes from the street or highway, then the area of land between the lot line of the street or highway right-of-way line, shall be open and unobstructed for a sufficient distance each direction from the driveway to provide clear vision of the street or highway. Fences shall be a type that does not obstruct vision of the street or highway.
- 2. The Board of Appeals may alter the minimum distance of forty (40) feet provided it finds that the use of and safety on the highway or street, which the building or structure fronts, will not be jeopardized. When the setback is less than forty (40) feet from the street or highway right-of-way line, no land between the front of the building or structure and the street or highway right-of-way shall be used for any vehicle use

#### SECTION 505 – YARDS

- 1. Every dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width. Attached garages shall be deemed part of the dwelling in determining yard requirements. Garages, accessory buildings, and sheds located ten (10) feet or more behind the rear of a dwelling may be erected not less than five (5) feet from the side lot line. Garages, accessory buildings, and sheds located less than ten (10) feet behind the rear line of a dwelling shall be not less than ten (10) feet from the side lot line. No garage, accessory building, or shed shall be located closer than ten (10) feet from any dwelling, accessory building, or shed.
- 2. Every dwelling shall have a rear yard of not less than twenty (20) feet in depth.
- 3. The minimum side yard and rear yard requirements for other buildings permitted or approved shall be determined by the Board of Appeals upon written application of the owner to the Board as may be deemed reasonable for such use and in conformity with Section 101.
- 4. Every parcel of land upon which a dwelling is erected shall provide a parking place for a motor

vehicle.

5. Verification of property boundary lines may be required by Township staff.

#### SECTION 506 – FLOOR AREA

Every one story dwelling hereafter erected, altered or moved upon any premises shall have not less than seven hundred twenty (720) square feet of floor area outside dimensions at the first floor level exclusive of attached garages, un-enclosed porches, or other accessory structures; no one and a half or two story dwelling hereafter shall have less than seven hundred twenty (720) square feet of floor area outside dimensions at the first floor level and the aggregate floor area at and above the first floor level shall not be less than seven hundred and twenty (720) square feet exclusive of attached garages, un-enclosed porches or accessory structures.

#### SECTION 507 – PERCENTAGE OF LAND COVERAGE

No dwelling together with its accessory buildings hereafter erected shall cover more than twenty-five (25) percent of the area of the parcel of land on which it is located.

#### SECTION 508 – SEWAGE DISPOSAL

All sewage disposal shall be by the water-carried disposal method as provided in the Sewage Disposal Regulations of Jackson County.

#### SECTION 509 – FENCES

1. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct the passage of persons or materials.
2. Any district in or bordering a R-1 Residential and R-2 Residential District shall observe the following requirements:
  - a. **SIDE AND REAR FENCES:** Fences constructed within a side or rear yard shall not be higher than six (6) feet as measured from the surface of the ground.
  - b. **PLANTING, FENCES AND WALLS IN FRONT YARD:** No fence, wall or hedge shall rise over thirty-six (36) inches in height on any front yard, except that open weave fence may be forty-eight (48) inches high. No fence, wall or hedge shall be allowed to interfere with visibility from a driveway or roadway. The Zoning Administrator shall cause all such obstructions to be removed in the interest of Public Safety.
  - c. No fences shall contain electric current, an electric charge or barbs.
  - d. A Building Permit shall be required for the construction of a fence.
  - e. **LAKE PROPERTY:** No fence or plantings to be used as a fence or wall shall exceed three (3) feet – zero (0) inches in height.

#### SECTION 510 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

ARTICLE VI  
R-2 RESIDENTIAL DISTRICT  
(Multiple Family)

SECTION 600 – PURPOSE

This district is designed for multiple-family residential use. The regulations are designed to protect and promote a more intensive residential character than the AG-1 or R-1 Districts and to prohibit all commercial activities. All types of residential structures are permitted, but the predominate type will be multiple-family dwellings, including apartments, townhouses and conversions of single-family dwellings into multiple uses.

SECTION 601 – USES PERMITTED

No land shall hereafter be used and no building or structure erected or used for other than one or more of the following uses:

2. All uses permitted in “R-1” Residential District.
3. Schools.
4. Multiple dwellings.
5. Home occupation subject to the provisions of Article I, Section 119.
6. A single sign not exceeding four (4) square feet in area which may be illuminated with a shielded lamp, not to exceed one hundred (100) watts intensity, (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare); indicating the name and occupation of the occupant and placed thirty-five (35) feet from the street line or on the setback line when such line is less than thirty-five (35) feet from the street line.
  7. Such other non-commercial uses may be allowed when such non-commercial use is found by the Board of Appeals to not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.
  8. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses when located on the same parcel of land and not involving the conduct of any business.
  9. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.
  10. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (Serving six (6) or less adults, Foster Family Homes, Foster Family Group Homes, and Family Child Care Homes pursuant to Section 206 of the Michigan Enabling Act (PA 110 of 2006, MCL 125.3206), and subject to other requirements in accordance with the applicable State standards.

SECTION 602 – CONDITIONAL USES

1. Public swimming pools, recreation centers, parks, playgrounds, and playfields.
2. Churches and other buildings for religious worship.
3. Hospitals, convalescent or nursing homes, sanitariums and orphanages for human care.
4. Government or community-owned buildings.
5. Home Occupation subject to the provisions of Article I, Section 119.
6. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes (serving more than six (6) adults), Foster Family Homes, Foster Family Group Homes and Family Child Care Homes Pursuant to Section 206 of the Michigan zoning Enabling Act (PA 110 of 2006, MCL 25..3206), And subject to other requirements in accordance with the applicable State requirements

#### SECTION 603 – SIZE OF PREMISES

1. Every parcel of land upon which a multiple-family dwelling is hereafter erected or altered shall contain not less than one half acre in area, exclusive of any part lying within the boundaries of a public highway. Such parcel shall be not less than one hundred (100) contiguous feet in width for a depth of one hundred fifty (150) feet from its boundary line, or the highway right-of-way line upon which it fronts. Each parcel of land shall have been duly surveyed and the Jackson County Register of Deeds. A lot occurring in a recorded subdivision shall be deemed to have met this requirement, provided, however, that these requirements shall not apply to a single unit of land on public record, or platted and identified as a single unit on a plat officially approved and recorded prior to the enactment of this Ordinance, and owned by an individual who has no other land contiguous thereto from which these requirements can be met, provided, further, that no such unit shall be less than twelve thousand (12,000) square feet in area, nor less than eighty (80) contiguous feet in width. Not more than one (1) dwelling shall be erected on any parcel of land.
2. Every parcel of land on which a dwelling for more than one family is hereafter erected, or altered, shall meet the minimum size of land requirements as given in part one (1) of the Section, and provided further that fifteen hundred (1500) square feet of land area be provided for each additional family, as well as an additional lot width of twenty (20) feet. Such parcel of land shall have been duly surveyed and the description thereof recorded at the office of the Jackson County Register of Deeds. A lot occurring in a recorded subdivision shall be deemed to have met this requirement, provided, however, that these requirements shall not apply to a single unit of land on public record, or platted and identified as a single unit on a plat officially approved and recorded prior to the enactment of this Ordinance, and owned by an individual who has no other land contiguous thereto from which these requirements can be met, provided, further, that no such unit shall be less than twelve thousand (12,000) square feet in area, nor less than eighty (80) contiguous feet in width.

Not more than one (1) dwelling shall be erected on any parcel of land.

If the minimum land area is less than twelve thousand (12,000) square feet, not more than one family dwelling may be erected on said parcel of land.

3. Except for accessory uses, the minimum area and dimensions of land required for other permitted or approved uses shall be determined by the Board of Appeals upon written application by the owner to the Board as may be reasonable for such use, and in conformity with Section 101.

#### SECTION 604 – SETBACKS

Every building or structure hereafter erected shall be setback not less than forty (40) feet from the street or highway right-of-way line or the front lot line whichever is greater. If the building or structure has a driveway for ingress or egress purposes from the street or highway, then the area of land between the from line of the

street or highway right-of-way line, shall be open and unobstructed for a sufficient distance in each direction from the driveway to provide clear vision of the street or highway. Fences shall be of a type that do not obstruct vision of the street or highway.

#### SECTION 605 – YARDS

1. Every dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width. Attached garages shall be deemed part of the dwelling in determining yard requirements. Garages, accessory buildings, and sheds located ten (10) feet or more behind the rear line of the dwelling may be erected not less than five (5) feet from the side lot line. Garages, accessory buildings, and sheds located less than ten (10) feet behind the rear line of a dwelling shall be not less than ten (10) feet from the side lot line. No garage, accessory building, or shed, shall be located closer than ten (10) feet from any other dwelling, accessory building or shed.
2. Every dwelling shall have a rear yard of not less than twenty (20) feet in depth.
3. The minimum side yard and rear yard requirements for other buildings permitted or approved shall be determined by the Board of Appeals upon written application of the owner to the Board, as may be deemed reasonable for such use in conformity with Section 101.
4. Every parcel of land upon which a dwelling is erected shall provide a parking place for a motor vehicle for each family unit.

#### SECTION 606 – FLOOR AREA

1. Every one story one-family dwelling hereafter erected, altered or moved upon any premises shall have not less than seven hundred twenty (720) square feet of floor area outside dimensions at the first floor level exclusive of attached garages, un-enclosed porches or other accessory structures; no one and a half story or two story one-family dwelling shall have less than seven hundred twenty (720) square feet of floor area outside dimensions at the first floor level and the aggregate floor area at the above the first floor level shall not be less than seven hundred twenty (720) square feet exclusive of attached garages, un-enclosed porches or other structures.

#### SECTION 607 – PERCENTAGE OF LAND COVERAGE

No dwelling together with its accessory buildings hereafter erected, altered or moved on any premises shall cover more than twenty-five (25) percent of land on which it is located.

#### SECTION 608 – SEWAGE DISPOSAL

All sewage disposal shall be by the water-carried disposal method as provided in the Sewage Disposal Regulations of Jackson County.

#### SECTION 609 – FENCES

1. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct the passage of persons or materials.
2. Any district in or bordering a R-1 Residential and R-2 Residential District shall observe the following requirements:
  - a. **SIDE AND REAR FENCES:** Fences constructed within a side or rear yard shall not be higher than six (6) feet as measured from the surface of the ground.
  - b. **PLANTING, FENCES AND WALLS IN FRONT YARD:** No fence, wall or hedge shall rise over thirty-six (36) inches in height on any required front yard, except that open weave fence may be forty-eight (48) inches high. No fence, wall or hedge shall be allowed to interfere with visibility from a

driveway or roadway. The Zoning Administrator shall cause all such obstructions to be removed in the interest of public safety.

- c. No fences shall contain electric current, and electric charge or barbs.
- d. A building permit shall be required for the construction of a fence.

#### SECTION 610 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

### ARTICLE VII MHD-1 MOBILE HOMES DISTRICT

#### SECTION 700 – PURPOSE

Each Mobile Home District shall be composed of restricted areas where soils, drainage and accessibility make it suitable for residential use and is limited to the prefabricated types of single mobile dwelling units and other uses which are characteristic of a residential district. Each district shall be designed to provide adequate home-site for those desirous of living in the community and yet prefer this type of residence. The regulations on patterns of land use, intensity of use per acre, and installations of essential services shall be such as to stabilize, protect and encourage the residential development and promote compatibility with uses in abutting districts.

#### SECTION 701 – DEVELOPMENT PLAN

In each Mobile Home District any person or corporation desiring to develop a parcel of land upon which three (3) or more mobile homes are proposed to be harbored, shall submit to the Township Board a Mobile Home Site Development Plan. It shall be the duty of the Township Board to review the plan which shall be a proposed plat to be recorded pursuant to the Plat Law showing:

1. Legal description of the lands which the proposed Mobile Home Development Plan will occupy.
2. The layout of streets and parking area, location and arrangement of Mobile Home sites, permanent structures and accessory buildings.
3. Play areas and parks.
4. The source of water supply, disposal of sanitary wastes, facilities for garbage and rubbish disposal.
5. The facilities for lighting of buildings and mobile home-site groupings.

The Township Board shall act upon the proposed plat in the same manner as upon other plats, except that the Township Board may also decline to approve such plat upon the sole reason of unsuitability for the uses hereinafter set forth. No such uses shall be permitted upon such lands until the said plat shall have been recorded.

The legal description shall include the total acreage encompassed by the plan.

At some further time, should any portion of the platted acreage of any district be sold or leased to any other persons or corporation for Mobile Home District, the density of mobile homes per gross acre in such district shall still be computed on the basis of the total acreage in the original Development Plan of such district.

#### SECTION 702 – USES PERMITTED

No land shall be used or occupied and no structure shall be erected, moved, altered, used or occupied except for one or several of the following uses:

1. Uses

- a. Churches, community centers, community swimming pools, service buildings, parking areas, playgrounds and parks.
- b. Mobile homes, single family prefabricated type of mobile homes or portable dwellings.
- c. No commercial uses shall be permitted except those designed and intended solely for the domestic service and convenience of the residents of the district only.

2. Accessory Uses

- a. Accessory buildings, structures and uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business.
- b. Detached garages for the storage of not more than two (2) cars may be constructed, but said garages shall at no time be used as living quarters.
- c. No additions other than factory fabricated additions or accessories, or those approved by the Building Inspector, shall be added to any mobile home or portable dwelling.

SECTION 703 – LOT AREA AND YARD REQUIREMENTS

1. Site

Every parcel of land upon which a mobile home or portable dwelling is parked shall contain no less than twelve thousand (12,000) square feet of area, exclusive of any part lying within the boundaries of a public drive. Such parcel of land shall be not less than eighty (80) contiguous feet in width for a depth of one hundred fifty (150) feet from the front boundary line or the right-of-way line upon which it fronts. Not more than one (1) mobile home or portable dwelling shall be placed on any parcel of land.

2. Setbacks

Every lot shall be provided with a setback of not less than thirty-five (35) feet in depth between the highway right-of-way line and the building or structure setback line.

3. Side Yard

Every lot shall be provided with two side yards neither of which shall be less than ten (10) feet in width.

4. Rear Yard

Every lot shall be provided with a rear yard not less than twenty (20) feet in depth.

SECTION 704 – PRIVATE GARAGES

Garages shall not be erected within ten (10) feet of any lot line.

SECTION 705 – PERCENTAGE OF LAND COVERAGE

No mobile home and accessory building shall cover more than twenty-five (25) percent of the area of the land on which it is located.

SECTION 706 – SIGNS



Identifying signs in this district shall not exceed twelve (12) square feet.

A single business sign shall not exceed thirty (30) square feet which may be illuminated with a shielded lamp not to exceed one hundred fifty (150) watts intensity, (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare), and set back not less than five (5) feet from the highway right-of-way.

#### SECTION 707 – HOME OCCUPATION

Home occupation subject to the provisions of Article I, Section 119.

#### SECTION 708 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

#### SECTION 709 – TELECOMMUNICATION FACILITY

A telecommunication facility no more than 10 feet in height mounted to any existing structure.

#### SECTION 710 – Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

ARTICLE VIII  
MHP-1 MOBILE HOME PARK DISTRICT

SECTION 800 – PURPOSE

Each Mobile Home Park District shall be located in an area where the soils, drainage, lay of the land and accessibility make the area suitable for a Mobile Home Park. All mobile home parks developed in the MHP-1 District shall comply with the Mobile Home Act of 1987, being Act 96 of 1987.

SECTION 801 – PERMITTED USES

All Mobile Home Park Districts shall be used for no purpose except as sites for residential mobile homes and accessory buildings and including residence for the Mobile Home Park owner and family.

SECTION 802 – PERMITS

1. The following Permits must be obtained and approved from Henrietta Township Building Inspector before any Mobile Home, 1976 or newer, is placed and/or occupied:
  - a. Building
  - b. Electrical
  - c. Mechanical

ARTICLE IX  
COMMERCIAL DISTRICTS

PURPOSE

It is recognized by this Ordinance that the value to the public of designating certain areas of the Township for certain types of business uses is represented in their location relative to one another, to streets, highways and other means of transportation, and to residential neighborhoods. In order that this value may be maintained and this use encouraged, this Ordinance has established three (3) zoning districts designed to regulate the location of these business and industrial uses according to a well-considered plan which determined:

1. The types of such uses and the intensity of land, street and highway use in each such district;
2. Potential nuisances and hazards which cause or threaten to cause unsafe conditions;
3. The relationship of commercial and industrial uses to each other and to other areas devoted to agricultural or residential use and to streets and highways;
4. And, the conservation of property values.

ARTICLE IX  
C-1, COMMERCIAL DISTRICT

SECTION 900 – PURPOSE

This District is composed of those areas of the Township whose principal use is and ought to be local retail, service, and restricted repair business activities which serve adjacent and surrounding residential neighborhoods. This District has been located within the Township to permit the development of these business activities, to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this District, have been excluded.

SECTION 901 – USE PERMITTED

1. Food services, including grocery store, party store, meat market, bakery and fruit market, and similar service or self-serve units.
2. Personal services, including barber shop, beauty salon, medical clinic, dental clinic, banks, savings and loan associations, and other similar uses.
3. Retail services, including barber shop, beauty salon, medical clinic, dental clinic, banks, savings and loan associations, and other similar uses.
4. Retail services, including pharmacy, hardware, book store, news stand and news dealer.
5. Sign regulations are as follows:
  - a. No sign shall be erected on or at any location which by reason of its position, size, shape, color, movement of illumination will interfere with or obstruct the view of traffic, or be confused with any authorized traffic sign, signal, or device, nor shall such sign be such as to interfere with the use of the adjoining property.
  - b. A single sign only may be placed on property and shall not exceed twenty (20) square feet in area. It may be illuminated by a shielded lamp not more than five hundred (500) watts (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare); of power supplied by one or more lamps, said limit being the total power allowed regardless of the number of lamps used. A freestanding sign shall not exceed six (6) feet in total height, and supported by a solid base that is at least as wide as the sign’s display area. Said sign may indicate of the sale of goods or services provided on the property or the sale or lease of property.
  - c. Illuminated Wall Signs are permitted on one wall facing the front lot. The sign shall not exceed 10% of wall area or forty (40) square feet whichever is less.
  - d. Wall Signs and Architectural lighting. The illumination of building facades and wall signs shall be limited to fully shielded fixtures directed toward the façade or wall sign. The light intensity or brightness will not create off-site glare to surrounding areas.

6. Telecommunication facility not exceeding 25 feet.
7. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.
8. Child Care Center, subject to applicable licensing requirements with the State of Michigan
9. Outdoor Lighting subject to the provisions and requirements of Article XIV.1

## SECTION 902 – CONDITIONAL USES

The following uses of parcels, lots, buildings and structures are permitted in this District when reviewed and recommended by the Planning Commission;

1. Restaurants and delicatessens, but not drive-in restaurants or delicatessens.
2. Animal hospitals or clinics.
3. Government or community-owned public buildings.
4. Churches and other buildings for religious worship.
5. Government or community-owned buildings, but not including schools.
6. Adaptive Reuse and/or Mixed use of Existing Structures.
7. Telecommunication facility which meets the requirements of Article XXI, which does not exceed the height of 200 ft. and which is not attached to an existing structure.

## SECTION 903 – SIZE OF PREMISES

1. Every parcel of land upon which a building or structure is hereafter erected, moved on, or altered shall contain not less than twelve thousand (12,000) square feet of area, exclusive of any part lying within the boundaries of a public highway. Such parcel of land shall not be less than eighty (80) contiguous feet in width for a depth of one hundred fifty (150) feet from its front boundary line or the highway right-of-way upon which it fronts. Each parcel of land shall have been duly surveyed and the description thereof recorded at the office of the Jackson County Register of Deeds. A lot occurring in a recorded subdivision shall be deemed to have met these requirements, provided however, that these requirements shall not apply to a single unit of land on public record, or platted and identified as a single unit on a plat officially approved and recorded prior to the enactment of this Ordinance, and owned by an individual who has no other land contiguous thereto from which these requirements can be met.
2. All uses shall provide space for the parking of motor vehicles. No storage, standing or parking space, generally referred to as “off street parking” shall be provided within less than forty (40) feet of the highway right-of-way. A barrier shall be provided between the off street parking area and the street highway right-of-way and said barrier shall be sufficient to keep motor vehicles from traveling from the off street parking area to the street or highway. Driveways leading from the off street parking area to the street or highway shall be placed so as not to endanger traffic using said street or highway. The forty (40) feet distance as given above may be reduced to five (5) feet provided that a representative from the appropriate governmental department has made a study of the traffic problems involved by this reduction of distance and finds that the safety and general welfare of the general public will not be endangered. The off street parking place as provided above and any other parking place in this District as provided for in this Ordinance shall not be reduced or encroached upon in any manner for any purpose.
3. Off street parking space shall be provided on the following basis:

- a. Buildings for Public Assemblage – (including stadiums and other structures designed, converted for use for public assemblage) – one (1) parking space for each five (5) seats.
  - b. Restaurants – one (1) parking space for each three (3) seats.
  - c. Hospitals and Nursing Homes – one (1) space for each four (4) patients expected.
  - d. Office Building – (including clinics) – one (1) parking space for each three hundred (300) square feet of floor area on the first floor and one (1) parking space for each four hundred (400) square feet above the first floor excluding area used for closets, toilets, halls and stairs.
  - e. Stores – (and other commercial uses not included in the foregoing) – one (1) parking space for each two hundred (200) square feet of gross floor area.
  - f. Handicapped parking is to be provided at all public facilities.
  - g. Exception – The Planning Commission may in its discretion depending on the nature of the use being proposed and the layout of the site plan reduce by no more than twenty-five (25%) percent the required parking spaces on an individual case basis. Any such reduction shall be made only if requested by the applicant, and upon a showing by the applicant that the parking spaces set forth in the Ordinance exceed the parking spaces necessary to the proposed use or to be reasonably used by persons frequenting the proposed use.
4. No more than one commercial structure may be erected on any parcel of land (80' x 150' min.) and that a commercial structure erected at the effective date of this amendment on the parcel of land shall be the one structure as provided in this Ordinance.

#### SECTION 904 – SETBACKS

The front line of every building or structure hereafter erected shall be setback not less than forty (40) feet from the street or highway right-of-way line or the front lot line as the case may be.

#### SECTION 905 – YARDS

Every building or structure hereafter erected shall have side yards on each side not less than fifteen (15) feet in width. Also, a corner lot shall be required to have a twenty-five (25) foot yard from the secondary street.

#### SECTION 906 – FLOOR AREA

Every building hereafter erected, altered or moved upon the premises, shall not less than five hundred (500) square feet of floor area based on outside dimensions at the first floor level.

#### SECTION 907 – PERCENTAGE OF LAND COVERAGE

No building or structure together with its accessory buildings hereafter erected, altered or moved upon any premises, shall cover more than fifty (50) percent of the land area, and no surfacing shall be done that might impair the efficiency of the subsurface disposal system in accordance with the requirements of the Jackson County Health Department.

#### SECTION 908 – SEWAGE DISPOSAL

All sewage disposal shall be in compliance with the applicability of the Jackson County Health Department.

#### SECTION 909 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

ARTICLE IX  
C-2, COMMERCIAL DISTRICT

SECTION 926 – PURPOSE

This District is composed of those areas of the Township whose principal use is general retail, service, and restricted repair business activities which serve the entire Township and surrounding area. This District has been located within the Township to permit the development of residential, and industrial areas against the encroachment of incompatible uses. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this District, have been excluded.

SECTION 927 – USES PERMITTED

1. All uses allowed in C-1 Commercial Districts as provided in Section 900 of this Ordinance.
2. Business and professional offices, including but not limited to legal, engineering, accounting, financial, insurance and business schools.
3. Agricultural services, farm supply stores, including machinery sales and repairs.
4. Automobile services, including gas/diesel vending, parts sales, automobile sales and show facilities, and electric vehicle (EV) charging stations.
5. Equipment services, including radio and television, electrical appliance shops, plumber, electrician, and other similar services and trades.
6. Drive-in retail and service establishments but excluding drive-in theaters.
7. Retail services, including but not limited to apparel shops, gift shops, dry good and notion shops.
8. 4. Sign regulations are as follows:
  - a. No sign shall be erected on or at any location which by reason of its position, size, shape, color, movement of illumination will interfere with or obstruct the view of traffic, or be confused with any authorized traffic sign, signal, or device, nor shall such sign be such as to interfere with the use of the adjoining property.
  - b. A single sign only may be placed on property and shall not exceed twenty (20) square feet in area. It may be illuminated by a shielded lamp not more than five hundred (500) watts (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare); of power supplied by one or more lamps, said limit being the total power allowed regardless of the number of lamps used. A freestanding sign shall not exceed six (6) feet in total height, and supported by a solid base that is at least as wide as the sign’s display area. Said sign may indicate of the sale of goods or services provided on the property or the sale or lease of property.

- c. Illuminated Wall Signs are permitted on one wall facing the front lot. The sign shall not exceed 10% of wall area or forty (40) square feet whichever is less.
  - d. Wall Signs and Architectural lighting. The illumination of building facades and wall signs shall be limited to fully shielded fixtures directed toward the façade or wall sign. The light intensity or brightness will not create off-site glare to surrounding areas.
  - e. Providing always that the sign must be placed or erected on the same property as the business it is advertising.
9. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.
10. Outdoor Lighting subject to the provisions and requirements of Article XIV.1

#### SECTION 928 – CONDITIONAL USES

The following uses of parcels, lots, buildings and structures are permitted in their District when reviewed and recommended by the Planning Commission:

1. Funeral homes and mortuaries.
2. Motels and hotels.
3. Open air display areas for the sale of manufactured products including garden furniture, hardware products, nursery stock, small tools, pneumatic tired trailers of not more than four wheels, snowmobiles, and similar products and equipment.
4. Drive-in theaters.
5. Small animal clinics.
6. Sales, service and display of recreational vehicles.
7. Churches and other buildings for religious worship.
8. Government or community-owned buildings, but not including schools.
9. Car wash facilities.
10. Manufactured housing sales.
11. Commercial self-storage facilities.
12. Storage building.
13. Drive-in restaurants.
14. Adaptive Reuse and/or Mixed Use of Existing Structures.
15. Telecommunication facility which meets the requirements of Article XXI, which does not exceed the height of 200 feet and which is not attached to an existing structure.

#### SECTION 929 – SIZE OF PREMISES

1. Every parcel of land upon which a building or structure is hereafter erected, moved on, or altered shall contain not less than twelve thousand (12,000) square feet of area, exclusive of any part lying within the



boundaries of a public highway. Such parcel of land shall not be less than eighty (80) contiguous feet in width for a depth of one hundred fifty (150) feet from its front boundary line or the highway right-of-way upon which it fronts. Each parcel of land shall have been duly surveyed and the description thereof recorded at the office of the Jackson County Register of Deeds. A lot occurring in a recorded subdivision shall be deemed to have met these requirements shall not apply to a single unit of land on public record, or platted and identified as a single unit on a plat officially approved and recorded prior to the enactment of this Ordinance, and owned by an individual who has no other land contiguous thereto from which these requirements can be met.

2. All uses shall provide space for the parking of motor vehicles. No storage, standing or parking space, generally referred to as "off street parking" shall be provided within forty (40) feet of the highway right-of-way. A barrier shall be provided between the off street parking area and the street or highway right-of-way and said barrier shall be sufficient to keep motor vehicles from traveling from the off street parking area to the street or highway. Driveways leading from the off street parking area to the street or highway shall be places so as not to endanger traffic using said street or highway.

The forty (40) feet distance as given above may be reduced to five (5) feet provided that a representative from the appropriate governmental department has made a study of the traffic problems involved by this reduction of distance and finds that the safety and general welfare of the general public will not be endangered. The off street parking place in this District as provided for in this Ordinance shall not be reduced or encroached upon in any manner for any purpose.

3. Off street parking space shall be provided on the following basis:
  - a. Buildings for Public Assemblage – (including stadiums and other structures designed, converted for use or used for public assemblage) – one (1) parking space for each five (5) seats.
  - b. Restaurants – one (1) parking space for each three (3) seats.
  - c. Hospitals and Nursing Homes – one (1) space for each four (4) patients expected.
  - d. Office Building – (including clinics) – one (1) parking space for each three hundred (300) square feet of floor area on the first floor and one (1) parking space for each four hundred (400) square feet above the first floor excluding area used for closets, toilets, halls and stairs.
  - e. Stores – (and other commercial uses not included in the foregoing) – one (1) parking space for each two hundred (200) square feet of gross floor area.
  - f. Handicapped parking is to be provided at all public facilities.
  - g. Exception – The Planning Commission may in its discretion depending on the nature of the use being proposed and the layout of the site plan reduce by no more than twenty-five (25%) percent the required parking spaces on an individual case basis. Any such reduction shall be made only if requested by the applicant, and upon a showing by the applicant that the parking spaces set forth in the Ordinance exceed the parking spaces necessary to the proposed use or to be reasonably used by persons frequenting the proposed use.
4. No more than one commercial structure may be erected on any parcel of land (80' x 150' min.) and that a commercial structure erected at the effective date of this amendment on the parcel of land shall be the one structure as provided in this Ordinance.

#### SECTION 930 – SETBACKS

The front line of every building or structure hereafter erected shall be setback not less than forty (40) feet from the street or highway right-of-way line or the front lot line as the case may be.

#### SECTION 931 – YARDS

Every building or structure hereafter erected shall have side yards on each side not less than fifteen (15) feet in width. Also, a corner lot shall be required to have a twenty-five (25) foot yard from the secondary street.

#### SECTION 932 – FLOOR AREA

Every building hereafter erected, altered or moved upon the premises shall have not less than five hundred (500) square feet of floor area based on outside dimensions at the first floor level.

#### SECTION 933 – PERCENTAGE OF LAND COVERAGE

No building or structure together with its accessory buildings hereafter erected, altered or moved upon any premises, shall cover more than fifty (50) percent of the land area, and no surface disposal system in accordance with the requirements of the Jackson County Health Department.

#### SECTION 934 – SEWAGE DISPOSAL

All sewage disposal shall be in compliance with the applicability of the Jackson County Health Department.

#### SECTION 935 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

ARTICLE IX  
C-3, COMMERCIAL DISTRICT

SECTION 950 – PURPOSE

This District is composed of those areas of the Township whose principal use is light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This District has been located within the Township to permit the development of these industrial uses and to protect adjacent agricultural, residential, and commercial area against the encroachment of incompatible uses. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this District, have been excluded.

SECTION 951 – USES PERMITTED

1. Commercial laundries and dry cleaning establishments.
8. Building material storage and sales.
9. Printing, blueprinting and similar uses.
10. Automobile repair garage, construction and farm equipment sales and service establishments.
11. Warehousing and storage, including frozen food lockers, material distribution centers, wholesale establishments, providing that all products or material are stored in an enclosed building.
12. Light industrial assembly or production which basically is clean, quiet, and free from any objectionable or dangerous hazard or nuisance. Said uses include, but are not limited to, assembly of production of drugs, jewelry, musical instruments, sporting goods, glass products, household appliances, electrical and electronic products, printed matter, bakery and dairy products, tents and awnings, brushes and brooms, cameras and photographic equipment and supplies, and wearing apparel.
7. Research and testing facilities.
8. Sign regulations are as follows:
  - a. No sign shall be erected on or at any location which by reason of its position, size, shape, color, movement of illumination will interfere with or obstruct the view of traffic, or be confused with any authorized traffic sign, signal, or device, nor shall such sign be such as to interfere with the use of the adjoining property.
  - b. A single sign only may be placed on property and shall not exceed twenty (20) square feet in area. It may be illuminated by a shielded lamp not more than five hundred (500) watts (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare); of power supplied by one or more lamps, said limit being the total power allowed regardless of the number of lamps used. A freestanding sign

shall not exceed six (6) feet in total height, and supported by a solid base that is at least as wide as the sign's display area. Said sign may indicate of the sale of goods or services provided on the property or the sale or lease of property.

- c. Illuminated Wall Signs are permitted on one wall facing the front lot. The sign shall not exceed 10% of wall area or forty (40) square feet whichever is less.
- d. Wall Signs and Architectural lighting. The illumination of building facades and wall signs shall be limited to fully shielded fixtures directed toward the façade or wall sign. The light intensity or brightness will not create off-site glare to surrounding areas.
- e. Providing always that the sign must be placed or erected on the same property as the business it is advertising.

9. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII

10. Outdoor Lighting subject to the provisions and requirements of Article XIV.1

#### SECTION 952 – CONDITIONAL USES

The following uses of parcels, lots, buildings, and structures are permitted in this District when reviewed and recommended by the Planning Commission.

1. Bus, truck, taxi, rail and air terminals.
2. Bulk fuel storage providing the same conforms to the rules and regulations of the Fire Marshall Division of the Michigan State Police.
3. Trucking facilities, including repair and washing equipment and storage yards.
4. Government and community-owned buildings.
5. Telecommunication facility which meets the requirements of Article XXI, which does not exceed the height of 200 feet and which is not attached to an existing structure.

#### SECTION 953 – SIZE OF PREMISES

1. No use permitted or allowed in this District shall be established or carried on any parcel or lot of land unless said property has a square area of at least one (1) acre. Providing further that the minimum width of the property shall be not less than one hundred sixty (160) contiguous feet.
2. All uses shall provide space for the parking of motor vehicles. No storage, standing or parking space, generally referred to as "off street parking" shall be provided within forty (40) feet of the highway right-of-way. A barrier shall be provided between the off street parking area and the street or highway right-of-way and said barrier shall be sufficient to keep motor vehicles from traveling from the off street parking area to the street or highway. Driveways leading from the off street parking area to the street or highway shall be placed so as not to endanger traffic using said street or highway.

The forty (40) feet distance as given above may be reduced to five (5) feet provided that a representative from the appropriate governmental department has made a study of the traffic problems involved by this reduction of distance and finds that the safety and general welfare of the general public will not be endangered. The off street parking place as provided above and any other parking place in this Ordinance shall not be reduced or encroached upon in any manner for any purpose.

3. Off street parking space shall be provided on the following basis:
  - a. Buildings for Public Assemblage (including stadiums and other structures designed, converted for use or used for public assemblage) – one (1) parking space for each five (5) seats.

- b. Office Building (including clinics) – one (1) parking space for each three hundred (300) square feet of floor area on the first floor and one (1) parking space for each four hundred (400) square feet above the first floor excluding area used for closets, toilets, halls and stairs.
- c. Stores – (and other commercial uses not included in the foregoing) – one (1) parking space for each two hundred (200) square feet of gross floor area.
  - a. Handicapped parking is to be provided at all public facilities.
  - e. Exception – The Planning Commission may in its discretion depending on the nature of the use being proposed and the layout of the site plan reduce by no more than twenty-five (25%) percent the required parking spaces on an individual case basis. Any such reduction shall be made only if requested by the applicant, and upon a showing by the applicant that the parking spaces set forth in the Ordinance exceed the parking spaces necessary to the proposed use or to be reasonably used by persons frequenting the proposed use.

#### SECTION 954 – SETBACKS

The front line of every building or structure hereafter erected shall be setback not less than forty (40) feet from the street or highway right-of-way line or the front lot line as the case may be.

#### SECTION 955 – YARDS

Every building or structure hereafter erected shall have side yards on each side not less than fifteen (15) feet in width. Also, a corner lot shall be required to have a twenty-five (25) foot yard from the secondary street.

#### SECTION 956 – FLOOR AREA

Every building hereafter erected, altered or moved upon the premises shall have not less than five hundred (500) square feet of floor area based on outside dimensions at the first floor level.

#### SECTION 957 – PERCENTAGE OF LAND COVERAGE

No building or structure together with its accessory buildings hereafter erected, altered or moved upon any premises, shall cover more than fifty (50) percent of the land area, and no surfacing shall be done that might impair the efficiency of the sub surfacing disposal system in accordance with the requirements of the Jackson County Health Department.

#### SECTION 958 – SEWAGE DISPOSAL

All sewage disposal shall be in compliance with the applicability of the Jackson County Health Department.

#### SECTION 959 – SATELLITE DISH ANTENNA

One dish antenna will be permitted per parcel.

ARTICLE X  
I-1, INDUSTRIAL DISTRICT

SECTION 1000 – PURPOSE

Each Industrial District shall be composed of land so situated as to be suitable for industrial development. The regulations are so designed as to permit the normal operation of almost all industries, subject only to regulations needed for their mutual protection and the preservation of nearby non-industrial uses of lands.

SECTION 1001 – PERMITTED USES

No land shall be used or occupied and no structure shall be erected, moved, altered, used or occupied except for one or more of the following uses:

1. Manufacturing, Processing and/or Fabrication. Any structure used therefore shall not be less than one hundred (100) feet from any Residential District.
  - a. Automotive and aircraft parts and metal workings (excluding presses of over twenty (20) tons capacity and machine operated drop hammers).
  - b. Automotive assembling and including major repair.
  - c. Bakery, large wholesale and chain types.
  - d. Bottling plant, brewery, dairy products, plants.
  - b. Candy, potato chips, flavoring extracts.
  - c. Cold storage plant.
  - d. Electrical equipment and motor assembly.
  - e. Felt and felt products.
  - i. Flexible hose lines and fittings; basic manufacture.
  - j. Garage maintenance tools and equipment.
  - k. Garment making; apparel and accessories.
  - l. Heating and air conditioning equipment.
  - m. Mattress making and box springs.
  - n. Paper products fabrication.

- o. Pharmaceuticals; cosmetics and toiletries.
  - p. Plastic products from purchased plastic materials.
  - q. Professional and scientific instruments.
  - r. Surgical supports and hospital equipment.
  - s. Tool and die shops and screw machine products.
  - t. Tube fabrication; bending and welding.
  - u. Wire fabricators.
  - v. Wood products assembly.
2. Manufacturing (basic), Processing and/or Fabrication. Any structure used therefore shall be not less than two hundred (200) feet from any R or AG District.
- f. Abrasives, acid, alcohol and ammonia
  - g. Bone black, carbon black and lamp black.
  - h. Brick, clay, tile manufacture.
  - i. Canning and preserving plants.
  - j. Charcoal and coke; basic manufacture.
  - k. Chemicals; manufacturing or processing.
  - l. Cinder block fabrication.
  - m. Creosote treatment.
  - i. Detergents, soaps and by-products.
  - j. Forge plant, foundries.
  - k. Galvanizing and anodizing processing.
  - l. Gases, manufacture.
  - m. Glass products.
  - n. Glue, size or gelatin; manufacture.
  - o. Grain milling and mixing.
  - p. Graphite manufacture.
  - q. Insulation, manufacture of fabrication.
  - r. Metals, ingots, castings, sheets, bars or rods.
  - s. Oils and fats, animal or vegetables; manufacture.

- t. Paints, pigments, enamels, japans, lacquer, varnishes.
  - u. Paper pulp and cellulose.
  - v. Paraffin, wax and wax products.
  - w. Petroleum and petroleum products, refining and processing (buildings and/or plan to be located not less than one hundred fifty (150) feet from boundary line of lot.)
  - x. Plastics; basic manufacture.
  - y. Plating of metals.
  - z. Rubber and rubber products; manufacture.
  - aa. Sauerkraut, vinegar and yeasts; manufacture.
  - bb. Sawmill or planning mill.
  - cc. Serums, toxins, viruses; manufacture.
  - dd. Sound deadeners, caulking, mastic and undercoating; manufacture.
3. Sale at Wholesale and Retail; Warehousing and Storage; Repair; Rental and Servicing of any of the uses enumerated in 1 and 2 above, provided any building used for such purpose shall be located not less than seventy-five (75) feet from any R or AG District.
  4. There shall be no maximum height limitation on telecommunication facilities mounted to any existing structure, providing such structure has a fall down area no less than the height of the tower.

#### SECTION 1002 – OTHER USES

1. Contractor's yards for vehicles, equipment, materials and/or supplies, but excluding asphalt and cement mixing, providing that such yards shall be not less than two hundred (200) feet from any Residential or Agricultural District.
2. Gasoline service station, provided building used for such purpose shall not be nearer than fifty (50) feet from any R or AG District.
3. Landing field for aircraft or rotocraft, provided any hanger or servicing facilities shall be not less than five hundred (500) feet from any R or AG District.
4. Municipal buildings, including warehouses, outside storage and garages, provided that such buildings and premises shall be not less than one hundred (100) feet from any R and AG District.
5. Offices and/or meeting halls (excluding halls for social purposes) shall not be nearer than twenty (20) feet from any R or AG District.
6. Parking and/or storage yards for motor vehicles (no junked vehicles) and including transport equipment, provided such yards shall be not less than two hundred (200) feet from any R and AG District.
7. Restaurant, cafeteria, motel and truck stop station, provided buildings used for such purpose shall be not nearer than twenty (20) feet from any R or AG District.
8. Trucking freight terminal and yards, provided such buildings shall be not less than two hundred (200) feet from any R or AG District.



## SECTION 1003 – CONDITIONAL USES

Such other buildings or structures or use not herein specifically permitted shall first be reviewed and recommended as to locations, erection or alteration by the Planning Commission. The following uses of parcels, lots, buildings and structures are permitted in this District when reviewed by the Planning Commission.

1. Junk yards provided such yards shall be not less than two hundred (200) feet from any Agricultural or Residential Districts.
2. Vehicles storage yards.
3. Airports and landing areas.
4. Solid waste transfer stations.

## SECTION 1004 – HEIGHT OF STRUCTURES

The following maximum requirements shall be observed. No use or accessory use structure hereafter erected or structure altered shall exceed three (3) stories or fifty (50) feet in height within three hundred (300) feet of any R or AG District.

## SECTION 1005 – LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed:

### 1. Front Yard

Every front yards shall be governed by the distance requirements in Section 1001, 1002, 1004 and 1005 as for depth, when yard is adjoining and R or AG District. When a front yard is adjoining any other district, it shall be not less than forty (40) feet in depth.

### 2. Side Yard

No side yard requirements are required except when adjoining an R or AG District as stated in Sections 1001, 1002, 1004, and 1005. When a side yard abuts a street across from any other district, then said side yard shall be not less than fifteen (15) feet in width.

### 3. Rear Yard

The depth of a rear yard shall be not less than thirty (30) feet, provided, however, the required distance from and R or AG District when stated in Sections 1001, 1002, 1004 and 1005 shall take precedent over the above stated rear yard depth.

## SECTION 1006 – PARKING

Industrial establishments shall provide for each industrial building or buildings an improved area which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein. In no case shall the number of spaces provided be less than one parking space for each three (3) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night.

## SECTION 1007 - SIGNS

A single sign not exceeding forty (40) square feet which may be illuminated with a shielded lamp of not more than five hundred (500) watts intensity (or the mean lumen equivalent, using “warm” or low-color-temperature lamp, directed downward to prevent off-site glare; indicating business or firm name or any one property,

except that trespassing and similar signs not exceeding two (2) square feet shall be allowed. A freestanding sign shall not exceed six (6) feet in total height, and supported by a solid base that is at least as wide as the sign's display area. Signs larger in size and greater in light intensity than herein specified shall be allowed only on the approval of the Board of Appeals.

Illuminated Wall Signs are permitted on one wall facing the front lot. The sign shall not exceed 10% of wall area or forty (40) square feet whichever is less.

Wall Signs and Architectural lighting. The illumination of building facades and wall signs shall be limited to fully shielded fixtures directed toward the façade or wall sign. The light intensity or brightness will not create off-site glare to surrounding areas.

Outdoor Lighting subject to the provisions and requirements of Article XIV.1

## ARTICLE XI CONDITIONAL USES

### SECTION 1100 – PURPOSE

The formulation and enactment of this Ordinance is based upon the division of the Township of Henrietta into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township of Henrietta. Such uses, on account of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

### SECTION 1101 – AUTHORITY TO GRANT PERMITS

The Planning Commission as hereinafter provided, shall have the authority to recommend to the Township Board of Henrietta to grant conditional use permits, subject to such conditions of design operation, and safeguards as the Township of Henrietta Board may determine for all conditional uses specified in the various district provisions of the Ordinance.

### SECTION 1102 – APPLICATION AND FEE

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township of Henrietta Clerk by filling in an official conditional use permit application form, submitting a site plan in accordance with Article XII, submitting required data, exhibits, and information and depositing the required fee as established by resolution by the Township of Henrietta Board. No part of such fee shall be returnable to the applicant. If required by the Township Board, an escrow deposit shall also be made by applicant in the amount required by resolution of the Township Board.

### SECTION 1103 – DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of evidence regarding the required findings set forth in this Ordinance.

### SECTION 1104 – PUBLIC HEARINGS

After a preliminary review of the site plan and application for a conditional use permit, the Planning Commission shall hold a public hearing. Notices must be given in the manner specified by the Zoning Enabling Act (ZEA) regardless of whether or not those requirements are included in the ordinance.

### SECTION 1105 – REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review site plan and the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public cost for public facilities and services.

#### SECTION 1106 – DETERMINATION AND IMPOSITION OF CONDITIONS

If the facts presented in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Township of Henrietta Board that said Township of Henrietta Board should grant a conditional use permit. In recommending that a conditional use permit be granted, the Planning Commission shall recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of the Township of Henrietta and the surrounding property owners and occupants to achieve the objectives of this Ordinance. These conditions may include conditions necessary to insure that public services and facilities affected by proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

#### SECTION 1107 – APPROVAL, GRANT OR PERMIT

Upon holding a public hearing and the finding that the requirements of Section 1102 through 1106 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall, within thirty (30) days, recommend approval or disapproval to the Township of Henrietta Board. When the Board gives final approval, a conditional use permit shall be issued to the applicant.

The Township of Henrietta Board shall, within forty-five (45) days, grant or refuse such permit, and if granted, shall forward copies of this permit to the applicant, Clerk, Zoning Inspector and Planning Commission.

Approval and issuance of a conditional use permit by the Township of Henrietta Board shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the conditional use permit and shall be enforceable as such.

The decision to approve or deny a request for a conditional use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the bases for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved conditional special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Township of Henrietta Board upon recommendation of the Planning Commission and is documented as such. The developer/owner shall agree in writing to the conditions set forth in the public hearing as recommended to the Township of Henrietta Board by the Planning Commission, after the Board has received a written statement from the owner and/or his agent in writing, agreeing to the conditions established by the Planning

Commission and the Township of Henrietta Board. Then the Zoning Inspector shall not issue a zoning compliance use permit until he has received a copy of the conditional use permit approved by the Township of Henrietta Board and determined that the stipulated conditions have been met.

#### SECTION 1108 – VOIDING OF CONDITIONAL USE PERMIT

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within a period of not more than two hundred ten (210) days and if construction completed within a period of not more than five hundred and seventy-five (575) days of the date of issuance unless different dates are specified in the conditional Use Permit. No use provided for under the conditional use granted shall be initiated until all the terms and conditions of the conditional use are met.

A violation of requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the termination and cancellation, and shall cancel such conditional use permit.

#### SECTION 1109 – PERFORMANCE GUARANTEE

In authorizing a conditional use permit, the Township of Henrietta Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the conditional use permit requirements. Such guarantee shall be deposited with the Township of Henrietta Clerk at the time of the issuance of performance guarantee, the Township of Henrietta Board shall limit the amount to reasonable improvements or restoration required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area. These improvements may include, but are not limited to roadways, lighting, utilities, sewer, water, sidewalks, screening and drainage. The term “improvements” does not include the entire project which is the subject of conditional use permit approval not to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended. The Township of Henrietta Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the conditional use permit.

#### SECTION 1110 – ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES

A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the size development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

##### 1. Adaptive Reuse and/or Mixed Use of Existing Structure:

Certain structures, because of unique or peculiar circumstances with regard to location, type or size of building and/or architectural style, may be deemed desirable of preservation by the Henrietta Township Board. Such structures may no longer be useful for the purposes for which they were designed and used because of obsolescence of a previous use, changing land use pattern or changing zoning district. These buildings may be non-conforming and unable to comply with the existing district regulations in which they lie. Certain uses or combination of uses (mixed uses) for the structure may be compatible and desirable if the proposed adaptive reuse of an existing structure is determined by the Board to be peculiar or unique and cannot otherwise conform with existing district regulations. In addition to all requirements in Article XI of the Zoning Ordinance

(Conditional Uses) and other regulations which might apply, the following conditions shall apply to all structures that are redeveloped as an adaptive reuse of an existing structure in any zoning district:

##### 2. In addition to a site plan required by this Ordinance, a development plan shall be submitted to the Township. At least four (4) copies of the development plan shall be submitted with the site plan or may be

a part of the site plan. The development plan shall clearly show to scale the following:

- A. The building floor plan for all floor elevations and the proposed use of each floor.
  - B. The proposed use for each portion of floor in the case of mixed use.
  - C. The location of all walls.
  - D. Each room shall be identified for its proposed use.
  - E. The location of all utilities including electrical, heating, cooling, and plumbing.
  - F. The total square footage of the proposed project. In the case of projects involving multiple buildings, the total square footage of each building shall be submitted. Square footage of each portion of floor proposed for use in mixed use developments shall also be submitted.
  - G. The location of all doors and windows, existing and proposed.
  - H. The location of all parking areas including the number of parking spaces.
  - I. Recent color photographs of all sides of the structures shall be submitted with the site plan and kept by the Township in the development plan file.
3. The structure shall not be enlarged nor shall its exterior be altered so that it is more out of character with surrounding buildings or uses or with those buildings or uses found in the Township if vacant land is predominate in the surrounding area.
  4. No other principal building or structure shall be constructed except that an accessory building may be allowed provided that the building is located on the same parcel of land and is not involving the conduct of any business and provided that the development plan is amended by the applicant and approved in writing by the Township Board if the accessory building is proposed for construction after the development plan has been approved. The Clerk of Board shall forward such changes to the Planning Commission for its recommendation prior to taking final action by the Board.
  5. Structures determined by the Board to have historic significance due to unique architecture, age or culture and are capable of preservation to the exterior shall be preserved and maintained to its current or historic style and condition, whenever possible.
  6. Parking shall be provided according to regulations of the district that the proposed use most closely resembles. In the case of mixed uses, parking requirements shall apply for each use separately from the district that each is most closely associated with.
  7. Prior to the issuance of a conditional use permit by the Township Board, the applicant shall submit supporting documents demonstrating compliance with the following requirements and the Planning Commission shall review the redevelopment project and determine that the project meets the following requirements before making its recommendation to the Board:
    1. Will be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
    2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
    3. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will not create excessive additional requirements at public cost for public facilities and services.

Any change in use for any floor or portion of floor shall require that the development plan be amended and approved by the Board, after the Planning Commission reviews and makes a recommendation on the proposed. At least one public hearing shall be held in accordance with Section 1104 (Public Hearing).

8. Junk Yards:

In addition to and as an integral part of development, the following provisions shall apply:

- A. It is recognized by this Ordinance that the location of such materials in an open area in this Ordinance's definition of "junk yard" will cause the reduction of a value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, materials on the lot on which a junk yard shall be operated, shall be erected and maintained in good repair on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
- B. All traffic ingress or egress shall be on major streets and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- C. All roads, driveways, parking lots, and a loading and unloading areas within any yard of a junk yard shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads and nuisance caused by wind-borne dust.

9. Drive – In Theaters:

In addition to and as an integral part of development, the following provisions shall apply:

- A. Drive – in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
- B. All fenced – in areas shall be set back at least one hundred (100) feet from any front property line.
- C. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and existing vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance or exit of motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.

10. High density animal feeding operation

The development and operation of a high density animal feeding operation shall be subject to the following conditions:

- A. The operator shall provide the Planning Commission with the following information in addition to that required from all conditional uses.
  1. A site plan.

2. A description of similar facilities operated elsewhere by any of the following: the applicant, owners of the property, and/or the owners of the proposed operation.
  3. A detailed description of any violation notices issued to the applicant or issued to farms, businesses, or other endeavors in which the applicant has an interest, by state, county or local government or past litigation by anyone regarding other high density animal feeding operations conducted businesses or endeavors in which the applicant has an interest.
  4. A description of the types and numbers of livestock to be kept on the premises.
  5. A description of which portions of the animals life cycle will occur on the site.
  6. The names and addresses of all property where the land application of animal waste, produced by the operation, is to occur.
- B. The operator or operators shall obtain the necessary State and/or Federal permits and shall comply with the requirements of all applicable County, State, and Federal regulations. The operator or operators shall provide the Township Zoning Administrator with written notification from the State Department of Natural Resources, the State Department of Agriculture and the County Soil Erosion and Sedimentation Control Agency of the need for any reports, permits, or environmental monitoring programs including but not limited to the following:
1. preparation of an environmental impact statement
  2. preparation of a hydro geologic report
  3. preparation of an engineering plan
  4. surface and groundwater monitoring programs
  5. air emission permits
  6. water discharge permits
  7. soil erosion and sedimentation control permits
- Copies of all reports and permits and of the results of all environmental monitoring programs required by the regulating County, State or Federal agency or a written notification of waiver shall be provided to the Township Zoning Administrator as evidence that these requirements have been met, before a conditional use permit shall be issued.
- C. No new structures and confined lots designed to house or contain farm animals or animal waste shall be located within a flood plain or wetland.
  - D. All new structures and confined lots designed to house or contain farm animals or animal waste must be setback at least three hundred (300) feet from adjacent property lines, road rights-of-way, or lakes and perennial streams.
  - E. All new structures and confined lots designed to house or contain farm animals or animal waste must be setback at least seven hundred fifty (750) feet from any residence existing at the time construction is proposed except that of the facility operator, one thousand two hundred fifty facility operator, one thousand two hundred fifty (1,250) feet from any existing school, church, business, recreational area, or any existing public building; and two thousand five hundred (2,500) feet from any area zoned for residential use or any area for which a recorded residential plat exists. If a high density animal feeding operation uses lagoons, reservoirs or other open storage areas as setback distances above shall be increased to one thousand two hundred fifty (1,250), two thousand five hundred (2,500), and five thousand (5,000) respectively.

- F. No new high density animal feeding operation shall be located in a groundwater recharge area or in an area with significant sensitive surface formations as defined by the Jackson County Solid Waste Sensitivity Overlay Maps adopted as a part of the Jackson County Solid Waste Management Plan.
- G. All high density animal feeding operations shall follow accepted animal waste management practices as established by the State Department of Agricultural, the Michigan Commission of Agriculture, or the Jackson County Soil Agriculture Conservation Service. The operator of operators of such facilities shall file with the Planning Commission and the Township Zoning Administrator a detailed plan for implementing such practices. This plan shall at a minimum address the following components of animal waste management: runoff control; management of odors, noise and dust; animal waste treatment and storage; animal waste disposal including application to the land. These plans for implementing accepted animal waste management practices shall also include a timetable for implementation and the anticipated cost of carrying out the plan.
- H. Barriers shall be constructed or other measures taken to control access to any animal waste storage or treatment facility.
- I. No animal waste shall be applied to frozen ground or land on which slopes exceed six (6%) percent.
- J. Methods used to transport animal waste on township, county, state, or interstate highways or through municipalities, shall not leak or discharge on the right-of-way or discharge on public or private property without the owner's account.
- K. The operator or operators shall provide a plan for handling and temporary storage of excess animal waste in the event weather conditions, overfilling or structural damage to active lagoons or other waste storage facilities creates an emergency situation. Sufficient monies to insure implementation of this plan shall be placed in an escrow account.
- L. Before the Township Zoning Administrator will issue a conditional use permit, the applicant shall be required to submit to the Township a surety bond in favor of the Township Administrator to provide monies for the cleanup of accidental animal waste spills on public roadways, for the drilling of new water wells or provision of an alternative water supply for neighbors who have experienced "new" pollution, or for remediation of other environmental degradation which results from operation of the high density animal feeding operation. The bond shall be in full force and effect from the commencement of the high density animal feeding operation until such time as there shall be restoration of the site following the closing of the operation. Conditions of and dollar amount of the bond will be determined by the Township but the bond amount will not exceed \$500,000.

#### 11. Solid Waste Transfer Stations

The operation of licensed solid waste transfer facilities used for the collection, deposit and removal of solid waste shall be subject to the following:

- A. All licensed solid waste transfer facilities shall be located on a minimum of one (1) acre.
- B. All structures, pads, ramps shall be of concrete or other fireproof material that can be easily cleaned and maintained.
- C. Water hoses for washing down equipment, along with connection to a septic and/or drainage field shall be provided.
- D. A solid waste transfer facility shall be enclosed by a fence not less than eight (8) feet high for enhanced security and control, if within five hundred (500) feet of a residence, constructed prior to obtaining a permit the fence or wall shall be solid and unpierced.
- E. There shall be not more than one (1) entranceway from a public road to said lot.



- F. All roads, driveways, parking lots, loading and unloading areas on said lot shall be paved, watered or chemically treated so as to limit nuisance caused by wind-borne dust and debris.
- G. Access to a solid waste transfer facility shall be limited to a time when a responsible individual is on duty.
- H. Actual hours of operation will not exceed sunrise and sunset.
- I. Burning of solid waste materials shall not be permitted on-site.
- J. No materials or waste shall be stored, collected, or deposited in any container placed on location not specifically identified for such purpose.
- K. All other requirements and rules of Act 641 of 1978 and provisions contained in the Jackson County Solid Waste Management Plan shall apply. In instances of conflict, the more restrictive shall apply.

ARTICLE XII  
SITE PLAN REVIEW AND APPROVAL

SECTION 1200 – PURPOSE

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

SECTION 1201 – BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN

The Zoning Administrator shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

1. Buildings, Structures and Uses Requiring Site Plans are as follows:
  - a. Quarries.
  - b. Travel trailer parks (Camp grounds).
  - c. Commercial feedlots.
  - d. Sanitary landfills.
  - e. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
  - f. Amusement parks.
  - g. Planned unit residential and commercial developments.
  - h. Mobile home parks.
  - i. Automobile services and sales.
  - j. Hotels or motels.
  - k. Drive-in businesses.
  - l. Automobile repair facilities.
  - m. Drive-in theaters.

- n. Junk yards.
  - o. Bulk oil storage.
  - p. Commercial self-storage facilities.
  - q. High density animal feeding operations.
  - r. Any condominium development.
  - s. Camp grounds.
2. A multiple-family building.
  3. More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
  4. A mobile home park.
  5. A planned unit development.
  6. A commercial or industrial development.
  7. Development of more than one split from an existing parent parcel requires a site plan review.

The Zoning Administrator shall not issue a building permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

#### SECTION 1202 – APPLICATION AND FEE FOR SITE PLAN REVIEW

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Henrietta Township Board. Fees applicable to the site plan reviews for planned unit developments and conditional uses are waived in lieu of fees established by resolution of the Henrietta Township Board. As an integral part of said application, the applicant shall file at least eight (8) copies of a site plan. Such application shall be dated and initialed by the Township Clerk or the Clerk’s deputy.

#### SECTION 1203 – PLANNING COMMISSION REVIEW OF SITE PLAN

Upon receipt of such application from the Clerk, and all materials required to be submitted with the application the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such recommendation, including any changes or modifications in to the standards specified in this Ordinance.

#### SECTION 1204 – REQUIRED DATA FOR DETAILED SITE PLAN

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- A. Every site plan submitted shall be drawn to a readable scale and shall include the following:
  1. the name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
  2. all property boundaries and dimensions thereof; the location and use of all existing and proposed structures;

3. the location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
4. the current zoning classifications on the subject property and all adjacent property.
5. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
6. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
7. The site plan shall show the scale; north arrow; boundary dimensions; topography (not more than two foot contour intervals); and natural features, such as wood, lots, streams, rivers, lakes, drains, and similar features.
8. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
9. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
10. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
11. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
12. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

B. Additional required data for detailed site plan for certain uses.

1. High density animal feeding operation:
  - a. The site plan shall show the location of all flood plains and wetlands.
  - b. The site plan shall show the location and size of all lagoons and other waste.
  - c. The site plan shall show the location of all land areas on site and off site which are proposed for animal waste application and shall include an indication of the concentration and frequency of waste application, and a soils report indicating the suitability of the site for animal waste application.
  - d. The vicinity map shall also show the location of all residences, churches, businesses, schools, public buildings and recreational area within a one (1) mile radius; the location of any area for which a recorded plat exists within a one (1) mile radius; the location of all private water supply wells within a one (1) mile radius; and the location of all water bodies, rivers, wetlands and 100 year flood plains within a one thousand (1,000) foot radius.

2. Condominium developments – See Article XIII for additional requirements

## SECTION 1205 – STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Sections 1203 and 1204 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance. A site plan shall be approved if it contains the information required in Section 1204 and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes.

In addition, each if the following standards shall apply to all uses for which a site plan submission is required. Evidence of compliance with those standards shall be determinable from the Planning Commission review of the site plan.

1. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The use shall not inappropriately change the essential character of the surrounding area.
3. The use shall not interfere with the general enjoyment of adjacent property.
4. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
5. The use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, vibration, light or dust.
6. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
7. The use shall not place demands on public services and facilities in excess of current capacity.
8. The use shall be consistent with the latent and purpose of this Ordinance.

## SECTION 1206 – APPROVAL OF SITE PLAN

Upon the Planning Commission approval of a site plan, the applicant shall file with the Clerk four (4) copies thereof. The Clerk shall, within ten (10) days, transmit to the Zoning Administrator one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Administrator shall not issue a zoning compliance permit and building permit until a certified approved site plan has been received.

The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan. Any deviation from the approved site plan, such as, but not limited to those concerning parking, building structure placement or size, signs, traffic flow, or other site changes shall require preparation and approval of a revised site plan, prior to construction, in accordance with Section 1208.

#### SECTION 1207 – EXPIRATION OF SITE PLAN CERTIFICATE

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Administrator has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

#### SECTION 1208 – AMENDMENT, REVISION OF SITE PLAN

A site plan and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Article XII of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

ARTICLE XIII  
CONDOMINIUM APPROVAL

SECTION 1300 – PURPOSE

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plats must be approved by the Planning Commission. A site plan shall be required for all site condominiums. Each condominium unit shall be located within a zoning district that permits the proposed use.

SECTION 1301 – INITIAL INFORMATION

A person, firm or corporation intending to develop a site condominium project shall provide the following information with respect to the project:

1. The name, address and telephone number of:
  - A. All persons, firms or corporations with an ownership interest in the land on which the site condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
  - B. All engineers, attorneys, architects or registered land surveyors associated with the project.
  - C. The developer or proprietor of the site condominium project.
2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
3. The acreage content of the land on which the site condominium project will be developed.
4. The purpose of the project (for example, residential, commercial, industrial, etc.).
5. Approximate number of condominium units to be developed on the subject parcel.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic system is contemplated.

SECTION 1302 – INFORMATION TO BE KEPT CURRENT

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Approval and Compliance has been issued pursuant to Section 1502 (1-9) of this Ordinance.

SECTION 1303 – SITE PLAN REQUIREMENT

A site plan shall be filed with the Planning Commission for review of each phase of development. The site plan shall comply with all of the requirements of ARTICLE XII (Site Plan Review and Approval) of this Ordinance. In addition, site condominium developments shall be subject to the following requirements:

1. A site plan shall include all information required by Section 66 of the Condominium Act, and the Master Deed and bylaws.
2. The site plan shall include all land that the developer intends to include in the project.
3. In the case of a development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots rather than individual buildings or other structures, and required yards shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County, State and Federal agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, the Michigan Department of Natural Resources and the Environmental Protection Agency. The Planning Commission shall not approve a final site plan until each County, State or Federal agency, having such jurisdiction has approved that portion of the site plan that is subject to its jurisdiction.

#### SECTION 1304 – REVISION OF CONDOMINIUM SITE PLAN

If the site condominium plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such a permit is required.

#### SECTION 1305 – SITE PLANS – EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a site condominium project to additional land the new phase of the project shall undergo site plan review and approval.

#### SECTION 1306 – MASTER DEED, RESTRICTIVE COVENANTS AND “AS BUILT” SURVEY TO BE FURNISHED

The site condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an “as built survey”. The “as built survey” shall be reviewed by an engineer representing the Township for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

#### SECTION 1307 – DEVELOPMENT AGREEMENT

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

#### SECTION 1308 – CONSTRUCTION IN A GENERAL COMMON ELEMENT

Any application for a building permit for construction to be located in a general common element shall include written authorization for the application by the condominium association.

#### SECTION 1309 – MONUMENTS REQUIRED

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.



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

#### SECTION 1310 – ROAD RIGHT-OF-WAYS

Road right-of-ways shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall dedicate easements to the Township for all public water and sanitary sewer lines and appurtenances.

#### SECTION 1311 – SINGLE-FAMILY DETACHED CONDOMINIUMS

Single-family detached condominiums shall be subject to all requirements and standards of the applicable AG-1, R-1, R-2 and MHD-1 Districts.

ARTICLE XIV  
LANDSCAPING AND SCREENING REQUIREMENTS

SECTION 1400 – GENERAL

Landscaping and screening as provided in this Section shall be required on a site in the following cases: (1) whenever a site plan is required, or (2) whenever the estimated expense of construction exceeds twice the State Equalized Value (SEV) of the property. These regulations are not intended to apply to new construction or redevelopment of single-family dwellings in zoning districts where single-family uses are permitted as a use-by-right.

SECTION 1401 – DEFINITIONS

1. Landscaping: Landscaping shall consist of the following or combination thereof: material such as, but not limited to, grass, ground cover, shrubs, vines, hedges and trees; and non-living durable material commonly used in landscaping, such as but not limited to rocks, pebbles, sand, walls or fences but excluding paving.
2. Encroachment: Encroachment is defined as any protrusion of a vehicle outside of a parking space, display area or access way into a landscaped area.
3. Trees: Trees shall be defined as self-supporting woody plants of species which normally grow to an overall, minimum height of fifteen (15) feet.
4. Shrubs: Shrubs required by this Ordinance shall be self-supporting, woody, evergreen species.
5. Vines: Vines are plants which normally require support to reach mature form.

SECTION 1402 – CONFLICTING LAND USES

A parking lot or an office, commercial or industrial use adjacent to a land zoned for residential purposes must have the following between it and all areas zoned residential:

1. A landscaped area at least fifteen (15) feet wide.
2. One (1) tree for each thirty (30) feet or fraction thereof of the common boundary of abutting residentially zoned land.
3. A hedge, berm or combination thereof forming a continuous screen at least four (4) feet high.

SECTION 1403 – PARKING LOT LANDSCAPING AND SCREENING

Parking lots must have the following landscaping and screening:

1. Parking lots that are visible from a public right-of-way must include the following between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across from a public alley):
  - A. A landscaped strip at least ten (10) feet in width.
  - B. One tree for every forty (40) feet or fraction thereof of street frontage of the parking lot.
  - C. A hedge forming a continuous screen, at least thirty-six (36) inches above the street grade, or a berm, wall, building or combination forming a continuous screen at least thirty (30) inches above the street grade, and located in the buffer area to provide maximum screening of the parking lot.
2. Parking lots of greater than 5,000 square feet must meet the following interior landscaping requirements:
  - A. Within the interior of the parking lot there shall be one (1) square foot of landscaped area for each fifteen (15) square feet of the parking lot. In computing the lot area for this subsection, the area that extends twenty (20) feet from the required perimeter landscaping into the parking lot may be excluded.
  - B. Each interior landscaped area shall have at least one hundred fifty (150) square feet.
  - C. The landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.
  - D. There shall be at least one deciduous tree for each one hundred (100) square feet or fraction thereof.
3. Parking lots of greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet, may have interior landscaping located within the lot or around its perimeter.

#### SECTION 1404 – MATERIAL STANDARDS

Material used to comply with this Section must meet the following standards:

1. No artificial plants or trees may be used.
2. Where plant material is used for screening, it shall be composed of at least fifty (50%) percent evergreens. Plant material shall be of a size, quantity and spacing to achieve seventy (70%) percent year-round opacity within three (3) years as determined by the Zoning Inspector.
3. If a wall is used for screening, it shall be set back at least four (4) feet from the property line with one (1) thirty-six (36) inch high evergreen shrub planted every ten (10) lineal feet outside the wall or fence.
4. Walls shall be opaque structures with a continuous footing depth of forty-two (42) inches. If concrete blocks are used for walls, they must be decorative or brick-faced. If wood is used, it shall be comprised of pressure treated or decay resistant wood.
5. Fences shall be opaque structures with a footing depth of forty-two (42) inches with the footings comprised of pressure-treated or decay resistant wood.
6. Landscaped areas shall be covered with grass, ground cover or mulch with a weed barrier. If grass or ground cover is used, it shall be planted and maintained to present a finished appearance within one growing feet, grass shall be used. In areas subject to erosion, an erosion-reducing net or suitable mulch shall be used.

7. Deciduous trees shall have a mature crown spread of greater than fifteen (15) feet. Permitted trees include species that are native to Southern Michigan and recommended trees, or other types of trees approved by the Township. They do not include Poplar, Willow or Box Elder. At planting, trees must have a minimum caliper of two and one-half (2 ½) inches at six (6) inches above the root ball, a burlap ball size of at least ten (10) times the caliper size, and a clear stem of at least four (4) feet.
8. Evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three (3) feet, and a burlap ball size of at least ten (10) times the caliper size.
9. Existing vegetation of the property may be used to meet the requirements of this Section if it meets applicable size, species and opacity requirements.
10. Water distribution outlets shall be provided within one hundred fifty (150) feet of all plant material required by this Section.
11. Berms shall have slopes no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least two (2) feet of flat area on top and shall have adequate protection to prevent erosion.
12. Landscaped areas in and adjacent to parking lots shall be protected by concrete or bituminous curbing or approved landscaped timber.
13. Plant materials shall be selected and installed in accordance with standards established by the Township Planning Commission.

#### SECTION 1405 – LANDSCAPE PLANS

A landscape plan must show the location, type and size of all screening and landscaping in sufficient detail for a determination by the Township Planning Commission that the plan conforms with this Section. When a development would cause environmental damage, additional landscaping, screening or preservation of existing vegetation may be required by the Township Planning Commission as a condition of approval. Rearrangement of landscaping may be required to prevent traffic hazards or other dangers to public safety.

#### SECTION 1406 – VARIANCES

Upon an appeal filed to the Zoning Board of Appeals in accordance with the procedures of Article XVI, a variance may be granted from the strict application of the provisions of this Section in cases involving practical difficulties or hardships when the evidence supports at least one of the following affirmative findings:

1. That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this Section will result in less effective screening and landscaping than alternative landscape designs.
2. That not meeting the standards will increase the public benefit.
3. That, in the case of planned projects, a rearrangement of the landscaping elements will achieve the spirit and intent of this section.

#### SECTION 1407 – MAINTENANCE AND ENFORCEMENT

1. No owner or occupant of property shall fail to maintain, to the standards of this Section, landscaping and screening materials shown on a site plan or building permit application.
2. No certificate of approval or zoning compliance permit shall be issued unless the provisions of this Section have been met. Where compliance is not possible because of the season of the year, or other just reason, the Zoning Inspector shall be authorized to issue a temporary certificate of approval and establish a specific number of days for completion of the landscaping and/or screening conditioned upon the posting of a performance guarantee in the form and amount, and in accordance with the procedure provided under Section 1410, below, except that this provision shall be administered by the Zoning

Inspector rather than the Planning Commission. At such time as the improvements have been completed in accordance with the plans submitted, and assuming all other requirements have been met, a permanent certificate of approval and/or zoning compliance permit may be issued.

#### SECTION 1408 – PERFORMANCE GUARANTEES FOR IMPROVEMENTS

1. Deposit requirement. At the time of issuance of a permit authorizing an activity or project, the Planning Commission may require, as a condition to issuance of the permit, a deposit with the Township Clerk of cash, certified check, irrevocable letter of credit, or a surety bond having a form and issuer acceptable to the Township Attorney covering the cost of “improvements” associated with the activity or project for which the permit is sought.
2. The deposit requirement shall not be mandated if and to the extent a like deposit has been made pursuant to the Subdivision Control Act, MCL 560.101, et seq.
3. The permit applicant may propose to the Planning Commission a schedule pursuant to which portions of the deposit are to be returned in relation to the ratio of work completed on the required improvements as work progresses. The Planning Commission shall review the proposal, and, if reasonable, may establish a schedule as submitted by the applicant or as modified as the Planning Commission deems appropriate.
4. In establishing the requirement for the performance guarantee, a specific number of days for completion of the improvements, and the amount of the security shall be specified by the Planning Commission.
5. If the improvements have not been completed on or before the date specified for completion by the Planning Commission, all or part of the performance guarantee posted by the applicant, as needed for completion, may be utilized upon direction by the Township Board. Any and all costs incurred by the Township in completing the improvements shall be taken following completion of the improvements shall be returned to the applicant.

## **ARTICLE XIV.1 - OUTDOOR LIGHTING**

### **SECTION 1400.1 – GENERAL**

Outdoor Lighting as provided in this Section shall be subject to standards in the following cases: whenever a site plan is required. The regulations are not intended to apply to new construction or redevelopment of single-family dwellings in zoning districts where single-family uses are permitted as a use-by-right.

### **SECTION 1401.1a. – PURPOSE**

The purpose of this Section is to protect the health, safety, and welfare of the public by recognizing the need to regulate outdoor lighting levels to reduce off-site impacts, prevent reflection, and glare in a manner that creates a nuisance or safety hazard to operators of vehicles, pedestrians, and neighboring land uses, and promote dark sky environments in keeping with the rural character of Henrietta Township.

### **SECTION 1401.1b.– DEFINITIONS**

Artificial skyglow. The brightening of the night sky attributable to man-made light sources that directs and/or shines upward, which obscure stars, comets, the moon, northern lights, and other natural phenomena.

Kelvins (K). A scientific measurement for the color of the light itself. Warm or low-color-temperature less than 3000 Kelvins mimic soft glow of incandescent lighting. Cooler or higher blue light temperature are not brighter, just whiter such as 5000K mimic tones of daylight.

Light Pollution. Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen. The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

Luminaire. The complete lighting unit (fixture), consisting of a lamp, or lamps, and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect to the power supply.

Off-site Glare. Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e., "shoebox-type" fixtures. A luminary mounted in a recessed fashion under a canopy or other opaque structure such that the

surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

#### SECTION 1401.1c. - LIGHTING PLAN SUBMITTAL REQUIREMENTS

The following information must be included on all site plan submissions:

1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.
2. Specifications and details for the use, and type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.
3. Any other information deemed necessary to determine the appropriateness of lighting by the Building Department and/or Planning Commission.
4. Free-standing Pole Lighting. Exterior lighting shall be fully shielded, directed downward to prevent off-site glare, and uniform in lighting. Pole height shall be based on assessment of safety needs within the given topography. Site shall be designed and maintained such that illumination levels shall not trespass along adjacent property lines or roadways.-
5. Outdoor lighting intensity shall be rated as a “warm” light source, and low-color-temperature (up to 3000 Kelvins).
6. Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, and industrial districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, and repair areas, where such use continues after 11:00 p.m., but only for so long as such use continues.
7. Prohibited lighting types:
  - a. No exposed luminous tube lighting shall be used.
  - b. Flashing, fluttering or similar light intensity changes in nature.
  - c. Unshielded
  - d. Exempt lighting: Temporary seasonal (holiday), lighting required by public safety agencies, airport, and temporary construction lighting is not prohibited by this subsection.
  - e. The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
  - f. Variances. The Zoning Board of Appeals may grant a variance to the standards of this Section if all the following are met:
    - f1. Neighboring properties will not be adversely affected.
    - f2. Unique conditions exist on the site.
    - f3. Photometric test report or other satisfactory confirmation that luminaires meet the requirements of shielding.
    - f4. No modification shall be granted with respect to the standards regarding luminaire shielding.

ARTICLE XV  
ADMINISTRATION AND ENFORCEMENT

SECTION 1500 – ZONING ADMINISTRATION

The provision of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board for such term and to such condition and at such rate of compensation as said Board shall determine. For the purpose of this Ordinance, he shall have police power.

SECTION 1501 – QUALIFICATIONS OF THE ZONING ADMINISTRATOR

To be eligible to appointment, the Zoning Administrator shall be generally informed on good practice in fire prevention, safety, health, sanitary and protective measures. The Administrator shall be in good health and physically capable of discharging the duties of the Administrator. The Administrator shall not be engaged or employed directly or indirectly in the sale or purchase of real estate in the Township.

SECTION 1502 – CERTIFICATE OF APPROVAL AND COMPLIANCE

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, enlarged, or moved on any land and no land shall be used until application for a Certificate of Approval (building permit) has been filed with the Zoning Administrator on duplicate forms provided by the Township, and the Zoning Administrator has issued such Certificate of Approval. No Certificate of Approval and Compliance shall be required for repairing, restoring, or improving a conforming or non-conforming building or structure when the area of land occupied by the said building or structure remains unchanged.
2. No building or structure, subject to provisions of this Ordinance shall be used or occupied, and no land shall be used, subject to provisions of this Ordinance until a Certificate of Compliance has been issued for such building, structure or land use.
3. The application shall be signed by the owner of the premises, or his agent, and shall certify that all provisions of this Ordinance, the sewage disposal regulations of Jackson County, and other Ordinances of the Township pertaining to the building or structure, are to be complied with. The application in duplicate shall be filed no less than ten (10) days prior to the intended initiation of any work on the premises and shall be accompanied by a blueprint or pen and ink drawing to scale, showing the dimensions of the premises, and the kind, size and location of the building or structure.
4. Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of the Ordinance, the Zoning Administrator shall issue the owner a Certificate of Approval (building permit) within ten (10) days of the filing thereof. Where action of the Board of Appeals is required, the Zoning Administrator shall issue such action. When a Certificate of Approval (building permit) is refused, the cause shall be stated in writing to the applicant.
5. Any Certificate of Approval (building permit), under which no work is done within one (1) year from the date of issuance, shall expire by limitation but shall be renewable upon reapplication and on payment of fifty (50) percent of the original fee, subject however, to the provisions of all Ordinances in effect at the time of renewal.



6. The Zoning Administrator shall have the power to revoke or cancel any Certificate of Approval (building permit) in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of false statement or misrepresentation made in the application. The owner of his agent shall be notified in writing of such revocation.
7. Within five (5) days after receiving notification of compliance with the provisions of the Ordinance, the Administrator shall inspect the premises and issue the owner a Certificate of Compliance (final inspection) if the building, structure, and use are in conformity with the Ordinance.
8. For such Certificate of Approval (building permit), a fee shall be paid to the Zoning Administrator as determined by the Henrietta Township Board.
9. The amount of such fee shall be determined from the estimated cost as set forth in the application for the Certificate of Approval (building permit). If, upon completion of the structure, the Administrator shall determine that the estimated cost does not represent a fair valuation of the cost of the same, he shall notify the applicant in writing of the deficiency claims, and the Certificate of Compliance shall not be issued, or the structure used, until such deficiency has been corrected, as above provided.

ARTICLE XVI  
APPEAL BOARD

SECTION 1600 – APPEAL BOARD UNDER PUBLIC ACT 110 OF 2006

There shall be an Appeal Board constituted and empowered as in said Act provided.

SECTION 1601 – GENERAL POWER INFORMATION

The Zoning Board of Appeals shall have power to prescribe the form for application, where and when said Board is needed, the information required shall be full and complete as to the nature and extent of contemplated use including the size, number, location of buildings proposed to be the parcels of land owned, the location of adjoining property and buildings and such other details as the Board may require, either upon said application or upon hearing. The Board may upon hearing have power to grant such uses as are in conformity to the purposes and intent of the Ordinance, and to impose such conditions I issuance of Certificate of Approval hereunder, as it shall determine necessary to preserving the purposes and intents hereof. Accuracy of the information given shall be a condition to the issuance of the Certificate of Approval.

SECTION 1602 – VARIANCE

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict peculiar or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighboring, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  - 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
  - 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

**SECTION 1603 – PUBLIC NOTICE – NEWSPAPER PUBLICATION**

Where, in this Ordinance, power is vested in the Appeal Board to grant a use in any district, public notice of the meeting of said Board shall be given by publication in a newspaper of general circulation in said Township, and written notice to the address of such applicant given on such application, or to his agent, or attorney, if application shall be filed by such person.

**SECTION 1604 – APPLICANT POSTS EXPENSE**

The expense of such publication shall be posted by such applicant at the time of filing such application.

**SECTION 1605 – BOARDS’ POWER TO ADJOURN**

The Board of Appeals shall have power to adjourn such hearing prior to the date thereof by like notice, or may upon the date and time of such hearing adjourn the same, and in the absence of a quorum of the membership any one member may set the date, time and place of such adjourned meeting.

**SECTION 1606 – APPEALS FROM DECISION OF ADMINISTRATOR**

The Board of Appeals shall have power to vary, alter or reverse the decision of the Zoning Administrator where in this Ordinance power of determination is vested in said Zoning Administrator; provided, that where no use is made of this change in the decision of the Zoning Administrator within one year from the date granted, it shall expire.

**SECTION 1607 – APPEALS FROM DECISION OF ADMINISTRATOR LIMITATION ON TIME**

Appeals may be taken by filing with the Township Clerk a notice of appeals setting forth the reasons for such appeal. The Clerk of the Appeal Board shall set a date for a meeting of said Board, and serve notice, of the date set for the hearing, upon the Administrator, and the interested parties. Such appeals

must be taken within sixty (60) days from the date of filing the determination by the Administrator.

#### SECTION 1608 – RULES OF BOARD – REPRESENTATION

The Appeal Board shall prescribe rules for the conduct of its hearings, and shall keep minutes of the proceedings. At the hearing, any person may be represented by an agent or attorney.

#### SECTION 1609 – BOARDS’ ORDER – MAJORITY

The majority vote of the membership of the Board shall be requested to alter, modify or reverse any appeal made to the said Board, or upon any other matter before said Board.

### ARTICLE XVII PENALTIES

#### SECTION 1700 – FINE AND IMPRISONMENT

Any person, firm, corporation or other organization which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance or amendments hereof, shall be guilty of a misdemeanor, and upon conviction, shall be fined, not more than five hundred (\$500) dollars or shall be imprisoned in the County Jail for not more than ninety (90) days, or both, such fine and imprisonment being within the discretion of the court, together with the costs of prosecution. The imposition of any sentence shall not exempt the offender from compliance with the provision of this Ordinance.

#### SECTION 1701 – VIOLATIONS: NUISANCE PER SE

Any building or structure which is erected, altered, maintained, or used, or any use made of land or the uses thereon changed, in violation of the terms of this Ordinance is declared to be a Nuisance Per Se, and the Court shall order the same abated.

#### SECTION 1702 – SEPARATE OFFENSE

Each and every day during which a violation of this Ordinance shall exist, shall be deemed to be a separate offense.

#### SECTION 1703 – INTERPRETATION

The provisions of this Ordinance shall be liberally interpreted for the purposes provided in the preamble hereto, and for the general welfare of the Township of Henrietta.

#### SECTION 1704 – CIVIL PROCEEDINGS

Uses of land and dwellings, buildings or structures used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The Court shall order such nuisance abated and the owner/or agent in charge of such dwelling, building, structure, or land shall be deemed guilty of maintaining a nuisance per se. Proceedings may be commenced in a Court of equity by way of civil proceedings to abate any nuisance per se. Said suite may be commenced by the Township Building Inspector, Zoning Administrator, Supervisor, or Township Board.

#### SECTION 1705 – REMEDIES CUMULATIVE

The remedies and penalties provided herein are cumulative and in addition to other remedies provided by law.

ARTICLE XVIII  
VALIDITY AND INTERPRETATION

SECTION 1800 – VALIDITY

This Ordinance and the various parts thereof, is hereby declared to be severable. If any part thereof shall be declared to be invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

ARTICLE XIX  
AMENDMENTS

SECTION 1900 – GENERAL

Amendments or supplements shall be made thereto, in the same manner as provided in the Act for the enactment of this Ordinance.

SECTION 1901 – INITIATION OF AMENDMENTS

The Township Board may upon its own motion, initiate amendments, or the same may be proposed by the Zoning Board, or upon the petition of fifty (50) property owners, who have the qualifications of a legal elector.

SECTION 1902 – PROCEDURE

Each proposal for amendment which shall not originate with the Township Zoning Board, shall be submitted to said Board for its consideration. Following the consideration thereof by said Board, the said proposal shall be submitted to at least one public hearing, with notice thereof as provided by law, to the County Zoning Coordinating Committee or Commission as the case may be, and be adopted by the Township Board before becoming effective.

ARTICLE XX  
LEGAL STATUS

SECTION 2000 – CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected of repeal by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that 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.

SECTION 2001 – VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 2002 – PERIOD OF EFFECTIVENESS

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 2003 – REPEAL OF ORDINANCE

The “Zoning Ordinance of Henrietta Township, Jackson County, Michigan” adopted on November 13, 1972, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

SECTION 2004 – SAVINGS CLAUSE

All pending litigation commenced under a prior ordinance or cause of action arising under a prior ordinance hereby expressly is saved and shall be determined by a court of law with reference to the prior ordinance or ordinances. Situations within this clause shall be an exception to repeal of a prior ordinance or ordinances.

SECTION 2005 – EFFECTIVE DATE

This Ordinance was adopted by the Henrietta Township Board of Jackson County, Michigan, at a meeting held on March 12, 1990 and notice ordered published in the Leslie Local, a newspaper having general circulation in said Henrietta Township.

Date: \_\_\_\_\_

The following amendments have been incorporated:

SECTION 902 (6) - Adopted April 13, 1994  
SECTION 402 - Adopted March 8, 1995  
SECTION 201.3.A - Adopted April 12, 1995  
SECTION 201.71.A – Adopted April 12, 1995  
SECTION 1110 - Adopted April 12, 1995  
SECTION 402 (13) Adopted March 27, 2000  
SECTION 902 (9) Adopted March 27, 2000  
SECTION 928 (15) Adopted March 27, 2000  
SECTION 952 (5) Adopted March 27, 2000  
SECTION 1003 (5) Adopted March 27, 2000  
SECTION 601.3 Adopted February 4, 2002  
SECTION 505.1 Adopted February 4, 2002  
SECTION 100 Adopted October 8, 2003  
SECTION 101 Adopted October 8, 2003  
SECTION 105 Adopted October 8, 2003  
SECTION 118 Adopted October 8, 2003  
SECTION 201.27 Adopted October 8, 2003  
SECTION 201.33 Adopted October 8, 2003  
SECTION 201.38 Adopted October 8, 2003  
SECTION 201.46 Adopted October 8, 2003  
SECTION 201.85 Adopted October 8, 2003  
SECTION 201.101 Adopted October 8, 2003  
SECTION 201.110 Adopted October 8, 2003  
SECTION 406 Adopted October 8, 2003  
SECTION 509 Adopted October 8, 2003  
SECTION 1102 Adopted October 8, 2003  
SECTION 1105 Adopted October 8, 2003  
SECTION 1108 Adopted October 8, 2003  
SECTION 1109 Adopted October 8, 2003  
SECTION 1110 Adopted October 8, 2003  
SECTION 1202 Adopted October 8, 2003  
SECTION 1203 Adopted October 8, 2003  
SECTION 1205 Adopted October 8, 2003  
SECTION 2100 Adopted October 8, 2003  
SECTION 2101 Adopted October 8, 2003  
SECTION 2102 Adopted October 8, 2003  
SECTION 2107 Adopted October 8, 2003  
SECTION 2111 Adopted October 8, 2003  
SECTION 2112 Adopted October 8, 2003  
SECTION 403.1 Adopted December 10, 2003  
SECTION 403.3 Adopted December 10, 2003  
SECTION 503.1 Adopted December 10, 2003  
SECTION 603.1 Adopted December 10, 2003  
SECTION 603.2 Adopted December 10, 2003  
SECTION 703.1 Adopted December 10, 2003  
SECTION 903.1 Adopted December 10, 2003  
SECTION 929.1 Adopted December 10, 2003  
SECTION 953.1 Adopted December 10, 2003  
SECTION 1404.7 Adopted December 10, 2003  
TITLE PAGE Adopted November 8, 2006

SECTION 201.111	Adopted November 8, 2006
SECTION 201.112	Adopted November 8, 2006
SECTION 201.33	Adopted November 8, 2006
SECTION 201.113	Adopted November 8, 2006
SECTION 201.114	Adopted November 8, 2006
SECTION 201.115	Adopted November 8, 2006
SECTION 201.105	Adopted November 8, 2006
SECTION 504.1	Adopted November 8, 2006
SECTION 505.5	Adopted November 8, 2006
SECTION 1104	Adopted November 8, 2006
SECTION 1404.7	Adopted November 8, 2006
SECTION 1600	Adopted November 8, 2006
SECTION 1602	Adopted November 8, 2006
SECTION 401.12	Adopted November 14, 2007
SECTION 402.14	Adopted November 14, 2007
SECTION 501.5	Adopted November 14, 2007
SECTION 502.6	Adopted November 14, 2007
SECTION 601.4	Adopted November 14, 2007
SECTION 602.5	Adopted November 14, 2007
SECTION 707	Adopted November 14, 2007
SECTION 119	Adopted November 14, 2007
SECTION 401.13	Adopted April 9, 2008
SECTION 501.10	Adopted April 9, 2008
SECTION 601.8	Adopted April 9, 2008
SECTION 710	Adopted April 9, 2008
SECTION 901.6	Adopted April 9, 2008
SECTION 927.9	Adopted April 9, 2008
SECTION 951.9	Adopted April 9, 2008
ARTICLE XXII	Adopted April 9, 2008
SECTION 120	Adopted May 11, 2016

Reprinted with the above amendments August 1, 1995

General Revisions and reprinted August 1, 1997

General Revisions and reprinted November 5, 2007

General Revisions and reprinted May 14, 2008

Amendments to Commercial Parking Sections 903, 929, 953 November 2015

Amendments to Sections 201.117, Article V, R-1 Section 501.11, Section 104.1 adopted January 11, 2017

Amendment to Section 802.1 adopted March 8, 2017

SECTION 201.118 Adopted November 13, 2018

Amendment to Section 901 – Uses Permitted Adopted November 13, 2023

SECTION 106.1 Adopted January 11, 2023

SECTION 115.1 Adopted January 11, 2023

SECTION 201.119 Adopted January 11, 2023

Amendments to Section 201.52, Section 403 – Size of Premises, Section 927 – Uses Permitted, Section 1201 – Buildings, Structures, and Uses Requiring Site Plan. Adopted January 11, 2023

Reprinted with above amendments January 24, 2023

Lighting and Sign Amendments to 401.8, 501.6, 601.5

Lighting and Sign Amendments to 901.4 b., 927.8 b., 951.8 b., 1007.

Add Article XIV.1

Text Amendment to Section 501.4

Adopted November 8, 2023 at a Regular Board Meeting

Text Amendment to Section 503.2, Section 105, added definition 201.120-201.123, added Ordinance 121 adopted at a Regular Board Meeting August 14, 2024.



ARTICLE XXI  
TELECOMMUNICATION FACILITIES AND TOWERS

SECTION 2100 – DEFINITIONS

1. TELECOMMUNICATION FACILITY – A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication systems (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR) satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemptions as stated in the Federal Telecommunications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority. Also not included are facilities which are used by a single household or multiple residential units for the private use of the residents, and facilities which are receivers only and for which charges are not being made for viewing the signals being received.
2. APPLICANT – The applicant for a permit to erect a telecommunication facility as defined above.
3. APPLICATION – The application is a written request by the applicant to the permits and approvals necessary for the construction of a telecommunication facility.

SECTION 2101- APPLICATION PROCESS

1. Before any telecommunication facility is constructed within the Township, the application (with the required permit fees) shall be filed with the Township Clerk by the applicant. Such shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.
  - a. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the tower is 60 feet or more in height.
  - b. A survey to scale, showing, locating and identifying all structures with 1000 feet, and including a legal description of the real estate.
  - c. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees which will provide year-around screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
  - d. The proposed height of the telecommunication facility.
  - e. The location and size of all accessory buildings.

- f. The type of construction of the telecommunication facility.
- g. Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the telecommunication facility height and design, including a cross-section of the structure. The report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design. Such report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with Section 2102.7, 2102.11 and 2102.12 hereinafter set forth.
- h. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing at least two other potential host sites. Reasons for excluding a site include, but are not limited to:
  - 1. Unwillingness of a land owner to allow a telecommunication facility on his/her property.
  - 2. Topographical limitations of the site.
  - 3. Adjacent impediments that would obstruct adequate telecommunication transmission.
  - 4. Physical site constraints that would preclude the construction of a telecommunication facility.
  - 5. Technical limitations of the telecommunication system.
  - 6. Lack of a legal description of the property.
- i. The application shall be accompanied by a statement from a licensed Michigan professional engineer certifying that the tower is in compliance with all applicable federal, state and local codes, regulations and ordinances.
- j. The base of the telecommunication tower shall be determined by the setback requirements of the Zoning Ordinance. In no case shall the base of the tower intrude into the minimum setback requirements.
- k. Minimum spacing between self-supporting telecommunication facilities 75 feet and above shall be three miles in order to prevent a concentration of towers in one area.
- l. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review, together with meeting all of the requirements of Article XII, Section 1200, Henrietta Township Zoning Ordinance.
- m. All applications must include a copy of the FCC license.
- n. The application shall contain information which will demonstrate that there is an existing need for the structure in question in order to provide the community with reasonable access to telecommunication services.

#### SECTION 2102-MINIMUM STANDARDS

- 1. Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be self-supporting and separated from structures by a distance of no less than 200 feet or the height of the tower plus 10 %, whichever is greater, except structures used for the operation of the telecommunication tower. The setback distance shall be measured from the base of the tower to the lot line.
- 2. All communication towers shall be inspected annually by a competent or licensed inspector to ensure the structural integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A written report of the results of the inspection, certified by the inspector as complete and

correct, shall be provided to the Township Clerk on or before August 1 of each year. Such report shall be at the expense of the structure owner. If the owner fails to provide such a report, the Township may obtain such from a qualified individual of its' choice and recover its' cost from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method, including but not limited to adding such to the next tax statement and collected as if such was, in fact, a tax.

3. All telecommunication facilities shall be harmonious with and in accordance with the general objectives, intent and purposes of the Henrietta Township Zoning Ordinance and will not be hazardous or disturbing to the existing or future neighboring uses.
4. Telecommunication facilities shall not be artificially lighted unless otherwise required by the FAA or other federal, state or local authority.
5. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
6. Minimum property line setbacks shall be 30 feet plus the height of the self-supporting telecommunication facility, plus 10 % of the height of the tower, or 100 feet, whichever is greater, in Agricultural and Commercial Districts. In Industrial Districts, the setbacks shall be at least 50% of the height of the tower. Notwithstanding the foregoing language, no tower shall be located closer than 200 feet from the property line when the adjacent property within 500 feet is being used or residential proposes; providing, further, that where a proposed tower will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its' discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this Ordinance, but in no event shall the setback be less than that required for structures erected in the zoning district in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.
7. The telecommunication facility shall conform to the ANSI standards for RF exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or application shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standards at its' cost.
8. The total square footage of accessory buildings shall not exceed 400 square feet per user of the tower. Accessory structures shall blend in with the surroundings area by considering color, texture and materials, topography, and scale of buildings.
9. Fuel tanks shall be buried or screened with landscaping, fencing, or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state and federal law.
10. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state or local noise standards and shall conform to recommended decibel standards adopted by the appropriate local, state or federal agency.
11. Metal towers shall be constructed of, or treated with, corrosive resistant material.
12. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
13. There shall not be displayed and advertising or identification of any kind intended to be visible from the ground or other structure on any tower, except such identification as may be required for emergency purposes.
14. All parking and drive areas must be paved. However, the Planning Commission, in its' sole discretion, may allow an alternate type of finished surface for the parking and drive areas.

15. All telecommunication devices added to existing facilities or towers must meet the requirements of this ordinance including site plan review.

#### SECTION 2103 – ABANDONMENT

In the event the use of any telecommunication facility has been discontinued for a period of 180 days, the telecommunication facility shall be deemed to be abandoned. Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 180 days within which to re-activate the telecommunication facility or dismantle and remove the telecommunication facility.

#### SECTION 2104- FEDERAL, STATE, AND LOCAL RULES, ETC.

The owner or applicant of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

#### SECTION 2105- TOWER SPACE AND TOWER RIGHTS

The application shall provide to Henrietta Township, tower space and tower use rights for public safety, communication and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

#### SECTION 2106- SITE PLAN REVIEW AND APPROVAL

Telecommunication facilities shall be subject to the provisions of Article XII, Section 1200, of the Henrietta Township Zoning Ordinance regardless of whether such facilities are designated as a conditional use or permitted use in any zoning district. Such conditions are necessary to preserve the safety, health, and welfare of the residents because of the nature of the activity.

#### SECTION 2107- BONDS

The owner of the telecommunication facility or tower shall post a bond, or other performance guaranteed satisfactory to the Township Board, with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned and the owner fails to dismantle and/or remove the same within 180 days. The amount of the bond or other guarantee may be established by the Henrietta Township Board on a case by case basis and may be adjusted from time to time to reflect changing costs and expenses of dismantling and moving the telecommunication tower.

#### SECTION 2108- TRANSFER OF OWNERSHIP

These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facilities is transferred to another person, partnership, corporation or any other entity.

#### SECTION 2109-EFFECT OF FALSE STATEMENTS IN APPLICATION

Any application containing a false statement shall be deemed null and void. Any money on deposit with the Township shall be forfeited to the Township. Applicant may not reapply for the same site or a period of 365 consecutive days from the date of forfeiture.

#### SECTION 2110-BACK HAULER DESIGNATION

The application shall include the name of the back haul provider, if applicable.

## SECTION 2111-STEALTH DESIGN REQUIREMENTS

The Planning Commission may require camouflage or innovative design for a telecommunication facility. Such design requirements may include, but not be limited to, camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring the facility to be so designed as to blend into the existing environment and background of the facility.

## SECTION 2112-CO-LOCATION REQUIREMENTS

All commercial wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:

The proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Planning Commission finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower due to one or more of the following reasons:

- a) The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented and certified by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.
- c) Existing or approved towers or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
- d) Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved tower or building. Any proposed commercial wireless telecommunication service tower shall be designed-structurally, electrically, and in all respects- to accommodate both the applicant's antennas and comparable antennas for a minimum of two users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow future rearrangement of antennas upon the tower to accept antennas mounted at varying heights.
- e) No telecommunication tower shall be constructed unless there is proof that co-location on an existing tower cannot meet the needs of the applicant.
- f) All operators of towers constructed under this Ordinance section may not prohibit another operator or user from co-location of its' equipment at the then going rate for co-location on similar towers without a compelling reason approved by the Township Board. All operators must have Board approval before denying a co-location request.

## SECTION 2113 – AMENDMENTS TO TEXT OF PRESENT ZONING ORDINANCE

The following amendments are made to the existing Henrietta Township Zoning Ordinance:

1. Add the following to Section 201:

### SECTION 201.110 – (TELE) COMMUNICATION TOWERS

(Tele)Communication Towers shall be defined as set forth in Section 2100 – 1.

2. Add the following to Section 401:

11. Telecommunication facilities no more than 10 feet in height mounted to any existing structure.

**SECTION 2114 – REPEAL OF EXISTING ORDINANCE PROVISIONS**

These amendments to the Henrietta Township Zoning Ordinance are incorporated into such Ordinance as if such had originally been included into the Ordinance. Only those portions of said Zoning Ordinance in conflict with these amendments to the Zoning Ordinance are repealed by this amendment. All portions and provisions of the Zoning Ordinance not in conflict with this amendment are not repealed and remain in full force and effect.

**SECTION 2115 – PENALTY**

Any person, group, association, or any other type of organization, which violates the provisions of this Ordinance, including but not limited to the failure to file or provide the reports as set forth, shall be guilty of the violation of this amendment and shall be subject to the penalties set forth in the Zoning Ordinance.

**SECTION 2116 – ADOPTION AND EFFECTIVE DATE**

This Ordinance was adopted by the Henrietta Township Board at a special board meeting which was held on February 22, 2001, in compliance with the provisions of state law, including what is commonly referred to as The Open Meetings Act. Such shall be effective 10 days after publication in a newspaper having general circulation in the Henrietta Township, Jackson County, Michigan, area.

Dated February 22, 2001

\_\_\_\_\_  
Lawrence J Bamm, Supervisor

\_\_\_\_\_  
Sally J Keene, Clerk

**CERTIFICATE OF PUBLICATION**

Lawrence J. Bamm, Henrietta Township Supervisor and Sally J. Keene, Henrietta Township Clerk, hereby certify that this Amendment 2001-A to the Henrietta Township Zoning Ordinance was passed by unanimous vote of the Henrietta Township Board at a special meeting held on February 22, 2001, in compliance with state law, and further certify that this Amendment was published in the Jackson Citizen Patriot, a newspaper of general circulation in Henrietta Township, on March 4, 2001.

Dated March 6, 2001

\_\_\_\_\_  
Lawrence J Bamm, Supervisor

\_\_\_\_\_  
Sally J Keene, Clerk

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AMENDMENT #2200  
TO HENRIETTA TOWNSHIP ZONING ORDINANCE

The Henrietta Township Board recognizes that while outdoor wood-fired boilers provide an opportunity for cost-effective heat with a renewable resource, the design, site and operation of these units is critical to preventing significant impact to the public health and quality of life for Township residents. This Ordinance is intended to ensure that the impact on the health and welfare of residents as posed by future installation will establish strict but achievable standards that will allow the continued use of outdoor wood boilers, while limiting their very real environmental consequences.

THEREFORE, the Henrietta Township Board hereby ORDAINS that the following Article is added to the Henrietta Township Ordinance:

ARTICLE XXII  
OUTDOOR WOOD-FIRED BOILERS

SECTION 2200: PURPOSE AND SCOPE

This Article establishes guidelines for the placement and use of outdoor wood-fired boilers within Henrietta Township.

SECTION 2201: DEFINITIONS

- a. **OUTDOOR WOOD-FIRED BOILER:** A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals (hereinafter referred to as "Unit").
- b. **PHASE 1 EMISSION STANDARD:** The Environmental Protection Agency recommended particulate matter emission limit of 0.60 pounds per million British thermal units (lb/MMBtu) heat input or less, or another standard which may be subsequently adopted by said agency.

SECTION 2202: REQUIRED PERMIT

No Unit shall be constructed, placed or installed without a permit issued by the Henrietta Township Zoning Administrator, or such other person as shall be designated by the Henrietta Township Board. Such permit may be a separate permit or separately noted on the Zoning Compliance Permit. An application for a permit must include a copy of the manufacturer's specifications and requirements including those for installation and operation of the exact make and model of the unit to be installed.

SECTION 2203: LOCATION OF OUTDOOR WOOD-FIRED BOILERS

- a. The location of the Unit must be shown on the site plan submitted as part of the Zoning Compliance Application.
- b. A Unit may not be constructed less than 40 feet from the nearest point of the residence it is serving.
- c. No Unit which has an EPA Phase 1 Certificate may be constructed less than 150 feet from any/each property line.

- d. No Unit without an EPA Phase 1 Certificate may be constructed less than 300 feet from any/each property line.
- e. The Unit shall not be located in the front yard of the property.

SECTION 2204: ADDITIONAL REQUIREMENTS

Before a permit is issued by the Zoning Administrator, the following additional considerations shall be taken into account. The Zoning Administrator may require the location of the Unit to be moved based on the following:

- a. the prevailing wind direction;
- b. the prevailing site topography;
- c. buffers surrounding the Unit sufficient to prevent potential fires;
- d. stack height must meet manufacturer's specifications and installation requirements.

SECTION 2205: USE REQUIREMENTS

- a. No Unit may be operated between April 30 and October 1 of any year;
- b. No Unit may be used unless its' operation meets or exceeds the manufacturer's requirements/specifications.

SECTION 2206: PERMIT CONDITIONS

By the issuance and acceptance of a permit, the land owner consents to the following:

- a. to allow the Henrietta Township Zoning Administrator or any other person designated by the Henrietta Township Board to inspect or test the Unit to determine if its' operation meets the manufacturer's specifications, upon receipt of a complaint;
- b. No more than one inspection per year shall be made unless it appears to the Zoning Administrator that the Unit is not operating properly.

SECTION 2207: VIOLATIONS

The following shall be considered violations of the Henrietta Township Zoning Ordinance:

- a. Construction of a Unit without the required permit;
- b. Operation of a Unit in violation of this Ordinance;
- c. Operation of a Unit which is not operating to the requirements/specifications of the manufacturer;
- d. Burning material that is not specified by the manufacturer, or burning specified material in a manner which violates the manufacturer's specifications.

SECTION 2208: AMENDMENTS TO EXISTING ZONING ORDINANCE ARTICLES

- a. Article IV Agricultural District AG-1, Section 401 is amended to read as follows:  
  
401 – Uses Permitted:  
13. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.
- b. Article V Residential District R-1, Section 501 is amended to read as follows:



501 – Uses Permitted:

10. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

c. Article VI Residential R-2, Section 601 is amended to read as follows:

601 – Uses Permitted:

8. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

d. Article VII Mobile Home District MHD-1, Section 710 is amended to read as follows:

710 – Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

e. Article IX Commercial District C-1, Section 901 is amended to read as follows:

2. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

f. Article IX Commercial District C-2, Section 927 is amended to read as follows:

b. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

g. Article IX Commercial District C-3, Section 951 is amended to read as follows:

9. Outdoor Wood-Fired Boiler subject to the provisions and requirements of Article XXII.

#### SECTION 2209: SEPARABILITY CLAUSE

All Sections of this Amendment are separable. Should any Section be declared invalid, such decision shall not affect the validity of the Amendment/Ordinance as a whole.

#### SECTION 2210: REPEAL OF CONFLICTING ORDINANCES

All Ordinances or portions of Ordinances conflicting with the provisions of this Amendment are hereby repealed.

#### SECTION 2211: EFFECTIVE DATE

This Ordinance Amendment shall be effective 30 days after publication of the Amendment as required by statute.

Members present: A. Faist, S. Keene, L. Bamm.

Members absent: S. Dodge, G. Byerly

Ayes: 3

Nays: -0-

Larry Bamm, Supervisor

Sally J. Keene, Clerk

Published April 19, 2008

## **AMENDMENT TO HENRIETTA TOWNSHIP ZONING ORDINANCE**

The Township of Henrietta Ordains that the following is hereby added to the Henrietta Township Zoning Ordinance:

### **ARTICLE XII – SITE PLAN REVIEW AND APPROVAL**

#### Section 1201 – **Buildings, Structures, and Uses Requiring Site Plan:**

The following provision is added as paragraph 1(t):

##### 1.(t): **Wind Energy Generating Systems**

The following provision is added to the Ordinance:

### **ARTICLE XXIII – WIND ENERGY GENERATING SYSTEMS**

#### Section 2301 – Wind Energy Systems:

##### **1. On-Site Wind Energy Systems:**

- a. **Purpose and Scope** – This section establishes general guidelines for the siting and use of Wind Energy Systems. This section is intended to:
  - i. Protect Township areas from potentially adverse visual, noise, or environmental impacts of wind turbine generators or related devices and/or structures;
  - ii. Provide for a land use that will provide an energy source with low associated environmental impacts;
  - iii. Allow restricted use of wind energy systems of limited height.

##### **2. Definitions:**

- a. **Ambient** means the sound pressure level exceeded 90% of the time or L90;
- b. **Anemometer Tower** means a freestanding tower containing instrumentation, such as anemometers, that is designed to provide present moment wind data for use by the supervisory control and data acquisition system (SCADA), which is an accessory land use to a Utility Grid Wind Energy System;
- c. **ANSI** means the American National Standards Institute;
- d. **dB(A)** means the sound pressure level in decibels; it refers to the “a” weighted scale defined by ANSI; a method for weighting the frequency spectrum to mimic the human ear;
- e. **Decibel** means the unit of measure used to express the magnitude of sound pressure and sound intensity;

- f. **IEC** means the International Electrotechnical Commission that prepares and publishes international standards for all electrical, electronic and related technologies;
- g. **ISO** means the International Organization for Standardization;
- h. **On-Site Wind Energy Systems** means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumers at that site;
- i. **Rotor** means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind;
- j. **Shadow Flicker** means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, including but not limited to a window of a dwelling;
- k. **Sound Pressure** means an average rate at which sound energy is transmitted through a unit area in a specified direction; the pressure of the sound measured at a receiver;
- l. **Sound Pressure Level** means the sound pressure mapped to a logarithmic scale and reported in decibels (dB);
- m. **Utility grid wind energy system** means a land use for generating power by use of wind at multiple tower locations in a community, and includes accessory uses, including but not limited to a SCADA Tower, electric substation, etc.; a Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid;
- n. **Wind Energy System** means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower, as well as related electrical equipment; this does not include wiring to connect the wind energy system to the grid; see also On-Site Wind Energy System and Utility Grid Wind Energy System;
- o. **Wind Site Assessment** means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

**3. Permitted Use Standards for On-Site Wind Energy Systems and Anemometer Towers:**

- a. Designed and used as an accessory use to serve the needs of a home, farm, or small business.
- b. The wind energy system tower height or anemometer tower height, including the top of the blade in its' vertical position, shall not exceed a total height of 100 feet.
- c. **Property Set-Back:** The distance between the On-Site Use Wind Energy System and the owner's property lines, road rights-of-way, and/or utility lines, shall be equal to the height of the wind energy system tower, including the top blade in its' vertical position; the distance between the anemometer tower and the owner's property lines or road rights-of-way, shall be equal to the height of the tower; no part of the wind energy system structure (including any guy wire anchors) may extend closer than ten feet to the owner's property lines, or the distance of the required set-back in the respective zoning district, whichever results in the greater set-back.
- d. **Sound Pressure Level:** On-Site Use Wind Energy Systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events, such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- e. **Construction Codes, Towers & Interconnection Standards:** On-Site Use Wind Energy Systems, including towers, shall comply with all applicable state construction and electrical codes, Jackson County soil erosion permit and local building permit requirements. On-Site Use Wind Energy Systems, including towers, shall comply with all Federal Aviation Administration requirements,

and the Michigan Tall Structures Act (PA 259 of 1959, MCL 259.481 et seq, amended 1986, Effective April 1, 1987).

- f. Compliance With Regulations: Interconnected On-Site Use Wind Energy Systems, including towers, shall comply with all Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-Grid Systems are exempt from this requirement.
  - g. Safety: An On-Site Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from the grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
  - h. Signage: Signs are for demarcation only and shall be limited to four square feet, shaded light of 100 watts or less, placed 35 feet from the centerline of the road, and display identification, address, and telephone number as may be required for emergency purposes. No site shall allow advertising (including flags, streamers, and decorations).
  - i. Tower Separation: Wind Energy System Tower separation shall be based on industry standard and manufacturer recommendation.
4. **Conditional Use Standards** for Utility Grid Wind energy Systems, On-Site Use Wind Energy System over 100 feet high, and Anemometer Towers over 100 feet high, shall meet the following standards in addition to the permitted use standards (Article XI, Article XII, and Article XIV of this Ordinance):
- a. Feasibility Study: Prior to construction of a utility grid wind Energy system, a wind site assessment shall be conducted to determine feasibility of using the site.
  - b. Compliance with Existing Laws: An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement. The distance between the utility grid wind energy system and the owner's property lines, road rights-of-way and/or utility lines shall be equal to the height of the wind energy system tower, including the top of the blade in its' vertical position. The distance between the anemometer tower and the owner's property lines or road rights-of-way shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required set-back in the respective zoning district, whichever results in the greater set-back.
  - c. Safety: The System shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system.
  - d. Maximum Height: The maximum wind energy system tower height or anemometer tower height, including the tip of the blade in the vertical position, shall not exceed a total height of 199 feet.
  - e. Electromagnetic Interference: No Utility Grid Wind Energy System shall be installed in any location where its' proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system.
  - f. Distance from Existing System: No Utility Grid Wind Energy System shall be installed in any location within the line of sign of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- g. Utilities: Power lines should be placed underground when feasible, to prevent avian collisions and electrocutions. All above ground lines, transformers, or conductors should comply with the published standards of the Avian Power Line Interaction Committee to prevent avian mortality.
- h. Visual Impact: Utility Grid Wind Energy System projects shall use tubular towers with a single non-reflective matte finished color.
- i. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
- j. Complaint Resolution: Applicant must submit a descriptive process it has developed to resolve complaints from nearby residents concerning the construction or operation of the project, which has been approved by the planning commission.
- k. Decommissioning Plan: Applicant must submit a decommission plan indicating (i) the anticipated life of the project, (ii) the estimated decommission costs net salvage value in current dollars, (iii) the method of ensuring that funds will be available for decommissioning and restoration, and (iv) the anticipated manner in which the project will be decommissioned and the site restored.
- l. Decommissioning Period: Upon decommissioning, the owner/operator of the facility shall have six months within which to reactivate the facility or dismantle and remove the facility, and restore the site to its' condition prior to location of the facility. All decommissioning expenses are the responsibility of the wind energy system owner or operator.

5. **Environmental Requirements**:

- a. The site plan and other documents and drawings shall show (i) mitigation measures to minimize potential impacts on the natural environment, including but not limited to wetlands and other fragile ecosystems and historical and cultural sites as identified in the Environmental Analysis by a third party qualified professional, and (ii) mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact Analysis by a third party qualified professional.
  - b. The site plan shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq), by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.
6. **Repeal**: Those provisions of the Henrietta Township Zoning Ordinance, as amended, which are in conflict with the provisions of this Amended Ordinance, are hereby repealed.
7. **Effective Date**: This Ordinance shall become effective 30 days after publication of this Amendment or a Summary of the Amendment.

The Henrietta Township Board, at their regular January 2018 meeting, voted in favor of adopting the following ordinance:

## **Solar Energy Systems Ordinance Development**

### **Article XXIV Solar Energy Systems**

#### **SECTION 2400– Solar Energy Systems:**

##### **Purpose and Intent**

Henrietta Township determines that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts in a safe and efficient manner that is subject to reasonable conditions that will limit adverse impact on nearby properties, environment, and rural character of the region. The Township resolves that the following regulation and standards shall be adopted to ensure that solar energy systems can be constructed within Henrietta Township while protecting public health, safety, and natural resources.

#### **SECTION 2401 – Definitions:**

**Accessory Solar Energy System:** A small solar energy system which is roof, or building mounted, or architecturally-integrated, or ground mounted panels which are located on a lot or parcel with a principal use such as residence or business designed to supply energy for onsite residential use; excess energy produced may be sold back to the grid through net metering or commercial use to generate energy to offset utility costs or as an additional revenue stream. A small solar energy system generates up to but not exceeding 20kW., and can occupy, in total, no more than five (5) acres.

**Community Solar Energy System (CSES) (also called “Solar Garden”):** A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of providing retail electric power (or financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Roof or ground-mounted CSES or Solar Gardens are designed to supply energy for off-site users on the distribution grid. A large scale CSES or Solar Garden system exceeds 20kW., and can occupy, in total, more than five (5) acres.

**Solar Farm:** A large scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of wholesale sales of generated electricity to the electric transmission grid. A roof or ground-mounted solar farm is the primary land use for the parcel on which it is located. A large scale solar energy system exceeds 20kW., and can occupy, in total, more than five (5) acres.

**Solar Collection Panels:** Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity or **solar thermal** panels that convert solar energy indirectly to heat a fluid, and can also power solar cooling systems.

#### **SECTION 2402 - Permitted Use Standards**

Accessory Solar Energy Systems are a small solar energy system designed and used as an accessory use to serve the needs of a home, farm, or small business. Accessory Solar Energy Systems are Permitted Uses in all zoning districts, reviewed by the Zoning Administrator, and subject to the following standards:

##### **1. Property Set-Backs:**

Projects shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems

shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas and scenic trail corridors.

**2. Construction Standards:** The owner(s) and/or operator(s) shall submit a site plan and obtain all necessary permits from the Township, and other applicable government agencies.

**a.** An Accessory Solar Energy System may not occupy more than five (5%) percent of the property or up to five (5) acres whichever is less.

**b.** All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

**c.** Height of ground mounted panels shall not exceed fourteen (14) feet.

**d. Nuisances:** Accessory Solar Energy Systems shall not produce glare that is a nuisance to occupants of neighboring properties, or persons traveling neighboring roads, or air routes. Noise produced from Solar Energy Systems shall not exceed above 5dBA of ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.

#### **SECTION 2403 - Conditional Use Standards**

Community Solar Energy System, Solar Garden, or Solar Farms are large solar energy systems designed with the primary use of generating electricity to the electric transmission grid. Community Solar Energy System, Solar Garden, or Solar Farms are Conditional Uses in all-Agricultural, Commercial, and Industrial Zoning Districts, reviewed by the planning commission, and subject to the following standards:

**1.** Large solar energy system projects shall require prior to construction approval, a site assessment study conducted by a private company independent of the project applicant(s) and/ or property owner to determine feasibility including the project's description identifying the size, rated power output, project life, development phases, likely market for the generated energy; visual impact using renditions or photos; analysis of onsite traffic; environmental analysis

including soils, wetlands, surface water, woodlots, historical features, review of potential impacts on wildlife, corridor preservation at the site, and mitigation measures.

**2. Nuisances:** Large solar energy system projects shall not produce glare that is a nuisance to occupants of neighboring properties or persons traveling neighboring roads, or air routes. Noise produced from large solar energy systems shall not exceed above 5dBA of ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.

**3. Property Set-Backs** shall follow the district's applicable setbacks of the property's principal use. Ground mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, within one hundred fifty (150) of a residential district, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas, parks, and scenic trail corridors.

**4. Construction Standards:** project applicant(s) shall submit a site plan, and obtain all pertinent permits from the Township and other applicable government agencies.

**a.** The maximum property coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the property are subject to the maximum lot coverage restrictions of the district.

**b.** All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g. wetlands, hard bedrock), ), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable

codes and public utility requirements.

c. Lighting at the facility must be shielded to prevent atmospheric light pollution. Light pole(s) shall not exceed eighteen (18) feet.

5. Height of ground mounted photovoltaic solar panel arrays shall not exceed fourteen (14) feet.

6. Landscaping: Ground mounted photovoltaic solar panel arrays shall be screened from view with one (1) row, perimeter planting of native evergreen trees – one eight (8) foot tree every twenty-five (25) feet along road and property lines. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site.

7. Safety/Access: Perimeter security fencing is required around the Solar Energy facility and all electrical equipment (height and material to be established through the conditional use permit process). Keys or code access shall be provided for emergency personnel.

a. Owner(s) and/or operator(s) shall identify emergency and normal shutdown procedures.

b. Owner(s) and/or operator(s) shall identify potential hazards including solid and hazardous waste, generated by the project to adjacent properties, roadways, and to the community in general.

8. Telecommunications Interference: Owner(s) and/or operator(s) shall identify electromagnetic fields and communications interference generated by the project. Adequate setbacks shall be provided to mitigate the interference.

9. Utilities Interconnection: No grid-connected photovoltaic system shall be installed until the owner(s) and/or operator(s) submit a completed interconnection agreement with the electric utility in whose service territory the large solar energy system is located.

10. Project Life and Final Reclamation: The owner(s) and/or operator(s) shall submit a decommissioning plan for ground-mounted photovoltaic systems to ensure that the owner(s) and/or operator(s) properly removes the equipment and facilities upon the end of the project life or in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The Township may require the owner(s) and/or operator(s) to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

11. Planning Commission Review: Due to the ever changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found within the Solar Energy Systems Ordinance.

#### **SECTION 2404 - Effective Date**

This ordinance shall take effect upon publication following its adoption.