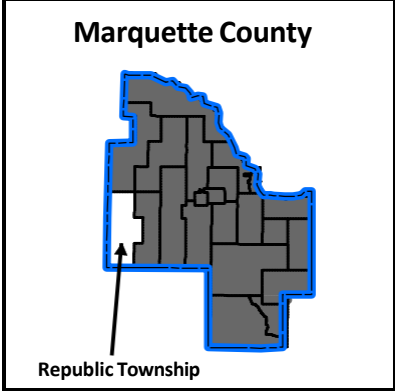
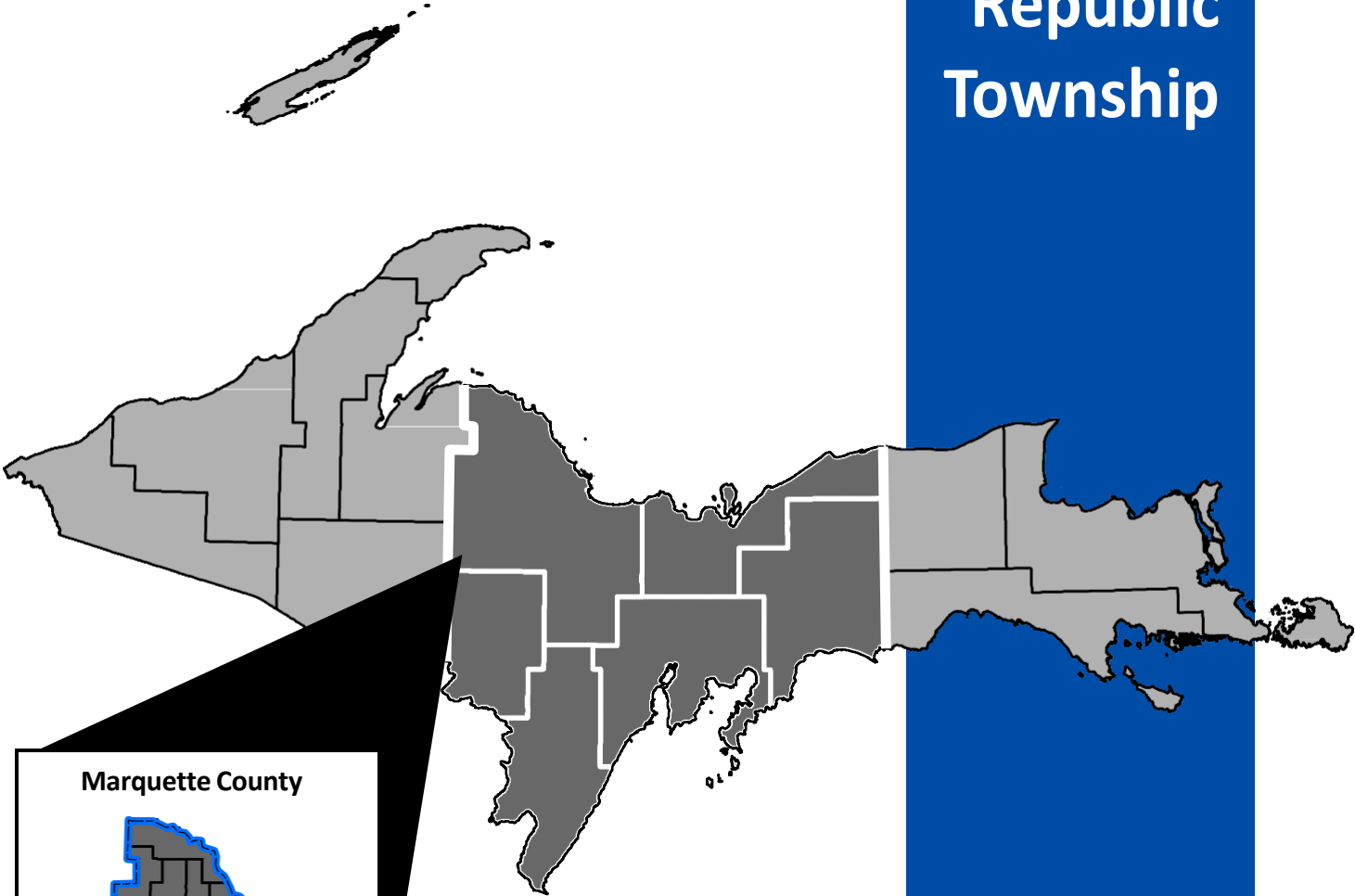


Republic Township



Zoning Ordinance

Ordinance
#2014-3

Republic Township Planning Commission
&
Republic Township Board
Adopted: Nov. 20, 2014
Amended: July 27, 2023



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Republic Township Zoning Map

**ARTICLE I
PURPOSE OF ZONING**

Section 101 Purpose

An Ordinance to establish zoning districts and regulations governing the development and use of land within Republic Township, in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and the stability of the agricultural, residential, and non-residential areas within Republic Township and promoting the orderly and beneficial development of such areas;
- C. Providing adequate light, air, privacy and convenience of access to property;
- D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health;
- E. Lessening and avoiding congestion on the public highways and streets;
- F. Providing for the needs of agriculture, housing, and commerce in future growth;
- G. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- H. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- I. Enhancing social and economic stability in the Township;
- J. Enhancing the aesthetic desirability of the environment throughout the Township; and
- K. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of Republic Township, Marquette County, Michigan.

ARTICLE II: DEFINITIONS

Section 201 Construction of Language

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

1. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases that have a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
2. The particular shall control the general.
3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
5. The word "use" includes the words, structures and buildings associated with such use.
6. When not inconsistent with the context, words in the present tense shall include the future, words in the singular number shall include the plural, and words in the plural shall include the singular.
7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
10. The word "lot" includes the words "plot" and "parcel."
11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.

- b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
12. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both Sections whose numbers are given and all intervening Sections.
14. "Day" refers to a calendar day unless otherwise specified as a working day, business day, etc. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions

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

1. Abutting: Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.
2. Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.
3. Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity and speed on the abutting roadway system.
4. Access Point: a) The connection of a driveway at the right-of-way line to a road. b) A new road, driveway, shared access or service drive.
4. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building or use. Except as otherwise permitted by this Ordinance, an accessory building or accessory structure shall not be used for human habitation.
5. Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. Residential accessory uses may include storage of household goods, gardening, private swimming pools, private emergency shelters and other similar uses.

6. Adjacent: Either abutting or being directly across a street.
7. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
8. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
9. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
10. Agriculture: The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
11. Alley: Any dedicated public way, which is not a street, affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
12. Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
13. Alternative Support Structure: Any vertical component not designed and constructed primarily for the purpose of supporting antennas, including but not limited to, buildings, silos, water towers, or utility poles.
14. Amendment: Any change by the Township Board to the text of these regulations or the official zoning maps.
15. Amusement Park: A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for

the conduct of games or sales of items, buildings for shows and entertainment, and restaurants and souvenir sales.

16. Antenna: Any exterior device for transmitting and receiving wireless communication to more than one customer at a time.
17. Antenna, Attached: An antenna affixed to a tower or alternative support structure.
18. Antenna, Concealed (stealth): An antenna with a support structure that screens or camouflages the presence of antenna and/or towers from public view, in a manner appropriate to the site's context and surrounding environment, including but not limited to clock towers, church steeples, light structures, water towers, or flagpoles that do not exceed 10 feet above the maximum building height.
19. Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.
20. Assisted Living Facility: A residence for the frail elderly that provides rooms, meals, and personal care. Other services, such as recreational activities, financial services, and transportation, may also be provided.
21. Automobile: A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.
22. Automotive Repair Garage: A premise where one or more of the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of automobiles; auto glass work, collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles. Retail sale of motor fuels, lubricants and accessories may also occur on these premises.
23. Automobile Wash Facility: A structure containing facilities for washing automobiles, including automatic or self-service applications of cleaning solutions, water, wax and/or heat for drying.
24. Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.
25. Bed and Breakfast: A single-family detached dwelling, containing four or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a

single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.

26. Berm: A raised earth mound, which is planted with ornamental vegetation.
27. Billboard: A large sign that is affixed to or erected upon a freestanding framework, designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located
28. Bluff line: The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lake ward side.
29. Board of Appeals: The Zoning Board of Appeals of Republic Township.
30. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
31. Buffer Strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
32. Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
33. Building: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. This shall include tents, awnings or vehicles situated on private property and used for such purposes.
34. Building, Accessory: *See Accessory Building.*
35. Building Area: The area covered by a structure, measured from the exterior walls of the structure.
36. Building Height: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.
37. Building Line: A line parallel to the street touching that part of a building closest to the street.
38. Building, Principal: *See Principal Building.*

39. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.
40. Cabin/Cottage: *See Dwelling*
41. Camp, organized: A parcel or tract of land with one or more buildings under the control of an organization or business which has buildings that provide meeting spaces, dining facilities, sleeping quarters, and recreational and educational facilities. Organized camps include hunting lodges, retreat centers, religious retreats, youth camps, therapeutic camps, convents and monasteries and have waste disposal and pressurized water systems approved by the Health Department.
42. Campground: Campground: A parcel or tract of land under the control of a person, which has established campsites for five (5) or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. Campsites may be advertised to the public as available either free of charge or for a fee. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the Mobile Home Commission Act, P.A. 96 of 1987.
43. Car Wash: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.
44. Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property in the Township.
45. Change of Use: Any use that substantially differs from the previous use of a building or land.
46. Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
47. Clear Vision Area: Corner areas at intersecting streets, alleys and driveways in which unobstructed vision of motor vehicle operators is maintained.

48. Clinic, Animal: A building where animal patients, which may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.
49. Clinic, Medical: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.
50. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
51. Co-location: The use by two or more wireless communication providers and/or two or more antennas on a common structure, tower, or building.
52. College: An educational institution authorized by the state to award baccalaureate or higher degrees, typically with residential facilities.
53. College, Community: An educational institution authorized by the state to award associate or higher degrees, and usually lacking residential facilities for students.
54. Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.
55. Common Open Space: Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.
56. Common Use Riparian Lot: Property which abuts a lake or a navigable tributary which provides lake access to owners or occupants of nearby property which does not abut the lake.
57. Communication Tower: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another

structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

58. Conditional Use: A use requiring express approval by the Planning Commission and issuance of a conditional use permit before the use may begin. Conditional land uses must meet certain requirements and performance standards, as specified in this Ordinance, before being authorized and additional conditions may be imposed by the Planning Commission.
59. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
60. Condominium: A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the common areas, facilities, and in some cases structures are owned by all the owners on a proportional, undivided basis.
61. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational time-share, or any other type of use.
62. Conference Center: A facility used for conferences and seminars, with lodging, food preparation, dining, recreation, entertainment, and/or meeting facilities.
63. Conservation Easement: The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development.
64. Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building and forestry operations.
65. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuel and other operating commodities for motor vehicles.

66. Cultural Facilities: Establishments that document the social, intellectual and artistic manifestations that characterize a society, and include museums, art galleries, and similar facilities of historical, educational or cultural interest.
67. Day Care Facility, Commercial: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person, and which is licensed and regulated under P.A. 116 of 1973.
68. Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
69. Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.
70. Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City or Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City or the Township.
71. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
72. Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
73. Detached Single Family Dwelling: A structure, except a mobile home, designed or used for residential occupancy by one family that is not attached or connected to another single-family dwelling by means of a garage, entrance way, covered pathway, or other structure.
74. District: A specifically delineated area within the Township, within which uniform regulations and requirements under this Ordinance govern the use, placement, spacing and size of land and structures.
75. Domesticated Pet: An animal that is considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which

is not likely to bite without provocation nor cause death, maiming, or illness to human beings, including by way of example: bird (caged), fish, rodent (bred such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (nonpoisonous), and dog. Wild, vicious or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

76. Drive-Through Use: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their automobiles.
77. Driveway: a) A passage providing access to an individual's property along which vehicles may be driven, comprised of suitable base as determined by the Zoning Administrator or his designated agency or person. If these driveways cross an existing roadside ditch, the property owner shall obtain a permit from the Marquette County Road Commission to install a culvert (minimum length is 24 feet) of sufficient size to carry, unimpeded, the flow of water in the ditch. b) Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
78. Driveway Offset: The distance between the centerline of two driveways on opposite sides of an undivided roadway.
79. Driveway, shared: A driveway connecting two or more contiguous properties to the public road system.
80. Duplex: A building containing two single-family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof. *See Dwelling, Two-Family.*
81. Dwelling, Multiple Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
82. Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family. The single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/width of 20 feet in the R-1 and R-2 Districts. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least 20 feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet. In the other zoning districts, the minimum breadth/caliper/width shall be 14 feet.
83. Dwelling, Two-Family: A single building on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from an exterior wall to an exterior wall, except for a common stairwell exterior to both dwelling units. The two-

family dwelling building shall have a minimum exterior breadth/caliper/width of 20 feet. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least 20 feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.

84. Dwelling, Upper Floor Commercial: A dwelling unit located in the upper floors of a commercial establishment, with an outside entrance allowing the occupants to come and go without entering the commercial establishment. There may be more than one dwelling unit associated with a single commercial establishment.
85. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
86. Easement: The legal right to use property owned by another for specific purposes or to gain access to another property. The easement may be for a portion or all of the property and can be deemed as under, on, or above said property.
87. Enlargement: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
88. Erected: Any physical operations on the premises required for construction on or moving onto said premises and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.
89. Essential Services: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, including but not limited to electric, gas, telephone, water, sewer, and public transit, to the public.
90. Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
91. Existing Use: The use of a lot or structure at the time of the enactment of a zoning ordinance.
92. Exotic Animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or

which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

93. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
94. Farm, Hobby: *See Section 416 for Zoning Districts and requirements.*
95. Farm, Livestock: The land and buildings where domesticated animals, such as cattle, horses, sheep, etc. are kept for home or personal use and/or as a source of income, at an intensity of no more than 1.0 per acre of land directly devoted to the raising and keeping of the animals. *See Intensive Agricultural Activity.*
96. Farm, Poultry: The land and buildings where fowl such as chickens, turkeys, ducks, etc. are kept on a commercial scale for the production of eggs and/or meat, at an intensity of no more than 1.0 per acre of land directly devoted to the raising and keeping of the animals. *See Intensive Agricultural Activity.*
97. Fast Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption within the restaurant building, in cars on the premises, and/or off the premises. Often includes drive-through service.
98. Feedlot: A concrete slab holding animals being prepared for market (over 150 per slab), or a field used for the same purpose with density of 25 or more animals per acre.
99. Fence: An artificially constructed above-ground barrier of any material or combination of materials, erected to enclose, screen or separate areas. Fences constructed of barbed wire, electrified materials or a single strand of any material are allowed only in the RR, RP, MR and MP Districts.
100. Fence, obscuring: An artificially constructed aboveground barrier of any material or combination of materials, other than barbed wire, razor wire, or electrified materials, erected to enclose, screen or separate areas and to block vision from one area to another.
101. Financial Institution: A non-residential structure in which money is kept for savings or commercial purposes or is invested, supplied for loans or exchanged. Such business

establishment can be a bank, credit union or other establishment pertaining to the management of money.

102. Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
103. Floor Area: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, attached or interior vehicular parking or loading, breezeways or porches; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
104. Floor Area Ratio: The percentage of lot area of the floor area of all buildings, excluding the floor area of garages, carports and breezeways and excluding the area of any floor more than four feet below average grade where no part of such basement is used for sleeping rooms or quarters.
105. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls. For the purposes of computing parking for those uses not enclosed within a building the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
106. Food Processing Establishment: An establishment in which food is processed or otherwise prepared for eventual human consumption, but not consumed on the premises. If retail sales are conducted, such sales are incidental and subordinate to the processing or preparation of food.
107. Freight Handling Facility: A terminal with the capability of handling a large variety of goods involving various forms of transportation and which may provide multimodal shipping capabilities, such as rail to truck or truck to air.
108. Frontage: The total continuous length of the front lot line.
109. Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

110. Funeral Home: A building used for the preparation of the deceased for burial, and for the display of the deceased and rituals connected therewith before burial and cremation.
111. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial automobiles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
112. Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
113. Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.
114. Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.
115. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building 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. The average of all faces shall be used to determine the height of a structure.
116. Greenbelt: An open area that may be cultivated and/or maintained in a natural state surrounding development and used as a buffer and/or screen between land uses or to mark the edge of an urban or developed area.
117. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.
118. Ground Coverage Ratio: The percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot except garages and carports and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except patios not more than six inches above grade.
119. Guest House: An accessory structure on the same lot as a single-family dwelling used to house occasional visitors and guests of the occupants of the single-family dwelling.

120. Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental and/or physical conditions. Health care facilities may be either inpatient or outpatient facilities; inpatient facilities provide for overnight or long-term care, while outpatient facilities provide care to patients who receive treatment or consultation without being hospitalized. Inpatient facilities often provide outpatient care as well.
121. Height, Tower: The distance measured from ground level at the base of the tower to the highest point on a tower or structure, including any attachments.
122. Home Occupation: Any activity carried out for gain by a resident and conducted as a secondary, incidental, and accessory use in the resident's dwelling unit, and which does not change the character thereof.
123. Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but not including hospitals, nursing homes or similar facilities. A hotel may also include a restaurant, small meeting rooms, etc., primarily for use by guests.
124. Hunting Camp: *See Dwelling*
125. Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate.
126. Incidental: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
127. Indoor Recreation: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.
128. Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

129. **Intensive Agricultural Activity:** The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species exceeds one animal unit per acre, and where the following conditions exist:

- a. 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.
- b. Crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

An animal unit is a unit of measurement for determining the number of domestic animals or poultry permitted in a district and calculated by multiplying the actual number of animals or poultry by their applicable animal equivalent unit(s) as shown in the table below. Generally, animal units shall not exceed 1.0 per acre of land directly devoted to the raising and keeping of the animals. For purposes of this Ordinance, the following equivalent animal units shall be used:

Animal or Poultry Type	No = to 1 Animal Unit (A.U.)
Slaughter and Feeder Cattle	1.00
Mature Dairy Cattle	1.40
Swine Weighing >55 lb.	0.60
Horses	1.00
Sheep or Goats	0.10
Turkeys	0.02
Chickens w/Overflow Watering	0.01
Chickens w/Liquid Manure System	0.03
Ducks	0.20

130. **Junk:** Any scrap, waste, reclaimable material, or debris for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or otherwise used or disposed of.

131. **Junkyard:** An open area greater than 200 feet square in size, where junk or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, handled or abandoned, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. Junkyards include automobile wrecking yards, but do not include uses established entirely within enclosed buildings.

132. Kennel, Commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.
133. Kennel, Private: A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.
134. Land Use: A description of how land is occupied or utilized.
135. Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.
136. Laundromat: An establishment providing washing, drying, and/or dry-cleaning machines on the premises for rental use to the general public. Laundromats may incorporate drop off facilities for commercial dry-cleaning establishments, but do not include dry-cleaning equipment other than self-service machines.
137. Light Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.
138. Living Fence: A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.
139. Loading Space: An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.
140. Lodge: A single building or facility that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of guests with or without sleeping facilities.
141. Long-Term Care Facility: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing body or

its members by marriage, blood or adoption. Such facilities include nursing homes, hospices, etc.

142. Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.
143. Lot Area: The total horizontal area within the lot lines of the lot, excluding any street rights-of-way.
144. Lot, Corner: A lot abutting on two or more streets or roads at their intersection or upon two parts of the same street forming an angle of less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
145. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
146. Lot, Double Frontage: Is any interior lot having frontages on two or more or less parallel streets or roads as distinguished from a corner lot. All lot lines consisting of streets or roads shall be front lot lines, and front yards shall be provided as required.
147. Lot, Interior: A lot other than a corner lot.
148. Lot Line(s): The lines bounding a lot as defined herein from another lot or from a public or private street or any other public space:
 - a. Front Lot Line: The line separating said lot from a street right-of-way. In the case of corner or double frontage lots, both lot lines abutting on street rights-of-way shall be treated as front lot lines.
 - b. Rear Lot Line: The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and entirely within the lot.
 - c. Side Lot Line: Any lot lines other than the front lot line or rear lot line. In the case of a corner lot or double frontage lot, all lot lines other than front lot lines shall be side lot lines.
149. Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed

together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.

150. Lot, Waterfront: A lot which fronts on a water body. All waterfront lots have two front yards, except corner waterfront lots which have three front yards. The owners of nonconforming waterfront lots may elect to meet rear lot requirements for the portion of the lot which fronts the public or private road providing access.
151. Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
152. Main Building: A building in which is conducted the principal use of the lot upon which it is situated.
153. Manufactured Housing Community: A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the Federal Manufactured Home Construction and Safety Standards Act, and transported, sited and installed in compliance with the act and state requirements in the Michigan Mobile Home Commission Act.
154. Manufactured Home (Mobile Home): Homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards. Manufactured homes may be single- or multi-section and are transported to the site and installed. The federal standards regulate manufactured housing design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. On-site additions, such as garages, decks and porches, must be built to local, state or regional building codes. Mobile home does not include a recreational vehicle.
155. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
156. Marijuana (Marihuana)
 - a. Medical Marihuana facility: Means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a

"primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Act, MCL 333.36421 et seq.

See Section 423 for zoning districts, permitted uses and conditions for approval.

- b. Recreational Marihuana Establishments: Means an enterprise at a specific location at which a licensee is licensed to operate under the provisions of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, including, "Marihuana retailer," "Marihuana secure transporter," "Marihuana safety compliance facility," "Excess Marihuana Grower" "Marihuana Event Organizer" "Temporary Marihuana Event" "Designated Consumption Establishment" and any other type of marihuana-related business licensed by the Department or as may be defined in the MRTMA.
See Section 424 for zoning districts, permitted uses and conditions for approval.

157. Master Plan: The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
158. Meat or Poultry Processing Facility: A facility for the processing, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products. This does not include the killing of animals on site.
159. Membrane Storage Structure: A structure consisting of a frame that is covered with a plastic, fabric, canvas, aluminum or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages but shall not apply to boat lifts and canopies that are placed in public waters and temporary tents or canopies used for special events such as weddings or graduations.

160. Mental Health Center: A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.
161. Minimum Landscaped Open Space: The percentage of lot area which must be maintained in grass or other living vegetation.
162. Minimum Waterfront Setback: The distance between the lake's bluff line or river's bank and the edge of the permanent structure closest to the water.
163. Mini-Storage-Warehouse: A building designed and built for retail rental of space for the storage of various types of goods, products, household items, automobiles, boats, etc... This does not include the storage of hazardous materials including chemicals.
164. Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.
165. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
166. Motel: *See Hotel.*
167. Multi-Use Building: A building containing two or more distinct uses.
168. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
169. Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
170. Nonconforming Use: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

171. Nuisance: Any act, thing, condition, land, building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property.
172. Nursery: An establishment where flowers, shrubs, trees or other plants are raised and/or offered for sale. A nursery may include a greenhouse, but also includes unenclosed areas used for growing and/or displaying plants for sale. Sales of related items, such as fertilizers, landscaping materials, etc. may be included when clearly related to the principal use of growing and/or selling plants.
173. Nursing Home: A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.
174. Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
175. Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communications equipment.
176. Office Building: A building used primarily for conducting the affairs of a business, profession, service or government, or like activity, and which may include ancillary services exclusively for workers in the building, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities.
177. Office Park: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned constructed and managed on an integrated and coordinated basis.
178. Off-street parking: Parking which occurs on a lot and not on a street or other public right of way.
179. Open Space: Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
180. Ordinary High Water Mark: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil,

and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

181. Outdoor lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.
182. Outdoor recreation: Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.
183. Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.
184. Overlay Zone or Overlay District: A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.
185. Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.
186. Park: A tract of land, designated and used by the public for active and passive recreation.
187. Parking Lot: An off-street, ground-level open area, usually improved for the short-term (not overnight) parking of automobiles, constructed in accordance with the requirements of this Ordinance.

188. Parking Space: A space for the parking of an automobile within a public or private parking area of definite length and width (refer to Section 804) and exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of automobiles.
189. Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the City and Township as assurance that required improvements or conditions associated with project approval are properly built or conformed with.
190. Permitted Use: Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.
191. Person: An individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.
192. Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
193. Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in this Ordinance.
194. Planning Commission: The Republic Township Planning Commission.
195. Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.
196. Porch: Roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.
197. Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.
198. Principal Building: A building in which is conducted the principal use of the lot on which it is located.
199. Principal Use: The primary or predominant use of any lot or parcel.

200. Principal Use, Permitted: A use which is allowed in a certain zoning district with no permits or stipulations other than the issuance of a zoning compliance permit and such general requirements as setbacks, lot size, etc.
201. Private Road (Township Approved): A privately owned and maintained road constructed on a privately maintained easement serving four (4) or more parcels of land or residential building sites.
202. Public Building: Any building, structure, facility, or complex used by the general public or providing public services, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, city halls, community centers, senior citizen centers; fire halls, etc.
203. Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak and participate.
204. Public Service: Relating to the health, safety, and welfare of the population.
205. Public Sewer and Water System: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of waste and the furnishing of potable water.
206. Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.
207. Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.
208. Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
209. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
210. Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

211. Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
212. Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
213. Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.
214. Recycling Plant: A facility in which recyclable materials, such as newspapers, magazines, books, and other paper products; glass; metal; and other products, are recycled, reprocessed, and/or treated to return such products to a condition in which they may again be used in new products.
215. Religious Institution: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
216. Rental Dwelling: A dwelling, with kitchen facilities located on the same lot of a principal single-family dwelling, which is rented for year round occupancy.
217. Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential, dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.
218. Restaurant: An establishment where food and drink are prepared, served and consumed primarily within the principal building.
219. Retail Food Establishment: Any fixed facility in which food or drink is offered primarily for retail sale. May include food preparation on the premises, such as a deli or bakery, when clearly related and incidental to the retail sale of food items.
220. Retail Outlet Mall: A parcel of land occupied by more than one retail outlet store, typically served by common parking facilities.
221. Retail Outlet Store: A retail establishment selling a single manufacturer's product.
222. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

223. Retail Warehouse Outlet: A retail operation from a warehouse as an accessory to the principal warehouse use.
224. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
225. Riparian Lot: Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.
226. Riparian Owner: A person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.
227. Riparian Rights: Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.
228. River's Bank: The edge or crest of the elevated segment of shoreline above the river which inclines steeply on the water side.
229. Road, Private: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.
230. Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation.
231. Same Ownership: Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.
232. Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.
233. School, Elementary: Any school, public, private or parochial, which meets state requirements for elementary education.

234. School, Secondary: Any school, public, private or parochial, which meets state requirements for secondary education.
235. Seasonal Dwelling: A residential building, whether temporary or permanent and may include mobile homes constructed prior to the Department of Housing and Urban Development's Mobile Home Construction and Safety Standards, being 24 CFR 3280. Where "seasonal dwelling" is provided as a principal permitted or Conditional Use in this Ordinance, it is intended that governmental services including snow plowing, road construction or maintenance, utilities, school bus service, and other like services may not be customarily be provided to the geographic area in which such dwelling or use is located. Anyone building a residential building in a zone designated for "seasonal dwellings" shall be informed in writing by the building inspector or Zoning Administrator that the "seasonal dwelling located in an area where the above governmental services are not customarily provided, such services may not, therefore, be available to that building or use.
236. Setback: The distance between a building and any lot line. The minimum setbacks establish required yards and define the zoning envelope.
237. Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.
238. Shoreline: That area of shore lands where land and water meet.
239. Sidewalk Café: A restaurant with tables on the sidewalk in front of the premises.
240. Side Lot Line: Any lot line which meets the end of a front lot line or any other lot line within 30 degrees of being parallel to such a line except a front lot.
241. Sight Distance: The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.
242. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
243. Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

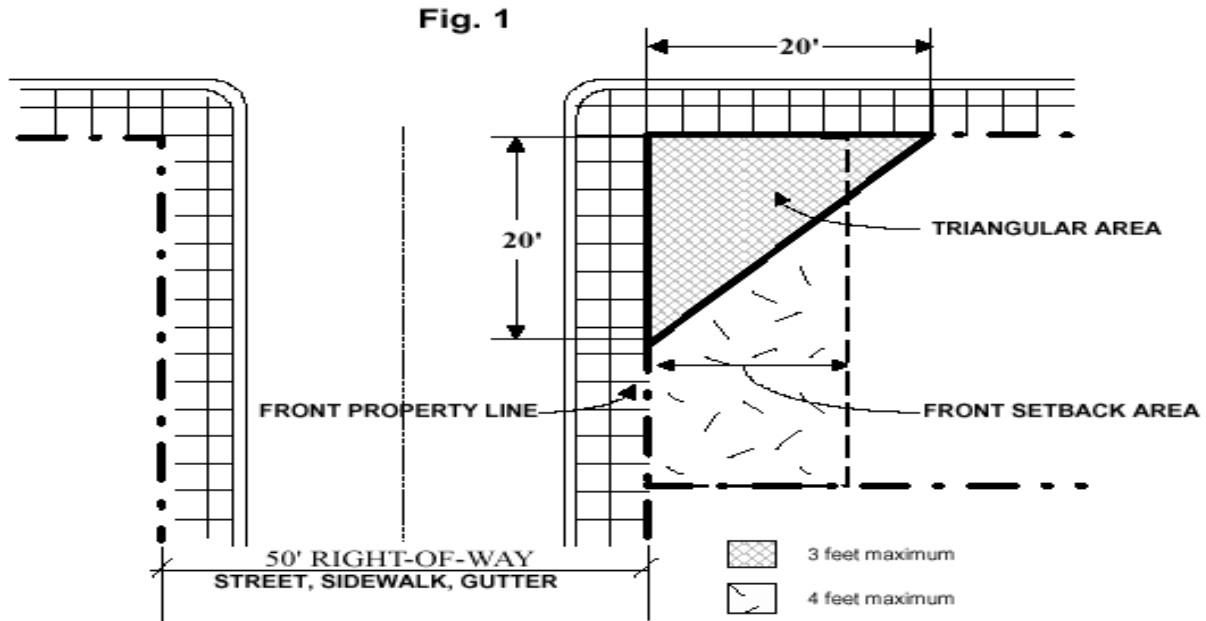
244. Sign, Directional: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one way,” “entrance” and “exit” but not used for advertising.
245. Sign Face: The area or display surface of a sign used for the message, not including any structural framework not used for display. Where a sign has two display surfaces back-to-back or in V-formation, each display surface is considered a face.
246. Sign, Marquee: A sign that is mounted, painted, or attached to an awning, canopy or marquee.
247. Sign, Mechanical: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
248. Sign, Off-premise: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered at a location other than the premises on which the sign is located.
249. Sign, On-premise: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered on the premises on which the sign is located.
250. Sign, Snipe: A sign, of any material, including but not limited to, paper, cardboard, wood or metal, that is not applicable to the premises upon which the sign is located, such as a sign tacked, nailed, posted, pasted, glued or otherwise attached to the ground, trees, poles, stakes, fences or to other objects on public or private property.
251. Sign Structure: The assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, facings and trim. Such sign structure may contain two faces arranged back-to-back or in V-formation.
252. Ski Resort: Includes base lodges, ski lifts, storage and maintenance buildings, restaurants and related uses. See Resort.
253. Slaughterhouse: A commercial establishment where cattle, sheep, hogs or other animals are killed and butchered, cut, packaged, and/or processed for sale; provided, however, that this shall not be taken to include the killing of livestock for personal consumption.
254. Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner, resulting in a use incompatible with surrounding land uses and which is inconsistent with local plans and policies.

255. Sprawl: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
256. Stable, Private: Any lot or premises wherein or whereon a horse or horses are maintained, harbored, kept, confined, raised, lodged, fed, or allowed to remain, which are exclusively owned and used by a person living at the lot or premises, but not a public stable.
257. Stable, Public: Any lot or premises wherein or whereon a horse or horses are maintained, harbored, kept, confined, raised, lodged, fed, or allowed to remain, for sale, public show, boarding, breeding, leasing, trading, training, riding, or some similar purpose, for remuneration, or which is a stable that is not a private stable.
258. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.
259. Street: Is a dedicated public right-of-way which affords the principal means of vehicular access to abutting property. A street includes the entire road right-of-way and any improvements constructed thereon.
260. Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
261. Structure Height: For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see building height.
262. Subdivision: The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance in the Township.
263. Supermarket: A retail establishment primarily selling food as well as other convenience and household goods.

- 264. Swimming Pool: Any structure, container, or pool, portable or non-portable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.
- 265. Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
- 266. Temporary Outdoor Activity: Happenings that are carried out primarily out-of-doors for a fixed period of time, not to exceed five consecutive days, and including but not limited to fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts and parades. Tents or other temporary structures may be used, but permanent structures are not permitted.
- 267. Temporary Structure: A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- 268. Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
- 269. Theater: A building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical or other live performances.
- 270. Throat Length: The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.
- 271. Throat Width: The distance edge-to-edge of a driveway measured at the right-of-way line.
- 272. Tower: A structure designed and constructed primarily for the purpose of supporting one or more antennas, including guyed towers, monopole towers, and lattice towers.
- 273. Tower, Lattice: A self-supporting structure, erected on the ground, which consists of cross-bracing of structural steel to support antennas and other related equipment.
- 274. Tower, Monopole: A self-supporting structure, with a single shaft of wood, steel or concrete, to support antennas and other related equipment.
- 275. Trip Generation: The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific

land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

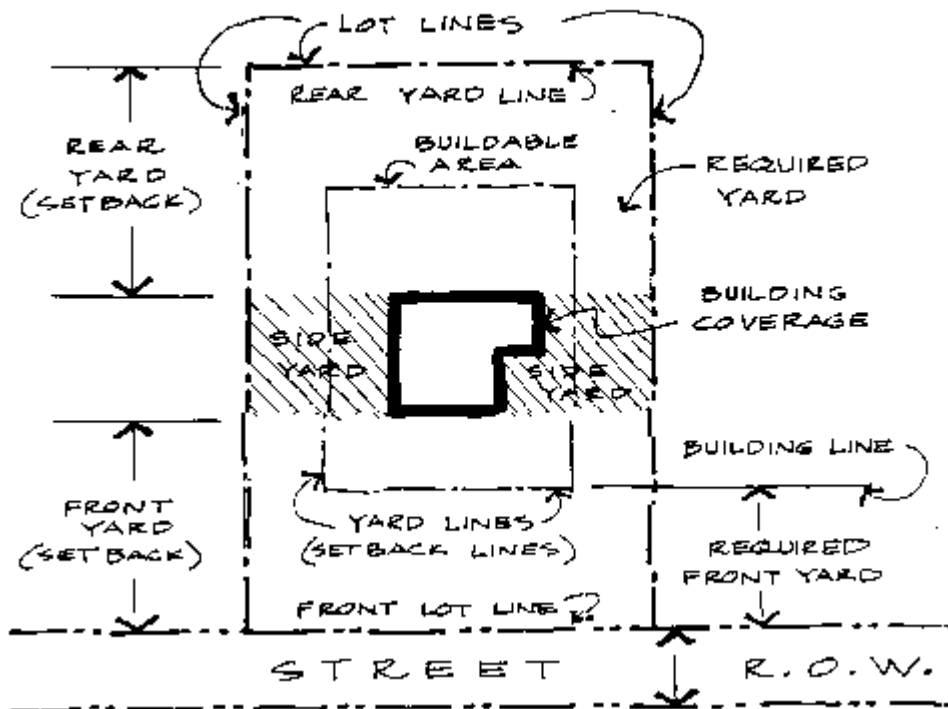
276. Truck Stop: Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of equipment or accessories for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.
277. Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
278. Two-Family Dwelling: A structure designed or used for residential occupancy by two families.
279. Underlying District: The base zone below an overlay zone that establishes the fundamental permitted uses, densities and dimensional regulations applicable to lands subject to a zoning ordinance.
280. Undeveloped or Unimproved Land: Land in its natural state before development.
281. Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are or may be occupied or maintained. Includes actual and/or proposed use of land and/or structures.
282. Use, Accessory: *See Accessory Use.*
283. Variance: Is a modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are undue hardship, practical difficulties and unique circumstances.
284. Vision Triangle: This triangular area is determined by measuring 20 feet from the point of intersection of the two streets, along the right of way (or property) lines of both intersecting streets. Then a line is drawn which connects the two points (See Fig.1).



- 285. Warehouse: A building used primarily for the storage of goods and materials.
- 286. Warehouse, Self-Storage: See *Mini-storage Warehouse*.
- 287. Waterbody: Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.
- 288. Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.
- 289. Wind Turbine: Any of the various machines used to produce electricity by converting kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle and tower) and any other buildings, support structures, or other related improvements for the generation of electrical power. See Section 422 for zoning districts, permitted uses and conditions for approval.
- 290. Wireless Communication Facility: Any combination of one or more antennas, accessory structures, and/or equipment together with a single tower. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham or amateur radio

facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt local regulatory authority.

291. Wireless Communication Provider: Any FCC-licensed service provider, and/or any supplier of wireless communication facilities for such providers.



292. Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.
293. Yard, Front: A space extending the full width of the lot between the principal building and the front line and measured perpendicular to the building at the closest point to the front lot line.
294. Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
295. Yard, Required: The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

296. Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.
297. Zoning Administrator: The Republic Township Zoning Administrator is hired for the purposes of carrying out certain duties and responsibilities as defined in this Ordinance.
298. Zoning Board of Appeals: The body appointed to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.
299. Zoning Compliance Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance.
300. Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks and sky exposure plane regulations when applicable.

Section 203 Words Not Defined

Any words requiring special interpretation and not listed above shall be used as defined in the dictionary maintained in the office of the Zoning Administrator, unless defined by specific action of the Zoning Board of Appeals.

ARTICLE III
ZONING DISTRICTS AND DISTRICT REGULATIONS

Section 301 Districts

For the purpose of this Ordinance, Republic Township is divided into the following zoning districts, which shall be known by the following respective symbols and names:

- R-1: Single Family Residential
- R-2: Multiple Family Residential
- RR: Rural Residential
- WR-1 Waterfront Residential One
- WR-2 Waterfront Residential Two
- C-LI: Commercial/Light Industrial
- RP: Resource Production
- MR: Mineral Resource
- MP: Mineral Production

Section 302 Zoning Map

The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the map entitled "Republic Township Official Zoning Map," which is an integral part of this Ordinance. The boundaries of the districts established by this Ordinance are delineated on the Zoning Map; said map and all notations, references and data shown thereon are hereby adopted and made part of this Ordinance and will be on permanent file, and for public inspection in the Township Hall. It shall be the responsibility of the Zoning Administrator to maintain said map and amendments thereto shall be recorded thereon within thirty (30) days after official publication of amendments. The Republic Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor and attested by the Township Clerk.

District boundary lines as indicated on said map are intended to follow streets, lot lines, section lines or property lines unless a boundary line is otherwise indicated on said map. Where the districts designated on the map are bounded by such street, alley or lot lines, the center line of the street or alley or the lot lines shall be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of un-subdivided property, the district boundary lines shall be determined by use of the scale appearing on the zoning district map or by dimensions.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad line.

Section 303 Replacement of Official Zoning Map

In the event the Official Zoning Map become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt new Official Zoning Maps, which shall supersede the prior Official

Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Section 302. Unless the Official Zoning Map have been lost, or has been totally destroyed, the prior maps or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 304 Application of District Regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XI herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 305 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Administrator shall determine if a use is similar to an expressly permitted use. Any appeals to the Zoning Administrator's interpretation shall be to the Zoning Board of Appeals pursuant to the provisions of Section 1102, et seq., of this Zoning Ordinance.
- C. Accessory uses are permitted as indicated for the various zoning districts if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

Section 306 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for

any parcel or use created in violation of any preceding Republic Township Zoning Ordinance.

Section 307 Exemptions

The location and placement of pipes, wires, poles and generating equipment of public utilities which provide service to individual dwellings or business locations are exempt from regulation under this Ordinance.

Section 308 Single Family Residential, R-1

- A. Purpose: The Single Family Residential District is intended to promote residential uses on smaller parcels of land, thus maintaining a high density residential district. The district regulations are also designed to restrict incompatible development such as apartment complexes, offices or commercial establishments from locating in this district.

- B. Principal Permitted Uses
 - 1. Single family dwellings.
 - 2. Accessory uses clearly incidental to principal use.
 - 3. Accessory structures, subject to the provisions of Section 405 of this Ordinance.
 - 4. Signs, on site, subject to the provisions of Article V of this Ordinance.
 - 5. Home occupation.
 - 6. State Licensed Residential Facilities

- C. Conditional Uses
 - 1. Planned Unit Development subject also to the provisions and regulations of Article VIII of this Ordinance.
 - 2. Mobile home park subject also to the provisions and regulations of Section 421.
 - 3. Public and semi-private uses including, but not limited to, the following: public and private uses, churches, community buildings, neighborhood recreation areas, hospitals, nursing homes, fire and police stations, public maintenance, repair or storage buildings.
 - 4. Utility corridors and necessary related facilities including, but not limited to, transmission towers and lines, microwave relay towers, substations and pipelines.
 - 5. Public, non-commercial recreational uses including trails, parks, beaches, wayside rest areas, etc.
 - 6. Group day care home shall be granted if consistent with the standards in section 704 (L).

Conditional use permits in this district shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width and so located, site planned and designed as to avoid undue noise and other nuisance and dangers.

Section 309 Multiple Family Residential, R-2

- A. Purpose: The R-2, Multiple Family Residential District is established to provide medium density, semi-rural or suburban living on moderate size lots in areas not expected to be served by public water and sewer in the near future. Care should be taken to not place this zone district where general soils information, if available, indicates severe development limitations for on-site waste disposal systems.

- B. Permitted Uses:
 - 1. Single family dwelling.
 - 2. Two family dwelling.
 - 3. Home occupation.
 - 4. Signs, on-site, subject to provisions of Article V of this Ordinance.
 - 5. Limited agriculture, farming and truck gardening, except kennels operated for commercial purposes provided that no agricultural building shall be located within one hundred (100) feet of any lot line adjoining residential property.
 - 6. Churches, hospitals, convalescent or nursing homes, provided that no building shall be located within fifty (50) feet of any lot line adjoining residential property.
 - 7. State Licensed Residential Facilities

- C. Conditional Uses:
 - 1. Planned Unit Development subject also to the provisions and regulations of Article VIII of this Ordinance.
 - 2. Mobile home park subject also to the provisions and regulations of Section 421.
 - 3. Public and semi-private uses including, but not limited to, the following: public and private uses, churches, community buildings, neighborhood recreation areas, hospitals, nursing homes, fire and police stations, public maintenance, repair or storage buildings.
 - 4. Utility corridors and necessary related facilities including, but not limited to, transmission towers and lines, microwave relay towers, substations and pipelines.
 - 5. Public, non-commercial recreational uses including trails, parks, beaches, wayside rest areas, etc.

Section 310 Rural Residential, RR

- A. Purpose: The RR, Rural Residential District is intended to promote lower density semi-rural living in areas neither requiring no anticipating the provision of public water and sewer services, while allowing limited development compatible with the principal, residential use.

- B. Permitted Uses:

1. Agricultural uses, such as field crops, truck gardening, berry and bush crops, flower gardening, orchards and nurseries, including a sales room for the sale of products grown on the premises.
2. Single-family dwelling.
3. Seasonal dwellings.
4. Accessory uses clearly incidental to principal use.
5. Churches, cemeteries, memorial gardens.
6. Home occupation.
7. Signs, on-site subject to the provisions of Article V of this Ordinance.
8. State Licensed Residential Facilities

C. Conditional Uses:

1. Two-family dwelling.
2. Planned Unit Development.
3. Mobile home park.
4. Public and semi-public uses, including but not limited to: public and private schools, churches, community buildings, private parks and recreation areas, campgrounds, hospitals, rest homes, fire and police stations, public maintenance repair or storage buildings.
5. Utility corridors and necessary related facilities including but not limited to: transmission towers and lines, microwave relay tower, substations and pipelines.
6. Kennel or veterinary hospital.
7. Riding stable.
8. Livestock activities.
9. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar and essential public utilities and service structures.
10. Airports.
11. Sanitary landfills.
12. Country club or golf course.
13. Mineral exploration.
14. Game management areas and wildlife refuges.
15. Production and harvesting of forest crops; forest management activities including planting, culture, thinning and harvesting of trees.
16. Temporary forest processing activities including portable sawmills, debarking and chipping facilities and temporary yarding areas.
17. Public campgrounds, canoe trails, snowmobile trails, scenic and nature trails or routes.
18. Wind energy systems, subject to the provisions of Section 422.
19. Solar Energy Systems(SES), subject to the provisions of Section 425.

Section 311 Waterfront Residential One, WR-1

- A. Purpose: The WR-1, Waterfront Residential One District is intended to provide a moderate level of residential and recreational use which is compatible with the water resource.

- B. Permitted Uses:
 - 1. Single family dwelling.
 - 2. Seasonal dwelling.
 - 3. Production and harvesting of forest crops; forest management activities including planting, culture, thinning and harvesting of trees.
 - 4. Soil and water conservation programs.
 - 5. Home occupation.
 - 6. Signs, on-site, subject to provisions of Article V of this Ordinance.
 - 7. State Licensed Residential Facilities

- C. Conditional Uses:
 - 1. Two-family dwelling.
 - 2. Resorts and lodges.
 - 3. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar and essential public utilities and service structures.
 - 4. Utility corridors and necessary related facilities including but not limited to: transmission towers and lines, microwave relay tower, substations and pipelines.
 - 5. Farming activities, including livestock, if lot area equals or exceeds 2.5 acres and any structure housing livestock is 250 ft. from neighboring residences.
 - 6. Mineral exploration.
 - 7. Forest processing activities including sawmills, debarking and chipping facilities and yarding areas.
 - 8. Signs, off-site, subject to the provisions of Article V of this Ordinance.
 - 9. Public and private recreational uses including trails, parks, beaches, and wayside rests and campgrounds.
 - 10. Game management areas and wildlife refuges.
 - 11. Group day care home shall be granted if consistent with the standards in section 704 (L).

- D. A buffer zone of thirty-five feet (35') from the normal high water mark is required.

Section 312 Waterfront Residential Two, WR-2

- A. Purpose: The WR-2, Waterfront Residential Two District is intended to provide for a more intensive use of waterfront areas which already, or would be further, developed with public services.

B. Permitted Uses:

1. Single family dwelling.
2. Mobile homes.
3. Seasonal dwelling.
4. Production and harvesting of forest crops; forest management activities including planting, culture, thinning and harvesting of trees.
5. Soil and water conservation programs.
6. Home occupation.
7. Signs, on-site, subject to provisions of Article V of this Ordinance.
8. State Licensed Residential Facilities

C. Conditional Uses:

1. Two-family dwelling.
2. Resorts and lodges.
3. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar and essential public utilities and service structures.
4. Utility corridors and necessary related facilities including but not limited to: transmission towers and lines, microwave relay tower, substations and pipelines.
5. Mineral exploration.
6. Signs, off-site, subject to the provisions of Article V of this Ordinance.
7. Agricultural activities.
8. Public and private recreational uses including trails, parks, beaches, and wayside rests and campgrounds.
9. Game management areas and wildlife refuges.

Section 313 Commercial, C/LI

A. Purpose: It is the intent of the C/LI, Commercial/Light Industrial District, to provide a business area for the location of offices and retail stores as well as compatible light industrial development, having few, if any adverse effects on neighboring properties.

B. Permitted Uses:

1. Restaurants and drinking places, including drive-in facilities, taverns, clubs and off-sale liquor establishments.
2. Cultural, entertainment and recreational establishments.
3. General merchandising, apparel and accessories establishments.
4. Catering establishments.
5. Commercial studios.
6. Hotels, motels, motor hotel, tourist camp and group quarters.
7. Furniture, home furnishing and equipment, sales and display.
8. Publishing, job printing and blue printing.
9. Building materials and hardware, retail sales/repairs.
10. Wholesale trade, sales office.

11. Post Offices and other public service operations.
12. General business offices.
13. Motor fuel and automotive service stations.
14. Laundromat.
15. Residential dwelling units when accessory and attached to a principal use.
16. Automobile, truck, recreational vehicle, boating, farm, heavy equipment or farm equipment sales and service shops.
17. Automobile service stations.
18. Nurseries, landscape and garden stores.
19. General merchandise retail outlets.
20. Commercial recreation and entertainment facilities.
21. Bottling works and food packaging.

C. Conditional Uses:

1. Public utility substation.
2. Single Family Dwelling.
3. Two Family Dwelling.
4. Multi Family Dwelling.
5. Wind energy systems, subject to the provisions of Section 422.
6. Medical Marihuana Facilities.
7. Recreational Marihuana Establishments
8. Solar Energy Systems(SES), subject to the provisions of Section 425

Section 314 Resource Production, RP

- A. Purpose: It is the intent of the RP, Resource Production District, to establish and maintain for low intensity, those areas which, because of their location, accessibility and natural characteristics are suitable for agriculture, forestry and recreational uses.
- B. Permitted Uses:
1. Single family dwelling.
 2. Seasonal dwelling.
 3. Mobile homes.
 4. Harvesting of wild crops including, but not limited to: wild rice, marsh hay, ferns, moss and berries, provided all rules and regulations governing such activities are observed.
 5. Production and harvesting of forest crops; forest management activities including planting, culture, thinning and harvesting of trees.
 6. Forest processing activities including sawmills, debarking and chipping facilities and temporary yarding areas.
 7. Agricultural activities of all types, with the exception that feed lots location within ¼ mile of any existing residence shall not be permitted.
 8. Accessory uses clearly incidental to principal uses.
 9. Signs, on-site, subject to provisions in Article V of this Ordinance.

- C. Conditional Uses:
1. Resorts and lodges.
 2. Hunting and shooting preserves.
 3. Utility corridors and related facilities, including, but not limited to: transmission towers and lines, microwave relay towers, substation and pipelines.
 4. Necessary facilities for the production of power including, but not limited to: dams, reservoirs and power plants.
 5. Signs, off-site, subject to provisions in Article V of this Ordinance.
 6. Mineral extraction, subject to the same conditions as specified in Section 316 Mineral Production District.
 7. Permanent open space, including but not limited to: parks, forests and game preserves.
 8. Public community centers and cultural historical structures and sites.
 9. Soil and water conservation programs.
 10. Public or private recreational uses including trails, parks, beaches, wayside rests and campgrounds.
 11. Wind energy systems, subject to the provisions of Section 422.
 12. Two Family Dwelling.
 13. Solar Energy Systems(SES), subject to the provisions of Section 425

Section 315 Mineral Resource District, MR

- A. Purpose: The intent of the MR, Mineral Resource District is to establish and zone areas for the preservation, protection and extraction of minerals for the long-term future; to provide for the orderly economic growth of Marquette County and Republic Township; and to provide for proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process.
- B. Permitted Uses:
1. Single family dwelling.
 2. Seasonal dwelling.
 3. Mobile homes.
 4. Mining and related activities shall comply with all requirements of Section 316, Mineral Production District.
 5. Agricultural.
 6. Timber harvesting and production.
 7. Utility corridors and related facilities, including, but not limited to: transmission towers and lines, microwave relay towers, substation and pipelines.
 8. Necessary facilities for the production of electric power including, but not limited to: dams, reservoirs and power plants.
- C. Conditional Uses:
1. Permitted uses of any district abutting the Mineral Resource District.
 2. Resorts and lodges.
 3. Medical Marihuana Facilities
 4. Recreational Marihuana Establishments

Section 316 Mineral Production District, MP

- A. Purpose: The purpose of the MP, Mineral Production District is to establish and zone land areas for reservation, protection and extraction of minerals; to prevent non-compatible land uses from denying the use of minerals; to protect mineral deposits near urban centers; to provide for the orderly economic growth of Marquette County and Republic Township; and to provide for proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process.

- B. Permitted Uses:
 - 1. Mining and related activities.
 - 2. Agricultural.
 - 3. Timber harvesting and production.
 - 4. Utility corridors and related facilities, including, but not limited to: transmission towers and lines, microwave relay towers, substation and pipelines.
 - 5. Necessary facilities for the production of electric power including, but not limited to: dams, reservoirs and power plants.

- C. Conditional Uses:
 - 1. The purpose and character of the MP District is such that no conditional uses will be allowed.

- D. Requirements: No mining shall take place until the operation has complied with this Section and Article IV and Article VI of this Ordinance. If any of the following information is available in the form of an Environmental Impact Statement or other appropriate document which is required to be submitted to various State and/or Federal agencies, a copy of this information may be submitted in place of the following appropriate items.
 - 1. Partial compliance will be met when the applicant has placed on file the following planning documents, including a cover letter with the signature of the applicant or the applicant's authorized agent (notarized), with the Zoning Administrator. Within thirty (30) days upon receipt of the planning documents with cover letter, the Planning Commission shall meet to review said documents.

 - 2. Site Plan
 - a. The site plan, based on the requirements as stated in Article VI of this Ordinance.
 - b. Proposed location, areas extent, estimated depth of excavation and a time table for the preceding.
 - c. Proposed location of waste dumps, tailing ponds, sediment bases, stock piles and other permanent or temporary facilities used in mining.

- d. Describe the general ground water conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners.
3. Narrative
- a. A narrative description outlining the estimated life span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measure to control noise, vibration and pollution from the operations effect on groundwater flow; proposed travel routes to be used to transport the mixed material to processing plants or markets; and the proposed steps to be taken to relieve adverse effects.
 - b. A narrative description of the social and economic impact on Marquette County including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
 - c. Proof of required state and federal permits or affidavit of application for state and federal permits relating to pollution control.
 - d. Sight barriers, if required, shall be provided along all boundaries of the mining operation which are adjacent to public roadways and all developed areas. These barriers shall be so constructed as to screen the mining operation from view and protect individuals from injury.
 - e. The following techniques may be used, but not limited to the following screening methods:
 - i. Buffer zone: An area of sufficient depth as to screen the operation from view.
 - ii. Earth berms: Earth berms constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general elevation of terrain along the property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal and shall be planted with trees and shrubs.
 - iii. Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.
 - iv. Fencing: Solid fencing or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

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- f. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals, as approved by the County Mine Inspector.
 - g. Identify plans for utilities, access roads, drainage traffic plans and other to-site improvements showing appropriate measures that have been, are, or will be provided.
 - h. That the noise, vibration and dust levels at the property lines be within levels that do not create harm or nuisance to adjacent property.
4. Reclamation Plan: A reclamation plan, unless the operator has obtained or filed an affidavit that he has submitted an environmental plan for state approval pursuant to Public Act 92 of 1970, as amended, and placed on file with the Planning Commission, that includes a map and description showing:
- a. Final grading, anticipated slope angles, wall reduction, benching and terracing of slopes, slope stabilization and re-vegetation, erosion control and alternative future land uses.
 - b. Description of topsoil stripping and conservation during storage and replacement.
 - c. Plan and description of anticipated final topography water impoundments and artificial lakes on property.
 - d. Plans for disposition of surface structures, roads and related facilities after a cessation of mining.
 - e. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals and of chemicals or material used during the mining or processing operations.
 - f. The Planning Commission will review the planning documents, accept input from the public and at the meeting, accept or reject with explanation the planning documents.
5. Any active mining operation at the date of enactment of this Ordinance shall not require a Zoning Compliance Permit to continue mining.
6. For an extraction of less than 500 cubic yards of minerals from a site of less than one (1) acres, the requirements of this Section shall not apply.

ARTICLE IV GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below in the Height, Bulk and Placement Regulations and no structure shall be erected or maintained which exceeds the height limit specified below.

Except as may otherwise be provided in Article IX, no building shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such buildings, uses or land shall be located.

Republic Township Height, Bulk and Placement Regulations												
Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage Allowed	Lot Line Setbacks ^E								Maximum Building Height
				Side yard Setback		Rear yard Setback		Shoreline Set-back ^{F,G}		Road Setback ^D		
				Principal Structure	Accessory Structure	Principal Structure	Accessory Structure	Principal Structure	Accessory Structure	Principal Structure	Accessory Structure	
R-1	20,000 sq. ft. ^A	100' ^B	35% ^C	5'	5'	30'	10'	50'	35'	30'	30'	30'
R-2	Greater than 1 Acre	150'	25% ^C	20'	10'	40'	10'	50'	35'	40'	40'	30'
RR	5 Acres	200'	20% ^C	25'	10'	50'	25'	50'	35'	40'	40'	30'
WR-1	Greater than 1 Acre	150'	25%	20'	10'	45'	10'	50'	35'	30'	30'	30'
WR-2	Greater than 1 Acre	100'	25% ^C	20'	10'	45'	10'	50'	35'	30'	50'	30'
C/LI	Greater than 1 Acre	110'	75% ^C	20'	10'	30'	15'	50'	50'	20'	40'	30'
RP	5 Acres	300'	5% ^C	20'	20'	20'	20'	50'	50'	20'	20'	30'
MR	5 Acres	300'	75% ^C	20'	20'	20'	20'	50'	50'	20'	20'	None
MP	10 Acres	500'	75% ^C	25'	25'	50'	50'	100'	100'	100'	100'	None

Table Footnotes:

- A. With public water and sewer.
- B. For structures located within the R-1 District, the lot width requirement of 100' applies to lots being served with private water and sewer, and public sewer lots. Lots being served by public water and sewer may maintain a minimum lot width of 75'.
- C. Including accessory structures.
- D. From outside dimension of right-of-way line.
- E. In addition to setback requirements, all sewer lines, septic tanks, tile disposal field, wells and other types for subsurface sewage disposal systems shall comply with Marquette County Health Department Regulations.
- F. Docks and piers may be placed at the normal high water mark. Rear yard setbacks do not apply to lots which front a shoreline. In those instances, shoreline setbacks must be complied with.
- G. A terrain buffer zone of thirty-five feet (35') from the normal high water mark is required.

Section 402 Permits

No application for a building permit or other permit or license, or for a certificate of zoning compliance shall be approved by the Zoning Administrator and no permit or license shall be issued by any other Township or County official which would authorize the use or change in use of any land or building contrary to the provisions of this Ordinance, or the erection, moving alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this Ordinance.

Section 403 General Regulations

In each zone district each structure hereafter erected or altered shall be provided with the yards and setbacks specified, shall be on a lot of the area and width specified and shall not exceed the percent of maximum total building coverage of its lot as specified in this Ordinance. No open space, lot, off-street parking, or loading space for another building structure may be used to meet this requirement unless the joint space meets all requirements of all buildings or structures for which it serves.

Section 404 Principal Use or Structure per Lot

In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 405 Accessory Buildings

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
- B. In the R-1, R-2, WR-1 and WR-2 Districts, the floor area of accessory buildings located on a lot less than 1 Acre in size shall not exceed 1,500 square feet.
- C. A single accessory building with up to 3,500 square feet or the cumulative square footage up to 3,500 square feet of all accessory buildings on a lot is permitted in all districts on lots greater than 2 Acres in size.
- D. A single accessory building greater than 3,500 square feet or the cumulative square footage up to 3,500 square feet of all accessory buildings on a lot may be permitted by application for and issuance of a Conditional Use Permit.
- E. On lots where no principal building is presently located, an accessory building may be located.
- F. Accessory buildings shall be constructed to be compatible aesthetically and in design with the existing principal building if one exists on lot.
- G. Accessory buildings shall be constructed to be compatible aesthetically and in design with the existing principal building if one exists on lot.

A semi-trailer or storage container etc., mobile home, travel trailer or other recreational vehicle shall not be used as a storage facility except on a temporary basis during a construction period not exceeding 180 days or as permitted on the Zoning Compliance Permit.

- H. Storage/Shipping Containers used as accessory buildings shall comply with all of the following.
1. Shall be permitted in all districts on lots greater than 5 acres in size subject to the zoning requirements of the district in which located.
 2. Shall be adequately screened by walls, fences, land-forms, or natural or planted landscape plant materials, at least the height of the structure at the time of planting, to effectively conceal the structure from the view of the roadway and neighboring properties or shall be constructed to be compatible aesthetically and in design with the existing principal building.
 3. Shall obtain a Zoning Permit and if the floor area exceeds 200 square feet a County Building Permit shall also be obtained.

Section 406 Water Supply

Any public or private supply of water for domestic purposes must conform to Marquette County Health Department standards for water quality.

Section 407 Waste Disposal

The disposal of sewage, industrial wastes, or other wastes shall be subject to the standards, criteria, rules and regulations of the Michigan Department of Natural Resources, and Marquette County Health Department. Structures which require sewage disposal facilities and which locate on a lot serviced by public sewage facilities shall be required to connect to such facilities subject to the approval of the Township of Republic.

Section 408 Sewage Disposal

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal to be maintained in accordance with all regulations of the Marquette County Health Department applicable thereto, or as otherwise specified in this Ordinance.

Section 409 Height Regulations

- A. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

- B. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following: chimneys, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, lookout towers, storage lofts, tanks, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 410 Yard Regulations

The following requirements qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance. Measurements shall be taken from the nearest point of the wall of a building to the lot line question, subject to the following qualifications.

- A. The ordinary projections of window wells, sills, belt courses, cornices and ornamental features may extend to a distance not to exceed twenty-four (24) inches.

- B. A yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other open space for another building.

- C. The setback requirements shall be observed on each street side of a corner lot; provided, however, that the buildable width of a lot shall not be reduced to less than thirty (30) feet.

Permitted Obstructions in Required Yards:

The following shall not be considered to be obstructions when located in the required yards specified:

D. In Front Yards:

1. A landing, patio or uncovered porch may extend into the required front yard.
2. On double frontage lots, the required front yard shall be provided on both streets.

E. In Side Yards:

Where dwelling units are located above commercial establishments, no side yard is required, except when required of a commercial building on the side of a lot adjoining a residential district.

Section 411 Road-Side Standards

Along all public rights-of-way the following provisions shall apply.

- A. Junk yards, auto wrecking yards, solid waste disposal facilities, building material storage yards, maintenance equipment or contractor yards, bulk oil and gas plants, borrow pits, and other similar uses (mining, pits, dumps and tailings disposal areas) shall be adequately screened by walls, fences, land-forms, or natural or planted landscape plant materials, at least four(4) feet high at the time of planting, to effectively conceal the establishment from the general view of motorists using the roadway. Where the Planning Commission finds that prevention of vandalism, continuity of service and general safety so indicate, screening shall not be required.
- B. Driveway access to any parcel or lot from any public roadway shall be limited to not more than one (1) twenty (20) to thirty-two (32) foot wide driveway entrance for each parcel or lot, unless special permission of the Michigan Department of Transportation, the Marquette County Highway Engineer, has been granted. In no case shall a driveway entrance be permitted to be located within 100 feet of the right-of-way line of any intersecting road.
- C. No entrance onto any Federal, State, County State Aid, or County roadway shall be permitted unless a permit has been approved by the Michigan Department of Transportation, the County Highway Engineer, or applicable Road authority. Whenever possible, new commercial and industrial uses shall use driveways and parking areas in combination with existing establishments so as to reduce the number of driveway entrances.

Section 412 Relationship to Other Laws

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provisions of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection or regulation.

Section 413 Building Requirements

Every dwelling unit shall have a floor area of not less than 600 square feet, provided, however, that not more than 120 square feet thereof may consist of storage space. No crawl space or area under a mobile home shall be used for any storage purpose whatever and every such crawl space or area under a mobile home which is less than five feet in height shall be fully enclosed by a weatherproof material and any ventilators shall be screened.

Section 414 Fences

- A. All Boundary line fences shall be entirely located upon the private property of the person, firm or corporation constructing, or causing the fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. No setback requirements shall apply.
- B. Fences in the Residential District shall not exceed six (6) feet in height in the side and rear yards and shall not exceed forty-two (42) inches in height in the front yard.
- C. Fences in the Commercial and Industry Districts shall not exceed six (6) feet in height except security fences, which shall not exceed eight (8) feet in height including barbed wire toppings.
- D. No fences shall be constructed within utility easements.
- E. All fences require a Zoning Compliance Permit, except living fences.
- F. Setback Requirements for all fences:
 - 1. All fences shall be placed no less than six inches from the property line, except living fences. Hedges shall not be planted within three feet of the property line.
 - 2. Fences may be erected only by the owner of the property or by a person designated in writing by the property owner.
 - 3. In the Village of Republic, fences must be forty-eight (48) inches from the right-of-way.
 - 4. On all County roads, fences must be set back six (6) inches from the County right-of-way.

- 5. Fences may not be installed in utility or road easements.
- G. The owner of a fence or visual screen, consisting of materials requiring painting, staining or other significant periodic maintenance, shall be the responsible for all maintenance of the fence.
- H. No fence shall be permitted to encroach upon a public right-of-way, such as a street or alley.
- I. Hedges or living fences shall be maintained so as not to encroach upon neighboring properties, sidewalks, right-of-ways or hinder the vision of a vehicle driver.
- J. Materials: For all fences and walls erected after the effective date of this amendment, the finished face of such fence or wall shall face outside the property, with any visible posts or supports being located inside of the fence or wall.
- K. Clear Vision Areas: Clear vision areas shall be maintained at all intersections of public roads, alleys and driveways.
- L. All fences shall be constructed so that should a fire occur on the premise, Firemen shall have access.

Section 415 Specifications for Single Family Manufactured Home (Mobile Home) Residences

No person shall use, occupy or permit the use or occupancy of a mobile home as a single family dwelling within a residential district within Republic Township, not designated as a mobile home park, except upon the following terms and conditions, namely:

- A. No person shall occupy any mobile home as a dwelling within any permitted residential area until a zoning permit shall be issued by the official in charge of issuing such permits, and which permit shall indicate satisfactory compliance with all requirements of the Zoning Ordinance.
- B. A mobile home shall be installed only upon land owned by the owner of the mobile home. Following the installation of said mobile home upon said land, the mobile home shall become and be a part of and be affixed to the real estate and the combined mobile home and land to which it is affixed shall thereafter together be assessed as real estate in the same manner as conventional on-site homes.
- C. The mobile home shall be installed pursuant to manufacturer' set-up instructions and the regulations of Michigan Mobile Home Commission, and it shall have a non-load bearing skirting wall of the same perimeter dimensions of the mobile home, which wall shall be constructed of such material and type as required in the applicable building code for single family dwelling and be compatible with those required by the Michigan Mobile Home Commission or the manufacturer's specifications for said mobile home.

- D. For residences without basements, an approved skirting, color and material compatible with the mobile home design, or a color and material compatible with the siding on the mobile home shall be installed from the ground level to the lower edge of the home on all sides and properly vented. In installing the mobile home upon the premises, the wheels, wheel axles and towing mechanism shall be removed from the mobile home. An access panel of sufficient size to allow full access to utility hook-ups shall be installed in the rear section of the skirting.
- E. Permanently attached steps or porch shall be constructed where elevation differential requires same.
- F. The mobile home shall have affixed to it, a numbered plate which identifies the Housing and Urban Development (HUD) authorized inspection agency, certifying the mobile home meets all HUD specifications.
- G. Any mobile home shall be constructed to be compatible aesthetically and in design with conventional on-site homes, or the appraised value of the mobile home and land improvements shall be equal to or exceed the value of the single-family dwellings adjacent to the proposed mobile home site. The mobile home shall compare favorably with other housing that would be allowed on the site.
- H. There shall be no additions made to an installed mobile home without first obtaining a permit therefore, and any addition shall be of comparable quality of construction with the original construction, and any addition shall be in compliance with this ordinance.
- I. The foregoing standards shall not apply to a mobile home located within a mobile home park unless specifically otherwise required in the zoning ordinance or by State statute.

Section 416 Hobby Farms

- A. The hobby farm is a permitted use in the R-1, R-2, RR, WR-1, WR-2, C-L1, and MR districts subject to the following requirements.
A site plan is required for this use (*see Section 603 for site plan exception*)
- B. A hobby farm is the keeping of livestock animals that is accessory to a dwelling on non-farm lots or parcels outside of an existing residential plat, subdivision, and condominium development.
- C. Raising of hobby animals (but not including feedlots) on parcels of land less than ten acres in area shall be limited to one animal unit (all other animal types not in the table below are to be calculated as 1,000 pounds live weight equals one animal unit) for the first five acres plus one additional animal unit for each two additional acres as further defined below. Such use shall be accessory to an existing residential dwelling located on the same lot or parcel. Animals kept for a bona fide youth club or class project are included under this permitted use.

- D. All hobby animals shall be kept within a fenced enclosure or other appropriate barrier sufficient to contain hobby animals on the premises. No animal buildings, pens, concentrated keeping of animals, or collected storage or piling of animal waste materials (manure) shall be located closer than 50 feet from any abutting property line, except that hobby animal paddocks (see definition below) may extend to a fence at the established property line. All hobby animals or animal buildings and enclosures shall be kept in a well-maintained condition, and waste materials shall not create a health hazard or an animal nuisance. Storage or piling of waste materials shall be confined to areas where hobby animal buildings, quarters, and pens are permitted and also away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said hobby animals may be kept on the premises for the time period which is customary for the species involved.

- E. On five to 6.99, seven to 8.99, or nine to 9.99 acre parcels the following numbers of hobby animals, measured in numbers equal (equivalent) to one animal unit, shall be allowed. A mix of animals may be permitted, but in total only one, two or three animal units respectively are allowed in accordance with the land area.

- F. Paddock defined. A fenced in or otherwise contained area for hobby animals to roam, exercise, browse, and/or otherwise behave normally in accordance with the species characteristics. The paddock will have at least 80% vegetative cover (grass, clover, and the like), unless the specific species contained therein dictates a different, more appropriate natural environment.

<i>Number of Hobby Animals Allowed On</i>			
<i>Type of Hobby Animal</i>	<i>5-6.99 Acres</i>	<i>7-8.99 Acres</i>	<i>9-9.99 Acres</i>
Cattle (slaughter & feeder)	1	2	3
EQUIVALENTS ²			
Horse	-	1	2
Mature Dairy cattle (milked or dry)	-	1	2
Swine ³	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	30	60	90
Laying hens	30	60	90
Ducks	5	10	15
Ostrich, emu, llama, & alpaca	2	4	6
2 The animal equivalents shown here are based on U.S. Code of Federal Regulations, 40 C.F.R. 122, Appendix B (§ 122.23)			
3 Each weighing over 25 kilograms, approx. 55 lbs.			

Section 417 Recreational Vehicles

- A. Purpose: For the purpose of this Ordinance, a Recreational Vehicle is a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes. Such housing units usually contain their own potable water system and their own waste systems. These units shall not be attached to a water system nor a sewage system.

- B. General Regulations:
 - 1. Recreational Vehicles must be properly registered as specified in the Republic Township Recreational Vehicle Ordinance.
 - 2. Recreational Vehicles may be occupied only on a part-time basis, as specified in the Republic Township Recreational Vehicle Ordinance.
 - 3. Recreational Vehicles may not be used for a purpose other than that for which it was constructed.
 - 4. When not in use, Recreational Vehicles must be properly stored-as specified in the Republic Township Recreational Vehicle Ordinance.
 - 5. A Recreational Vehicle does not qualify as a structure under the Township numbering system.

Section 418 Landscape Requirements

- A. Intent: To promote health, safety, convenience, and reduce the disturbance to the environment, minimum standards for landscape treatment of certain uses, site locations and site design have been provided.

- B. Required Planting Screens: In the C/LI, MR, MP, RR and RP Districts, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any R-1, R-2, WR-1 or WR-2 District, a planting screen of sufficient length and height to interfere with the view thereof from the adjoining residential district shall be required except where the view is blocked by a change in grade or other natural or manmade features. Where, because of intense shade or soil conditions the planting screen cannot be expected to thrive, an opaque fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

- C. Specifications: All landscape screens required by this Ordinance shall consist of plants, or other accepted landscape methods given prior approval by the Planning Commission, at least thirty (30) inches high when planted and maintained in a healthy condition which will provide maximum opacity from the ground to a height of at least five (5) feet.

- D. Parking Lot Planting: Where the provision of off-street parking for thirty (30) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each

parking space, which shall be so located that no parking space is more than one hundred twenty (120) feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least five (5) feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least fifteen (15) feet or to reduce existing height below fifteen (15) feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elm, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to minimize visibility through them between the heights of three (3) and eight (8) feet except where located so as to create no hazard to drivers or pedestrians.

- E. Time of Completion: All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay but no permanent certificate of occupancy shall be issued until completion of all required plantings. Any certificate of occupancy may be revoked, after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.
- F. Modifications of requirements: The Planning Commission may determine existing landscaping or screening, which is intended to be preserved, would meet the intent of this section. The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required greenbelts, buffer zones, parking lot landscaping or interior requirements. If such determination is made, the Planning Commission may modify the landscaping provisions of this article in consideration of, but not limited to, the following criteria:
1. Presence of existing natural vegetation.
 2. Topography.
 3. Existing wetland, floodplain and poor soils areas.
 4. Existing and proposed building placement.
 5. Building heights and views.
 6. Types and distance to adjacent land uses.
 7. Dimensional conditions unique to the parcel.
 8. Provision of adequate sight distances for motorists.
 9. Health, safety and welfare of the Township.
 10. Future land use proposed in the Township Master Plan.
 11. Drainage conditions.

Section 419 Off-Street Parking

The required parking and loading spaces shall be provided on the premises of each use. Each parking space shall contain a minimum area of not less than three hundred (300) square feet including access drives, and a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet.

The minimum number of required off-street parking spaces for various uses shall be as follows:

- A. Residential dwelling units (single family and two-family): One (1) parking space for each unit.
- B. Multiple dwelling unit: Two (2) parking spaces for each unit (apartments and townhouses).
- C. Motel or motor hotel: One and one-half (1 ½) parking spaces for each rental room or suite.
- D. Hospitals: One (1) parking space for each three (3) beds; convalescent or nursing home: one (1) parking space for each four (4) beds.
- E. Theater, stadium, auditorium church, or other places of public assembly: One (1) parking space for each five (5) seats, based on maximum seating capacity, and one (1) parking space for each employee.
- F. Public administration buildings, community center, public library, museum, art galleries, post office and other public service buildings: Ten (10) parking spaces plus one additional space for each five hundred (500) square feet of floor area in the principal structure.
- G. Restaurants, supper clubs, taverns and bars: One (1) parking space for each five (5) seats, based on maximum seating capacity; and one (1) parking space for each employee.
- H. Bowling alley: Five (5) parking spaces for each bowling lane.
- I. Auto sales, trailer sales, marine and boat sales, farm implement sales, garden supply store, building materials sales, auto repair: One (1) parking space for each five hundred (500) square feet of floor area.
- J. Stores and other retail business establishments: One (1) parking space for each one hundred (100) square feet of total floor area, and one (1) parking space for each employee.
- K. Office buildings: One (1) parking space for each two hundred (200) square feet of office floor area.
- L. Drive-in Restaurant: Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.

Storage, wholesale, warehouse establishments, or industrial uses: One (1) parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

Section 420 Off-Street Loading

Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One such space shall be provided for every ten thousand (10,000) square feet of floor area or fraction thereof, and such spaces shall be a minimum of twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height.

Section 421 Mobile Home Parks

- A. Purpose: To promote the health and safety of residents in the Township of Republic by regulating the establishment and operation of mobile home parks within the Township and providing penalty for violation thereof.

- B. General Regulations:
 - 1. Dimensional requirements for mobile home parks shall adhere to the minimum requirements of the Zone District in which the mobile home park is located.
 - 2. No mobile home shall be at any time so located as to be in violation of laws of the State of Michigan.
 - 3. Each mobile home site shall be provided with a paved outdoor patio of at least 180 square feet located at the main entrance of the mobile home.
 - 4. All utility wires, pipes, and tanks shall be underground, except that oil tanks used as part of a central distribution system may be above ground if fully screened from view by a wood or masonry wall or fence.
 - 5. The total of the land dedicated for open space shall not be less than 2% of the park's gross acreage that is approved for construction pursuant to a permit to construct, but not less than 25,000 sq. ft.
 - 6. A greenbelt, maintained with grass or other living vegetation, at least 30 feet in width shall be located along all boundaries of each mobile home park, except where it is crossed by mobile home park streets.
 - 7. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles for extended periods of time.
 - 8. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least three feet wide.
 - 9. Off-street parking requirements shall be provided in accordance with the requirements for specific uses set forth in Section 419 of this Ordinance.

10. Each mobile home park shall provide refuse containers so located so that no mobile home is farther than 150 feet from such a container.
11. All refuse containers shall be located on concrete stands, abutting and level with driveway, which shall be surrounded, except on the driveway side, by a wood or masonry fence or wall at least six feet high.
12. Access to the mobile home parks or subdivision shall be from a State, County or Township Road; that number and location of access drives shall be controlled for traffic, safety and protection of surrounding properties; that no mobile home space shall be designed for direct access to a street outside the boundaries of the mobile home park; and that interior access drives shall have at least thirty-six (36) foot right-of-way and shall be surfaced with a durable, dustproof surface of concrete or bituminous concrete at least twenty-five feet (25) in width as approved by the Township.
13. Each mobile home within any mobile home park is to be completely skirted around the bottom with a suitable material such as aluminum, plywood properly painted, or masonite properly painted. Such skirting is to be neat in appearance from all exterior points of view.
14. No mobile home may be used for a purpose for which it was not designed or intended, including but not limited to: storage, advertising, livestock or other uses which are plainly inconsistent with a residential structure.

Section 422 Site Plans for Anemometer Tower, Utility Grid Wind Energy Systems, On-Site Use for Wind Energy Systems and Structure Mounted Wind Energy Systems

- A. For Anemometer Towers, Utility Grid Wind Energy Systems and On-Site Use Wind Energy Systems over fifteen (15) meters in height:

In addition to the requirements for a site plan found in Article VI of this Ordinance, site plans and supporting documents for an Anemometer Tower and all Utility Grid Wind Energy Systems and On-Site Use Wind Energy Systems which are over fifteen (15) meters high shall include the following additional information at the expense of the proposer.

1. The submitted site plan shall be prepared to show the proposed location of all Anemometer Towers, Utility Grid and On-Site Use Wind Energy Systems, ancillary equipment, security fencing and electrical substations;
2. Documented compliance for sound pressure levels and applicable local, state and federal regulations, including but not limited to: construction code, tower, environmental, electrical, communications, safety, FAA requirements, light refraction (flicker) and the Michigan Tall Structures Act;
3. Proof of the applicant's liability insurance for the project;
4. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System, legal description of the property(ies) Lease Unit(s) and a site plan

which shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary;

5. The phases or parts of construction with a construction schedule;
6. Evidence that the utility companies have been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement;
7. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest County or State maintained road;
8. All new infrastructures above ground related to the project;
9. A copy of manufacturers' Material Safety Data Sheets (MSDS) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to: all lubricants and coolants.
10. For Utility Grid Wind Energy Systems Only:
 - a. A *Noise Modeling and Analysis Report* and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the Utility Grid Wind Energy System will not exceed the maximum permitted sound pressure level. Noise modeling and analysis shall conform to the most current versions of IEC 61400 and ISO 9613. After installation of the Utility Grid Wind Energy System, sound pressure level measurements shall be done by a third party, Township Board-approved, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
 - b. A *Visual Impact Simulation* shall be from four viewable angles. Utility Grid Wind Energy System projects shall use tubular tower and all Utility Grid Wind Energy Systems in a project shall be finished in a single, non- reflective matte finished color. A project shall be constructed using Wind Energy Systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the Township's Master Plan.
 - c. An *Environmental Impact Analysis* shall be conducted by a third party, Township Board-approved, qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to: wetlands and other fragile ecosystems, historical and cultural sites and antiquities. The applicant shall take appropriate measure to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

- d. An *Avian and Wildlife Impact Analysis* shall be conducted by a third party, Township Board-approved, qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - i. Sites requiring special scrutiny include:
 - Wildlife refuges and other areas where birds are highly concentrated;
 - Bat hibernacula;
 - Wooded ridge tops that attract wildlife;
 - Sites that are frequented by Federally and/or State listed endangered species of birds and bats;
 - Significant bird migration pathways and areas that have landscape features known to attract large numbers of raptor.
 - ii. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's Endangered Species Protection Law.
 - iii. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
- e. A *Shadow Flicker Analysis* at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where Shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
- f. A *Site Grading, Erosion Control and Storm Water Drainage Plan* will be submitted to the Planning Commission prior to issuing a Conditional Use Permit for a Utility Grid Wind Energy System. At the discretion of the Planning Commission, these plans may be reviewed by Republic Townships engineering firm.
- g. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid Energy System.
- h. A second site plan which includes all applicable information found in

Article VI of this Ordinance and shows the restoration plan for the site after completion of the project which includes the following:

- i. The anticipated life of the project;
 - ii. The estimated decommissioning costs and net salvage values in current dollars;
 - iii. The method of ensuring that funds will be available for decommissioning and restoration;
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.
- i. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

B. For On-Site Use Wind Energy Systems less than fifteen (15) meters in height and Structure Mounted Wind Energy Systems:

In addition to the requirements for a site plan found in Article VI of this Ordinance, site plans and supporting documents for an On-Site Use Wind Energy System which are less than fifteen (15) meters and Structure-Mounted Wind Energy Systems shall include the following information at the expense of the proposer.

1. The submitted site plan shall be prepared to show the proposed location of all components and ancillary equipment, overhead utility lines, fencing and contours;
2. Documented compliance for sound pressure levels and applicable local, state and federal regulations including but not limited to: construction code, tower, environmental, electrical, communications, safety and FAA requirements;
3. Proof of the applicant's liability insurance for the project;
4. The proposed type and height of the On-Site Use of Structure-Mounted Wind Energy System to be constructed, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, rotor diameter and a description of ancillary facilities;
5. Evidence that the utility companies have been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
6. A description of the methods that will be used to perform maintenance on On-Site Use Wind Energy Systems and the procedures for lowering or removing the On-Site Use Wind Energy System in order to conduct maintenance;
7. Other relevant information as may be reasonably required.

- C. Upon receipt of site plans for an Anemometer Tower, Utility Grid Wind Energy System, On-Site Use Wind Energy System or a Structure-Mounted Wind Energy System, the Zoning Administrator shall review it to determine whether it is in proper form and contains all of the required information. The Planning Commission shall review the site plan for compliance with this Ordinance and all other Ordinances of Republic Township, and that it demonstrates the adequacy of utility service. The Planning Commission shall, within 45 working days, approve or deny setting forth the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Zoning Board of Appeals. The Zoning Administrator, Planning Commission and Zoning Board of Appeals shall use the standards contained In Section 606 in their review.

Section 423 Medical Marihuana Facilities

Purpose

- A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Marihuana Facilities in the Township of Republic and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq. and all other applicable rules promulgated by the State of Michigan
- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec 801 et seq., which makes it unlawful to manufacture, distribute or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Definitions

Conditional Use Permit means a permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Grower means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

Licensee means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

Marihuana means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

Medical Marihuana facility means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Processor means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

Provisioning center means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

Safety compliance facility means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

Secure transporter means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Conditional Use Standards (Also refer to Article VII)

A marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, and marihuana safety compliance facility, in accordance with the provisions of state law, may be permitted through the issuance of a conditional use permit pursuant to Article VII in certain Zoning Districts, provided that:

- a. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Republic Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Republic Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question
- b. An application for a Conditional Use Permit shall be filed simultaneously with an application for a Republic Township Marihuana Facilities Permit.
- c. The use or facility must be at all times in compliance with all other applicable laws and ordinances of Republic Township
- d. Republic Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable

provisions of this zoning ordinance, Republic Township's Medical Marihuana Facilities Ordinance or the terms of the conditional use permit and approved site plan are not met.

- e. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- f. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in the Article V.

Section 424 Recreational Marihuana Establishments

Purpose

- A. It is the intent of this ordinance to authorize the establishment of several types of Recreational Marihuana Establishments in the Township of Republic and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use sale or distribution of marihuana, in an form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 (MRTMA) and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec 801 et seq., which makes it unlawful to manufacture, distribute or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Definitions

Conditional Use Permit means a permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Marihuana Establishment means one of the following:

- a. "Marihuana grower," as that term is defined in the MRTMA; and
- b. "Marihuana microbusiness," as that term is defined in the MRTMA; and
- c. "Marihuana processor," as that term is defined in the MRTMA; and
- d. "Marihuana retailer," as that term is defined in the MRTMA; and
- e. "Marihuana secure transporter," as that term is defined in the MRTMA; and

- f. “Marihuana safety compliance facility,” as that term is defined in the MRTMA; and
- g. “Excess Marihuana Grower” as that term is defined by the Department or as may be defined in the MRTMA;
- h. “Marihuana Event Organizer” as that term is defined by the Department or as may be defined in the MRTMA;
- i. “Temporary Marihuana Event” as that term is defined by the Department or as may be defined in the MRTMA;
- j. “Designated Consumption Establishment” as that term is defined by the Department or as may be defined in the MRTMA;

Marihuana Establishment Permit means a current and valid permit for a Marihuana Establishment issued under the Republic Township Ordinance Authorizing and Permitting Recreational Establishments which shall be granted to a Permit Holder limited to a specific Permitted Premises and a specific Permitted Property. Said Permit shall be in addition to the Conditional Use Permit required to be obtained under this Zoning Ordinance.

Conditional Use Standards (Also refer to Article VII)

A Marihuana Establishment, in accordance with the provisions of state law, may be permitted through the issuance of a conditional use permit pursuant to Article VII in certain Zoning Districts, provided that:

- a. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law may not be permitted by Republic Township. In the event that a court with jurisdiction declares some or all of this article invalid, then Republic Township may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
- b. An application for a Conditional Use Permit shall be filed simultaneously with an application for a Republic Township Marihuana Establishment Permit.
- c. The use or facility must be at all times in compliance with all other applicable laws and ordinances of Republic Township.
- d. Republic Township may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of this zoning ordinance, Republic Township’s Recreational Marihuana Establishments Ordinance or the terms of the conditional use permit and approved site plan are not met.
- e. A Marihuana Establishment, or activities associated with the licensed growing, processing, testing, transporting, sales, consumption of marihuana or hosting marihuana events, shall not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
- f. Signage requirements for marihuana facilities, unless otherwise specified, are as provided in the Article V.

SECTION 425 Solar Energy Systems (SES)

Purpose

To regulate the use of Solar Energy within Republic Township as an alternative energy source and to provide for the land development, installation, and construction regulations for SES facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements and standards for the placement, construction, and modification of SES facilities, while allowing a renewable energy source for our community in a safe, effective, and efficient manner.

Definitions

- a. **Residential Solar Array** – A small electricity generating system consisting of solar panels and associated equipment sized primarily to meet the needs of the on-site consumers for the home, farm, or small business on whose property they are constructed. While not intended to distribute electricity to other consumers as a primary purpose they may be inter-connected to a public utility. Residential Solar Arrays are allowed as a permitted accessory use to any residence or business in any zoning district, subject to the regulations of the district.
- b. **Solar Energy System (SES)** – An electricity generating system consisting of solar panels, structures and associated equipment (Solar Farm) designed or intended to provide electricity to off-site customers.
- c. **Participating Property** – a parcel or tract of parcels where the owner of said parcel(s) has entered a contractual arrangement with the SES developer to allow the parcel(s) to be part of the SES.
- d. **Non-Participating Property** – a parcel or tract of parcels that is not a participating property.

General Regulations

1. SES are allowed by conditional use permit in the RR – Rural Residential, C/L Commercial and RP- Resource Production zoning districts. They are not permitted in other zoning districts.
2. SES require a site plan review and approval by the Township Planning Commission.
3. An applicant proposing a SES may use an overlay process and submit multiple parcels as a tract for examination for a conditional use permit and site plan review. The applicant must have legal authority to submit the application for each parcel. Fees for the site plan review and conditional use permits will be assessed per parcel.
4. Minimum Lot Size: SES shall not be constructed on parcels or tracts less than twenty (20) acres in size.
5. Height Restrictions: All photovoltaic panels located in the SES shall be restricted to a maximum height of eighteen (18) feet.
6. Setbacks: All photovoltaic solar panels and support structures associated with such facilities, (including perimeter security fencing, shall comply with the following minimum setbacks:
 - a. Three hundred (300) feet from any property line abutting a non-participating parcel.
 - b. Three hundred (300) feet from any road or highway right-of-way

- c. Sixty (60) feet from any structure on a participating parcel which is not used as a component of the SES.
7. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.
8. Safety/Access: A security fence not less than seven (7) feet in height shall be placed around the perimeter of the solar power plant and electrical equipment. All gates and access points shall be locked when not in use. Damaged fences shall be immediately repaired.
9. Noise: No SES facilities shall exceed forty-five (45) dBA as measured at the property line.
10. The exterior surfaces of all equipment shall be generally neutral in color and substantially non-reflective of light.
11. Landscaping: SES facilities shall be required to install a perimeter landscaping buffer surrounding and on the exterior of the security fence, excluding access points. The buffer zone shall be not less than twenty-five (25) feet in width and shall be planted with assorted vegetation to provide a year-round visual buffer both at installation and in the future. Plantings shall be not less than four (4) feet in height at planting and shall be ten (10) feet in height within three (3) years. The number, species, and spacing of the plantings shall be sufficient to provide an adequate visual buffer as determined by the Planning Commission. Plantings must be maintained, and dead, diseased, or damaged vegetation should be replaced annually or more frequently. Grass and weeds must be controlled in the buffer areas during the entire growing season. Vegetation under and around the solar panels must be maintained with proper mowing and weed control. Land under PA116 has special requirements for the type of vegetation and maintenance.
12. Local, State and Federal Permits: SES facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Republic Township, and comply with standards of the State of Michigan adopted codes.
13. Electrical Interconnections: All electrical interconnection or distribution lines shall not exceed the height of the solar arrays within the footprint of the SES. Use of above ground transmission lines shall be prohibited within the site.
14. Decommissioning: The project or equipment end-of-life is defined as 12 months after the site or equipment is no longer used to produce power. The equipment shall be decommissioned within 6 months of end-of-life. Decommissioning shall remove all equipment and materials, including roadways and fencing, not claimed for use by the property owner. The land should be returned to its previous use. The land must be in a condition suitable for use and must have a value equal to or greater than comparable land that was not used for the SES.
15. Bond: The Township shall require a bond in the amount of 150% of the expected decommissioning cost. The estimate of the decommissioning cost shall be updated and reviewed at a minimum of once each five years. The required bond amount shall be adjusted as required by the change in decommissioning cost. The bond shall be through a Michigan company.
16. Additional Conditional Use Criteria: The following topics shall be addressed in a Conditionals Use application for SES facilities in addition to the Conditional Use Review Criteria defined elsewhere in the zoning ordinance:
 - a. Project description and rationale: Identify the type, size, rated power output, performance, safety, and noise characteristics of the system, including the name

and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.

- b. b. Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development.
- c. Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements.
- d. Wildlife: Review potential impact on wildlife on the site.
- e. Environmental analysis: Identify impact on the water quality, water supply, potential ground contamination and changes to water flow in the project area. Analysis must identify possible issues caused by construction, operation, and decommissioning.
- f. Waste: Identify solid waste or hazardous waste generated by the project.
- g. Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
- h. Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site.
- i. Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
- j. Sound limitations and review: Identify noise levels at the property line of the project boundary when completed.
- k. Telecommunications interference: Identify electromagnetic fields and potential radio frequency interference generated by the project and present plan to prevent such interference.
- l. Life of the project and final reclamation: Describe the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power generating equipment within six (6) months of decommissioning.

17. The Planning Commission Review: Because of 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 recommend alternatives in both dimensional requirements as well as physical development requirements found in this Section. The Planning Commission shall not have the authority to review or to allow SES facilities within other than designated zoning districts.

ARTICLE V SIGNS

Section 501 Intent

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 502 Residential District Regulations for Signs

Within the R1- R2-WR1-WR2-MR- RR-RP districts, signs shall be permitted as follows:

- A. One sign not to exceed six (6) square feet to announce the sale or rent of property.
- B. Churches shall be permitted a total sign area of one hundred twenty (120) square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board. The area of any sign face shall not exceed forty five (45) square feet.
- C. One sign per vehicle entrance not to exceed thirty-two (32) square feet and eight (8) feet in height above grade which identifies a platted subdivision development or Mobile Home Park.
- D. Multiple dwellings and nursing homes shall be permitted one (1) identification sign not to exceed twelve (12) square feet and eight (8) feet in height above grade.
- E. One sign, not to exceed six (6) square feet, shall be permitted to advertise a home occupation. The sign shall not be illuminated nor have working parts. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
- F. Signs shall be subject to setback requirement applicable to structures in the zoning District where located, unless otherwise stated in Articles III and IV of this Ordinance. Exceptions to this requirement are provided for the MP District, where the maximum height shall be thirty (30) feet. Setbacks on Highway M-95 are one foot away from right-of-way line.

Section 503 Commercial/Light Industrial District Sign Regulations

Signs are permitted in the Commercial/Light Industrial on parcels that are already developed. Monument signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel.

Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name distinct from that of the occupants, as in

a shopping center, shopping mall or strip mall, an additional two (2) square feet of sign area for each ten (10) feet or fraction of street frontage, with a maximum to two hundred (200) square feet, is permitted only for signs identifying the developed premises.

In lieu of a monument sign, a pole or pylon sign is permitted with having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of two hundred (200) square feet of sign area for each developed parcel.

When calculating the maximum square footage permitted per business for signage, building signs shall not be included.

Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the General Retail and Commercial/Light Industrial Districts.

Section 504 Mining Production District Sign Regulations

In the MP District, on-premise signs are permitted having a sign area not exceeding one hundred (100) square feet. Off-premise signs/billboards are permitted and shall have a maximum sign area of one hundred fifty (150) square feet per sign. Back-to-back signs or signs in a v-type structure shall have a maximum of one hundred fifty (150) square feet for each side and shall not be further apart than four (4) feet or the interior angle shall not exceed twenty (20) degrees, whichever is applicable. Individual signs shall be at least three hundred (300) feet apart and shall maintain a forty (40) foot setback. The maximum height for signs in the MP District shall be twenty (20) feet.

Section 505 Conditional Use Sign Regulations

On-premise signs are permitted to identify or advertise an approved Conditional Use or activity and shall not advertise a specific product not produced on the premises. Signs shall have a maximum sign area of sixteen (16) square feet and not exceed eight (8) feet in height above grade. Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Sign regulations in this Section shall not apply to any Conditional Use located in the C/LI District, or to churches, multiple family dwellings, nursing homes or home occupations which are regulated elsewhere in this Section.

Section 506 Temporary Signs

Signs which are intended to identify or advertise a nonprofit annual or onetime event or occurrence, such as a fair or other event of general public interest, shall be authorized by the Zoning Administrator for a period of not more than two (2) months by written permits upon finding that the proposed sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than ten (10) days after the end of the event. Signs shall not be located in the right-of-way or interfere with traffic. Signs mounted on a mobile base shall all conform to setbacks and conform to lighted sign regulations.

Section 507 Construction Signs

One construction sign is permitted per project not exceeding sixteen (16) square feet in sign area for residential districts and thirty-two (32) square feet for the C/LI District. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed prior to occupancy.

Section 508 Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

- A. Public Signs - Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
- B. Political Signs - Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs are authorized only ninety (90) days prior to any election. All political signs must be removed within ten (10) days after the election date and shall not be located on the public right-of-way or interfere with traffic. In the C/LI districts political signs shall not exceed thirty-two (32) square feet.
- C. Signs which announce no hunting or no trespassing.
- D. Signs which identify the name of a farm or farming operation.
- E. Residential Identification Signs - Those signs which have an occupant's name and/or house number.

Section 509 Lighting of Signs

No lighted signs shall be permitted within the R-1, R-2, WR-1 or WR-2 Districts. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 510 Animated/LED Signs

Animated/LED sign: "Animated sign/LED sign" means any sign whereby the information conveyed incorporates or involves action, motion or the appearance or action or motion, such

as color changes, scrolling messages or video-like features. Animated signs shall include electronic reader boards in which the message changes more often than once every 24 hours and also includes time/temperature signs.

Animated/LED signs are permitted in the C/LI, MP and MR districts. Animated/LED signs shall conform to all other sign regulations.

Section 511 Maintenance of Signs

Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The Zoning Administrator is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

Section 512 Nonconforming Signs

- A. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits.
- B. No nonconforming sign:
 - 1. Shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. Shall be continued after the activity, business, or usage to which it relates has been discontinued for thirty (30) days or longer; or
 - 3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the sign value.
- C. No nonconforming sign may be changed to another nonconforming use.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

Section 513 Prohibited Signs

The following signs are prohibited:

- A. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go”, “slow”, “caution”, “danger”, “warning”, or similar words.
- B. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view and traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

Unless otherwise provided in this Ordinance, the maximum size of a sign for a particular use is indicated below:

District	Uses	Max. Size and Number
R-1, R-2 WR1,WR2 MR, RR,RP	Sale or rent of property	6 square feet
	Church	120 square feet
	Platted subdivision or mobile home park	32 square feet, 8 feet high, 1 sign per entrance
	Multiple family dwelling	12 square feet, 8 feet high, 1 sign
	Nursing home	12 square feet, 8 feet high, 1 sign
	Home occupation	6 square feet
	Construction	16 square feet
	Residential identification	9 square feet
	Public sign	9 square feet
	Political sign	9 square feet
	Hunting / trespassing	9 square feet
	Farm	9 square feet
C/LI	Monument sign	6 square feet for each 10 feet of frontage or 60 square feet for each developed acre to a maximum of 100 square feet
	Shopping center/shopping mall/strip mall	8 square feet for each 10 feet of frontage or 60 square feet for each developed acre to a maximum of 200 square feet
	Pole/pylon sign	6 square feet for each 10 feet of frontage or 60 square feet for each developed acre to a maximum of 200 square feet
	Construction	32 square feet
	Residential identification	9 square feet
	Public sign	9 square feet
	Political sign	32 square feet
	Hunting / trespassing	9 square feet
	Farm	9 square feet
	MP	On-premise sign
Off-premise sign/billboard		150 square feet
Back to back signs		150 square feet per side
Construction		32 square feet

**ARTICLE VI
SITE PLAN REVIEW**

Section 601 Intent

It is the purpose of this section to require Site Plan Review approval for all buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of Republic Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 602 Site Plan Required

A Site Plan is required for and shall accompany the applications for:

- A. Zoning Compliance Permits for:
 - 1. Any proposed construction
 - 2. Any commencement of a new use
 - 3. Any proposed change in use
- B. Conditional Use Permit
- C. Variances
- D. Nonconforming Use designations
- E. Plats
- F. Site condos
- G. Land splits
- H. Any other request for zoning status where the Zoning Administrator determines a Site Plan is necessary for accurate review or documentation of the existing development.

The Site Plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 603 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures

The Site Plan for single and two-family dwellings, residential accessory uses and structures and recreational structures shall show the following information:

Exception: The Site Plan for accessory buildings, dwelling additions and non-boundary line fences need not comply with Section 603 A where all of the following are met:

- 1) *Graphic documentation is provided with the Site Plan that clearly establishes that the setback requirements are met.*
 - 2) *The Zoning Administrator determines that the documentation is acceptable and the lot corners need not to be identified by a registered land surveyor.*
- A. Lot corners shall be identified by a registered land surveyor.
 - B. A legal description of the site.

- C. Proof of ownership or land conveyance.
- D. All lot lines and dimensions of the lot.
- E. All roads and easements.
- F. All existing and proposed buildings shall be shown and labeled.
- G. A finalized floor plan.
- H. Proposed use of each building.
- I. Distances between buildings and all lot lines.
- J. Building dimensions.
- K. Natural features affecting development (rock, water, etc.).
- L. Well and septic locations.
- M. A north arrow.
- N. Front, side and rear elevations.
- O. Any deed restrictions or covenants affecting the proposed plan and future on or off-site development.

Section 604 Site Plans for Commercial, Industrial Mobile/Manufactured Home Parks, and Multiple Family Development (all other development)

Site Plans for all uses and developments except for one and two-family dwellings, residential accessory uses and recreational structures shall contain the following information and data. This information shall be provided on two identical copies on one or more sheets.

- A. Lot corners shall be identified by a registered land surveyor.
- B. A scale adequate to illustrate the proposed activity.
- C. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- D. Date, north point, and scale.
- E. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- F. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
- G. The location of all existing and proposed drives and parking areas.
- H. The location and right-of-way widths of all abutting streets, alleys, and private easements.
- I. The location of proposed planting and screening, fencing, signs and advertising features.
- J. The height and floor area of all proposed structures.
- K. The size and location of all existing and proposed public and private utilities and required landscaping.
- L. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- M. A lighting plan shall be submitted for all uses and developments.
- N. A storm water retention plan shall be submitted for all uses and developments. The storm water retention plan shall meet all applicable Marquette County Codes Department standards and the standards of any other appropriate agency. The storm water plan shall include, but not be limited to the following:
 - 1. A standard USGS 7.5-minute topographic map with 10 foot contours which

shows the location of the projects area is acceptable. A topographic map with a 2-foot contour interval is preferred. The map must also show the location of the property with respect to the street system and other features such as existing and proposed stormwater retention basins.

2. A drainage easement shall be prepared and recorded for permanent stormwater retention basins.
- O. A colored rendering shall be submitted indicating the proposed exterior color scheme and materials that will be utilized.
- P. Front, side and rear elevations.
- Q. All roads and easements.
- R. Any deed restrictions or covenants affecting the proposed plan and future on or off-site development.

Section 605 Review Procedures

Upon receipt of any Site Plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other ordinances of the Republic Township, and demonstrates the adequacy of utility service. The Zoning Administrator may provide a copy of the Site Plan to the Drain Commissioner and Health Department. Upon demand by the proposer of the Site Plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail their reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Planning Commission. The Zoning Administrator shall use the following standards in the review.

Section 606 Standards for Site Plan Approval

All approved site plans shall comply with the appropriate zoning district regulations, parking requirements, general provisions and other requirements of this Ordinance as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:

- A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The Site Plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or group of buildings shall be arranged so as to permit convenient and direct emergency vehicle access.

- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.
- H. The site plan shall show the location, height and kind of lighting proposed. Exterior lighting, including parking area lighting, building lighting, and lighting for signs, awnings and canopies, shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. Plans for private roads shall be included with the Site Plan.

**ARTICLE VII
CONDITIONAL USES**

Section 701 Purpose

Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restrictions in order to avoid incompatibility with the character of the surrounding area, public services, and facilities, and adjacent uses of land. The purpose of this Section is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance.

Section 702 Procedures

- A. Application
1. Conditional use permits may be issued by the Planning Commission for only the uses or purposes for which such permits are required or permitted by provisions of each Zoning District in this Ordinance, or in the Article entitled General Regulations.
 2. An application for a conditional use permit shall be filed with the Zoning Administrator on a form approved by the Township. The application shall be accompanied by such plans, elevations, and site plans as prescribed by the Planning Commission.
 3. The application shall be accompanied by the required fee.
 4. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information hereinafter prescribed.

Section 703 Review and Findings

- A. Planning Commission Public Hearing: The Planning Commission shall conduct a public hearing on the application at a regular or special meeting. The Zoning Administrator shall cause to be published one (1) notice of the public hearing, in accordance of the provisions set forth in Section 1205.
- B. Planning Commission Action: The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the Conditional Use Permit application. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Conditional Use Permit, in accordance with the Site Plan and any conditions as have been placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and the petitioner has one year from date of hearing to comply with all specified conditions.

Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

- C. Appeals: Any appeals concerning an unfavorable action by the Planning Commission shall be made by filing a notice of appeal with the Zoning Administrator pursuant to Section 1102.
- D. Decisions: For each application for a conditional use, the Planning Commission shall report in writing to the Township Board its findings and decisions, including the stipulation of additional conditions and guarantees that such conditions will be complied with then they are deemed necessary for the protection of the public interest.

Section 704 General Criteria and Requirements

All Conditional Use Permits may be approved only upon a showing by the applicant that the standards and criteria stated in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zone district, the applicant bears the burden of demonstrating a right to the permit by making such hearing. If the applicant or his agent is absent from such hearing, the planning commission shall deny any application.

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Conforms to the Republic Township Master Plan;
- B. Is compatible with the existing district development;
- C. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zone district;
- D. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area;
- E. Will not be hazardous or disturbing to existing or future neighboring uses;
- F. Will not result in a decline or erosion of land values, or the value of buildings or structures within the district;
- G. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

- H. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- I. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- J. Will protect the public health, safety and general welfare of the community; and
- K. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- L. The following standards shall be used by the Planning Commission when considering Group Day Care Homes.
 - 1. Is not located less than 1500 feet from any of the following:
 - a. Another licensed Group Day Care Home.
 - b. Another Adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No.218 of the Public Act of 1979.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - 2. Has appropriate fencing for the safety of the children in the group day care home as determined by the Township.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24 hour period. The Township may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
 - 5. Meets regulations, if any, governing signs used by a group day care home to identify itself.
 - 6. Meets regulation, if any, requiring a group day care home operator to provide off-street parking accommodations for his/her employees.

Section 705 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall
- B. further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general

standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.

- C. Conditions and requirements stated as part of a Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- D. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- E. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- F. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this Zoning Ordinance.
- G. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto.
- H. No application for a Conditional Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.
- I. The foregoing general standards are basic to all Conditional Uses; and the specific requirements accompanying sections relating to particular uses are in addition to and shall be required in all applicable situations.

**ARTICLE VIII
PLANNED UNIT DEVELOPMENT**

Section 801 Intent

The intent of the Planned Unit Development (PUD) Section of this Ordinance is to permit greater flexibility in the use and design of structures and land in situations where modification of specific provisions of this Ordinance will be consistent with its intent and purpose. Use of the Planned Unit Development will provide for continued promotion and protection of the public health, safety, and welfare and result in development and use which is compatible with adjacent land use, the natural environment, and the capabilities of affected public services and facilities.

Section 802 Modification Powers

The provisions of this Article may be applied, upon application of the owner, to any parcel exceeding 2 acres in size and 200 feet road frontage. In acting upon the application, the Planning Commission may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. Except where the parcel is located in Districts R-1, R-2, WR-1 and WR-2 it may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the parcel as developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. The development of the PUD shall not create demands on other existing public services in excess of current capacity nor shall uses be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes, or glare.

Section 803 Application Procedure

The provisions of this Section shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located. The application procedure for a PUD is as follows:

- A. **Preliminary Conference**: Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development.
- B. **Preliminary Application**: Following the preliminary conference, the Planning Commission shall hold a public hearing in accordance with Section 1205 to review the preliminary application. In making its review of any portion of the PUD preliminary development plan, the Planning Commission shall find that the PUD is consistent with the standards outlined in Section 606, Section 704, Section 804 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny in writing the preliminary application, specifying the reasons for denial.

The approval of the preliminary application does not constitute recording of the plan or plat nor authorize the issuance of building permits.

The applicant shall prepare and submit ten (10) copies of a preliminary development plan which consists of the following written and graphic documents:

1. A written description of the PUD, including:
 - a. How the PUD meets the intent provisions of the PUD.
 - b. A statement identifying the intended uses including future sales or leasing arrangements of all or portion of the PUD.
 - c. A legal description of the PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the PUD demands on public services and utilities.
2. A preliminary development plan which is in accordance with the Site Plan requirements of Article VI.
3. A development schedule; a list of covenants or deed restrictions; any maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
4. Any other information as the Planning Commission may reasonably require showing the applicant's intent for the development and viability of the proposal.

Within a maximum of twelve (12) months following preliminary approval, the applicant shall file for final application as outlined in Section 803(C). For good cause the Planning Commission may extend this time period for six (6) months. If the applicant fails to apply for final application for any reason, approval or conditional approval shall be revoked.

(C) Final Application

The applicant shall prepare and submit ten (10) copies of a final development plan which shall include:

1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary development plan.
2. Signed copies of any preliminary plats, in accordance with Act 288 of 1967, as amended.
3. A detailed development time schedule.
4. Deed restrictions or covenants of the parcel.
5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

Upon receipt of the final development plan, the Planning Commission shall hold a second public hearing and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and is in proper form for final recording. Where the

Planning Commission determines that this application is consistent with this Section and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan.

Authorizing the PUD Conditional Use Permit shall not obligate the Planning Commission or Township Board to enforce any deed restrictions or covenants of the development parcel.

The PUD Conditional Use Permit shall be issued, following evidence of recording of the PUD final development plan with the Marquette County Register of Deeds. A denial of the PUD shall be in writing, setting forth the reasons for denial, and any changes which would make the PUD acceptable.

Section 804 PUD Design Standards and Objectives

- A. Dimensional Requirements: Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this Section as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this Article.
- B. Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use. All streets in a proposed development shall be constructed in accordance with the Marquette County Road Commission's specifications.
- C. Land Usage: The approximate location of structures shown on the conceptual development plan shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
- D. Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
- E. Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirement of Section 419 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
- F. Development Concept: All of the elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of

adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

- G. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
- H. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
- I. Lighting: A lighting plan for the PUD shall be submitted with the site plan for approval by the Planning Commission. Exterior lighting shall be arranged so it is deflected away from adjoining properties and so it does not impede the vision of drivers along adjacent streets. The lighting plan shall include street lights.
- J. The PUD shall be consistent with the standards outlined in Section 703 and other relevant provisions of this Ordinance.
- K. Changes in Approved PUD: Minor changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other required circumstances not foreseen at the time the final development plan was approved. No changes so authorized may cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements. Any changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

**ARTICLE IX
NON-CONFORMING USES**

Section 901 Purpose

Where the districts established by this ordinance, and amendments thereto, contain structures, uses or lots of record which were legally established or created prior to the enactment of this Ordinance, and amendments thereto, which structures, uses or lots of record would be prohibited under the provisions of this Ordinance, said structures, uses, or lots of record may be continued subject to the provisions described herein.

Section 902 Non-conforming Uses

- A. No non-conforming use shall be enlarged, increased, moved, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, except to bring the use in conformance with the provisions of this Ordinance.
- B. No non-conforming use shall be changed to another non-conforming use.
- C. No non-conforming use shall be re-established if it is discontinued for a continuous eighteen (18) month period.

Section 903 Non-conforming Structure

- A. No non-conforming structure shall be enlarged or altered in a way which increases its non-conformity.
- B. If any non-conforming structure is destroyed unintentionally by fire, or other peril to the extent of fifty percent (50%) or more of its market value, any subsequent rebuilding or replacing of the structure can be rebuilt or replaced as was if it would not be contrary to the public health, safety or welfare or to the spirit of this Ordinance and is not likely to significantly depress the value of nearby properties.
- C. Should a non-conforming structure be moved for any distance whatsoever, it shall be done in such a manner as to conform to the regulations for the district in which it is located after it is moved.
- D. Normal repairs and maintenance necessary to keep a non-conforming structure in sound condition shall be permitted.

Section 904 Non-Conforming Lots of Record

- A. A non-conforming lot may be allowed as a building site provided that all items listed below are complied with.
 - 1. The lot is a Lot of Record as defined in Article II of this Ordinance;

2. The lot is in separate ownership from adjacent lands;
 3. All requirements of the Marquette County Health Department are complied with;
 4. The use is allowed within the district wherein the lot is located;
 5. The lot meets 65% of both the width and area requirements of this Ordinance;
 6. The setback requirements can be met, except as provided herein below.
- B. Non-conforming lots containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements of this Ordinance and will not cause the maximum percentage of lot coverage requirements to be exceeded.
- C. Additions to principal or accessory structures located on non-conforming lots may be permitted, provided that any such addition will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot coverage to be exceeded.

Section 905 Non-Conforming Signs

- A. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization for signs shall not be more than:
1. Advertising signs – Three (3) years from the effective date of this Ordinance.
 2. Business signs – Five (5) years from the effective date of this Ordinance.
- B. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
- C. No sign erected before the passage of this Ordinance shall be rebuilt, altered substantially or moved to a new location without being brought into compliance with the requirements of this Ordinance. Advertising messages, identification or information content on sign facings are excluded from this provision.

Section 906 General Requirements

- A. Alterations may be made to a residential structure containing residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building, and they meet all other requirements of this ordinance.

- B. No structure may be re-established after damage or destruction if the estimated reconstruction cost exceeds fifty (50) percent of the reproduction cost, except in conformity with this Ordinance.

ARTICLE X NON-METALLIC MINING

Section 1001 INTENT

Intent: The following Article establishes Non-Metallic mining regulations to provide for orderly, economic and safe removal and processing of sand, gravel, rock, topsoil and other material and to promote the public health, safety and general welfare of the residents of Republic Township, Michigan.

Section 1002 Conditions

Prior to the approval by the Planning Commission of a Conditional use permit for earth removal, quarrying, gravel processing, ponds between five Hundred (500) and five thousand (5000) cubic yards, mining and related mineral extraction businesses in any area of the Township, the Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations. The following requirements also apply to expanded or new areas of earth removal quarrying, gravel processing, ponds between five Hundred (500) and five thousand (5000) cubic yards, mining and mineral extracting businesses actively in existence with the Township at the time of adoption of the Ordinance. All other permits or approvals from other government units or agencies must be obtained such as approval of the County Drain Commissioner and any other approval/permit that may come under Part 301 of the Natural Resources and Environmental Protection Act.

Section 1003 LOCATION

- A. All such operations shall be located on a primary road, as defined by the county, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. In the event a Conditional Use is being sought for a pond between five Hundred (500) and five thousand (5000) cubic yards then location on a primary road does not apply. Where necessary, the County Road Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- B. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line.

- . No such excavation operation shall be permitted within fifty (50) feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of the transportation equipment.
- D. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, the Michigan Department of Environmental Quality, or such other state agency having jurisdiction thereof. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that any sediment may be carried into any nearby watercourse.

Section 1004 SIGHT BARRIERS

- A. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 1. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public roadway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.
 2. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6) feet in height.
 3. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good repair.

Section 1005 NUISANCE ABATEMENT

- A. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

- B. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- C. Hours. The operation shall be restricted to the hours of seven (7) o'clock a.m. until seven (7) o'clock p.m. and no operations shall be allowed on Sundays.
- D. Fencing. All dangerous excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof, and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
- E. All abatement measures shall comply with other township ordinances and state laws related to noise, blight or other defined nuisance.

Section 1006 PARKING

The use shall have sufficient off-street parking facilities to satisfy peak parking needs for employees, visitors and haulers.

Section 1007 RECLAMATION OF MINED AREAS

- A. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effectuated within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- B. The following standards shall control reclamation and rehabilitation:
 - 1. All excavations shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, nonflammable, nonpolluting and noncombustible solids. The reclamation plan shall identify to the satisfaction of the Planning Commission the materials to be used.
 - 2. Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - 3. Surface that is not permanently submerged shall be graded and backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - 4. The banks of all excavations shall be sloped to the water line in a water-producing excavation and to the pit floor in a dry operation, at a slope

horizontal. Water-producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.

5. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements shall be completed within two (2) years of termination of mining or excavation operations. When used, topsoil shall be applied to a minimum depth of four (4) inches to support vegetation.
6. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The Planning Commission may require the seeding and plantings to conform to the standards and specifications adopted by the county Soil Conservation District and as they may be amended from time to time.
7. Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all operating plant structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.

Section 1008 FINANCIAL GUARANTEE

A performance bond or cash shall be furnished to the Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be established by the Township Board in the Township Fee Schedule, but shall not be less than \$3,000 per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) of any vertical shoreline thereof and to the extent to the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission.

Section 1009 SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS

- A. No earth removal, quarrying, gravel processing mining and related non-metallic mineral extraction business shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
1. A contour map of the tract of land involved in the operations (minimum two (2) foot contour intervals with a maximum error of +/- one (1) foot) including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any to be constructed, and the location and nature of abutting improvements on adjoining property. The truck haul route for the operation shall be shown on the vicinity map for the site.
 2. The number of acres and the location of the same proposed to be operated upon with the following twelve (12) month period after commencement of operations.
 3. The type of non-metallic mining or processing proposed to be conducted and the nature of the equipment to be used.
 4. The location of the operating plant structures. Berms, driveways and the locations, depths, and quantities of any proposed excavation or mining, and the boundaries of the site.
 5. Soil borings shall be made around the perimeter of the excavation site. In the event excavation or activities are to be conducted closer than one hundred and fifty (150) feet from the boundaries of the site, said soil borings shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries to the site.
 6. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads, such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans the fact that the land will not be devastated and rendered unusable by the proposed mining activities

Section 1010 HEARING

- A. After receiving an application for a permit or the grant of a Conditional Use permit for earth removal, quarrying, gravel processing, and ponds between Five Hundred (500) and Five Thousand (5000) cubic yards, mining, and related non-metallic mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Article VII of this Ordinance, pertaining to Conditional Use permits.

- B. Opportunity shall be given to all present to be heard at such hearing.
- C. Following such hearing, said Planning Commission shall grant or deny the application and shall set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in this Ordinance and shall be based, in addition, on a consideration of the following:
 - 1. The protection and preservation of the general health, safety and welfare of the Township.
 - 2. The scarcity of value of the minerals sought to be mined as to whether there is a demonstrated need for the same.
 - 3. Whether or not the operations were in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
 - 4. Whether "very serious consequences" would result from the mining including:
 - a. The relationship of the extraction and associated activities with existing land uses;
 - b. The impact on existing land uses in the vicinity of the property;
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence;
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property;
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- D. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its Conditional Use Permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a Conditional Use Permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as will be established by the Township Board and scheduled in the Township Fee Schedule, commencing with adoption of this Ordinance to be:

Up to Five (5) acres – Exempt

5 acres to 20 acres - \$100

21 acres to 40 acres - \$200

41 acres + - \$400

After adoption of this Ordinance said Fees to be adjusted on annual review for inclusion in the Township Fee Schedule

The annual fee is to be paid to the Republic Township Treasurer. Failure to pay the annual fee will result in a 1% interest charge up to the maximum allowed by law for every month the payment is late and the option to revoke any permit or, where mine or mining operations were in existence prior to the adoption of the Ordinance, the option to close the operation.

Section 1011 INSPECTION AND CONFORMANCE

- A. Inspections shall be made of the mining site normally once in each calendar year by the Zoning Administrator or a designee. For larger and/or highly active sites and/or those located in environmentally sensitive areas, and/or for those sites on which problems with compliance issues exist, two or more inspections may be made within a year. In order to ensure compliance with the requirements of the approved Conditional Use Permits, a revised topographical survey superimposed on the site map showing the current status of the contours and possible active areas of the mine shall be submitted annually thereafter prior to the annual anniversary date of the Planning Commissions grant of the Conditional Use Permit. Also provided shall be a small report showing the amount of material removed from the mine in the appropriate twelve (12) month period, as well as an estimated projection of the amount to be mined the next year. This submittal shall be presented to the Zoning Administrator for administrative and enforcement purposes. Failure to submit such plan shall result in the suspension of operations until such plan is submitted.
- B. Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
- C. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating

company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance the Conditional Use Permit approved for Non-Metallic extraction Operation.

Section 1012 LIABILITY INSURANCE

All operators shall be required to carry personal injury and property damage insurance while any reclaimed or un-rehabilitated area exists, in an amount to be established by the Township Board and stated on the Township Fee Schedule. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

**ARTICLE XI
ZONING BOARD OF APPEALS**

Section 1101 Creation and Membership

- A. The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act, PA110 of 2006, as amended. The Board shall consist of three members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township. The term of office for the member of the Planning Commission shall not exceed his term of office on the Commission. The Township Board may appoint a maximum of two (2) alternates to the Zoning Board of Appeals to serve in the absence or illness of regular members of the Board of Appeals. The term of the alternates shall coincide with the terms of the members appointed from the electors residing in the Township.
- B. Scope of Powers: The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the office or body from whom the appeal was taken, but no more, and may issue or direct the issuance of a permit—if, following a review of the facts, the relevant Ordinance requirements, and the prior decision of the Zoning Administrator or Planning Commission, the Board of Appeals concludes the Ordinance requirements were not properly applied.

The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance. At the same time, the Board of Appeals shall be aware that this responsibility does not extend to creating regulations, only to applying regulations which is a narrow quasi-judicial responsibility, and not a legislative one. The power to adopt land use regulations rests solely with the Township Board.

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property or to authorize any use of land not expressly permitted in the district, nor to make any change in the terms or intent of this Ordinance; these powers are reserved to the Township Board.

Section 1102 Procedures

- A. Application: Application for any variance permissible under the provisions of this section shall be made to the Zoning Administrator in the form of a written application for a permit to use the property or premises as set forth in the application.

Upon receipt of any application, such officer shall schedule a hearing at the regular meeting date for a public hearing before the Board of Appeals on such application. The

Zoning Board of Appeals shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1205. The application shall be accompanied by the required fee.

B. Decisions:

1. The Zoning Board of Appeals shall thereupon make its decision upon the application and report its recommendation to the Township Board within ten (10) days after such hearing. In recommending granting any adjustment or variance under the provision of this section, the Zoning Board of Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation involved; and in recommending denial, the Zoning Board of Appeals shall specify the reasons why the variance cannot be adjusted to meet the purpose of this Ordinance as to light, air, public health, safety, comfort, convenience, and general welfare.
2. A certified copy of any order issued by the Zoning Board of Appeals acting upon any appeal shall be filed with the Township Clerk for record. The order shall include a legal description of the property involved. It shall be the responsibility of the Zoning Administrator to carry out this provision.
3. After any appeal to the Zoning Board of Appeals has been approved, the appellant shall have thirty (30) days, after receipt of notice of the decision, to make application to the Zoning Administrator for any permit necessary to begin the structure or the use for which the appeal was made.
4. The Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of the permit.
5. All decisions by the Zoning Board of Appeals in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person(s), or any department, board or commission of the jurisdiction or of the State, shall have the right to appeal within thirty (30) days, after receipt of notice of the decisions, to Circuit Court.

Section 1103 General Criteria and Requirements

- A. The Zoning Board of Appeals may authorize a variance from the terms of this Ordinance which will not be contrary to public interest, where owing to special conditions, a practical difficulty would be created by carrying out the strict letter of the Ordinance, and when the terms of the variance are consistent with the spirit and intent of this Ordinance and with the Republic Township Master Plan.

- B. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- C. Non-Use Variance Standards: The Board of Appeals shall have the power to authorize, upon appeal, a dimensional, non-use variance from requirements of the Zoning Ordinance, provided the applicant has proven a "practical difficulty", by demonstrating as follows:
 - 1. That strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;
 - 2. That the problem is due to a unique circumstance of the property;
 - 3. That the specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance;
 - 4. The property problem was not created by the action of the applicant;
 - 5. That the granting of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located;
 - 6. That the requested variance will relate only to the property under the control of the applicant;
 - 7. That the non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance;
 - 8. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located;
 - 9. That the proposed use of the premises is in accord with the Zoning Ordinance;
 - 10. That the variance would do substantial justice to the applicant as well as to other property owners in the district;
 - 11. That the granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice applied;
 - 12. That the requested variance shall not amend the permitted uses of the zoning district in which it is located.
- D. It shall be the burden of the applicant to demonstrate sufficient practical difficulties to sustain the need for the variance. Absent from meeting the practical difficulties standard as provided in this Ordinance, the Zoning Board of Appeals shall not approve any variance.
- E. The Zoning Board of Appeals shall specify, in writing, such conditions regarding the character, location, and other features which will, in its judgment, secure the objectives and intent of this Ordinance, provided there is an applicable standard in this Ordinance to serve as the basis for such condition. The breach of such condition shall automatically invalidate the permit granted.

- F. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized has been commenced within one (1) year after the hearing date when the variance was granted.

Section 1104 Interpretation and Other Powers

The Board of Appeals shall have the power to:

- A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
- B. Determine the precise location of the boundary lines between zoning districts when there is confusion or a dispute concerning the Zoning Map.
- C. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. The classification of the unmentioned use does not automatically permit the use; it only identifies the district in which it may be located and the zoning regulations with which it must conform.
- D. Determine the signage, landscaping, buffering, off-street parking and loading space requirements of any use not specifically mentioned in this Ordinance, by applying the most comparable provisions for other similar uses.
- E. When making an interpretation, the Board of Appeals shall carefully consider the definitions in Article II, the meaning of all the relevant sections in the Ordinance, past decisions of the Board of Appeals on similar matters, research and any conclusions by the Zoning Administrator, consultant and Township Attorney and shall make a decision on the narrowest grounds feasible so as not to upset the meaning and application of this Ordinance.

Section 1105 Burden of Proof and Reapplications

- A. When an appeal or application for a variance is taken to the Board of Appeals, the applicant shall have the burden of presenting to the Board sufficient evidence and argument to justify the requested order or decision.
- B. No application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, as determined by the Zoning Administrator.

ARTICLE XII
ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 1201 Administration

- A. This Ordinance shall be administered by the Republic Township Zoning Administrator. The Zoning Administrator shall make an annual report of his/her activities to the Township Board at the annual meeting and shall provide assistance to any applicant in preparing an application; advise the applicant as to the provisions of this Ordinance; and cause to be inspected each project for which a permit has been granted.

- B. The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator shall have no power to vary or waive Ordinance requirements.

Section 1202 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.

- D. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Board of Appeals.

- E. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

Section 1203 Enforcement and Violation

- A. The Zoning Administrator shall investigate all violations of this Ordinance, notify the owners of violations, notify the Republic Township Ordinance Officer of violations for

further actions and direct the property owner to correct violations within a 30 day period of time. If compliance is not obtained within the 30 day period of time, the Republic Township Ordinance Officer shall report such violations to the Township Board, which shall take appropriate and immediate action on the matter.

- B. Taxpayers within the Township may institute mandamus proceedings to compel specific performance by proper officials in reference to administration or enforcement of the Zoning Ordinance.
- C. No land or structure shall be changed in use and no structure shall be erected, placed, altered in its exterior dimensions, or moved until the Zoning Administrator has approved and issued a zoning permit, certifying that the plans and intended use of land and structure are in conformity with this Ordinance.
- D. No zoning permit shall be issued to establish a use on any lot, plot, parcel or tract which has been divided or transferred in violation of the Subdivision Platting Ordinance for Republic Township, upon its adoption.
- E. No zoning permit shall be required for the placement of essential local public utility distribution lines.
- F. Construction of a building or commencement of a use shall be substantially begun within twelve (12) months of the date of issue of a permit or said permit shall become void.
- G. Any permit issued on the basis of an application which was in error shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Zoning Administrator to notify the property owner upon discovery of an erroneous application.
- H. No land hereafter changed in use, and no structure hereafter erected or placed, and no portion of any structure hereafter altered shall be used or occupied until the Zoning Administrator shall have inspected said land use or structure and such land use or structure has been found to be in conformity with the provisions of this Ordinance.
- I. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500) and/or by imprisonment for a period not to exceed thirty (30) days. Each day that a violation is continued shall constitute a separate offense.

Section 1204 Zoning Property Files

The Zoning Administrator shall maintain Zoning Property Files containing the original applications with an assigned number and all supporting documentation, under the direction of the Township Clerk, in the Township office. Files shall be arranged by address. The Zoning administrator shall maintain a book containing copies of all applications and may include copies of supporting documentation. The Zoning Administrator shall maintain an updated list of all applications with the assigned numbers with the Zoning Property Files.

Section 1205 Administrative Standards and Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Republic Township and mailed or delivered as provided in this Section.

- 1. All mail, personal and newspaper notices for public hearings shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the Zoning Ordinance and proposals and applications may be examined.

- 2. Personal and Mailed Notice - When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Republic Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.
 - d) Other governmental units within one mile of the property involved in the application.
3. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation shall be provided no less than fifteen (15) days before the date the application will be considered for approval.
5. Registration to Receive Notice by Mail:
- a) General: Any neighborhood organization, Public Utility Company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - b) Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.
- C. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:

1. Shall base their decision upon facts presented at a public hearing;
 2. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
 6. Shall comply with all other requirements under the law; and
 7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- D. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of Conditional Use Permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the Zoning Ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- E. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1206 Fees

The Township Board shall establish a schedule of fees and a collection procedure for zoning permits, conditional use permits, variance petitions and amendment petitions as required by this Ordinance. The schedule of fees shall be posted in the Township Hall and may be altered or amended only by the Township Board. Permits for remodeling are not required unless the exterior dimensions of a structure are to be altered. None of the above mentioned permits or petitions shall be issued unless or until such time as the application fees have been paid to the Township.

**ARTICLE XIII
AMENDMENTS**

Section 1301 Purpose

- A. An amendment to the zoning ordinance text or map may be initiated by the Township Board, or on request of the Planning Commission, or on petition or appeal of the affected property owner of record to:
 - 1. Transfer land, or a portion thereof, from the district in which it is situated into another district, by amendment to this Ordinance;
 - 2. Change any of the regulations of this Ordinance as to the use of land in any district, or as to the restrictions upon buildings or structures and their placement herein, by amendment to this Ordinance.

- B. Any action of amending this Ordinance shall first be reviewed by the Planning Commission.

Section 1302 Procedure

- A. An application for amendment shall be filed with the Township Clerk in duplicate, accompanied by a fee as determined by the Township Board. The Clerk shall forward one (1) copy to the Planning Commission.

- B. The Planning Commission shall schedule and give notice of the time and place of a public hearing on the proposed amendment as required by Section 1205 of this Ordinance.

- C. The Township Board, upon receiving reports of the Planning Commission, and without further public hearing, may vote upon the adoption of the proposed amendment, or it may refer it back to the Planning Commission for further consideration. In considering any amendment, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire township, and for the uses to which the property affected is being devoted at the time; no change shall be effective unless two-thirds (2/3) of all members of the Township Board concur in its passage.

- D. Procedures for Petition:
 - 1. Give the name or names of the petitioner and the petition shall be signed by each of them. The address of each petitioner shall be given.
 - 2. Specifically describe the area proposed to be rezoned, and give the names and addresses of all owners of property owned by each.
 - 3. State the present zone classification of the area and the proposed zone classification.
 - 4. State the present use of each separately owned tract within the area, and the intended use of any tract of land therein, if the petitioners, or any of them, have particular use presently in mind.

5. Be accompanied by three (3) copies of a map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of three hundred (300) feet, including the road layout of such area. The map scale shall be one hundred (100) feet to the inch when possible; otherwise at a scale to show with reasonable clarity the subject and adjacent land tracts.

Section 1303 General Criteria and Requirements

Amendments to the Zoning Map shall be recommended for approval by the Planning Commission upon finding that all of the following conditions exist:

- A. The proposed zoning shall be consistent with the Republic Township Master Plan.
- B. The proposed zoning shall not be spot zoning, which discriminates in favor of one lot or parcel out of harmony with adjoining lots or parcels, and without benefit to the township.
- C. Substantial changes have occurred in the township since adoption of the zoning ordinance, which should result in the zoning ordinance being amended.
- D. A public need for, and benefit from; additional zoning of the type proposed must exist, and shall be above and beyond any benefit or convenience to the land owner.
- E. The proposed zoning shall allow the property owner reasonable use of their property under the terms of this Ordinance, as well as serve the public interest.

**ARTICLE XIV
INTERPRETATION, SEVERABILITY, VESTED RIGHT
AND EFFECTIVE DATE**

Section 1401 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and un-repealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1402 Severability

This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any Conditional Use Permit, Variance, Zoning Compliance Permit, Site Plan approval, or designation of Nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

If, after adoption of this Ordinance by the Township Board, a valid petition is filed with the Township Clerk placing this Ordinance before the voters for their approval or rejection, upon election, should this Ordinance be rejected, then the Township would automatically revert back to the preceding Republic Township Zoning Ordinance.

Section 1403 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1404 Effective Date

This Ordinance shall take effect following adoption by the Republic Township Board and upon publication in accordance with provisions and procedures of Act 110 of the Public Acts of 2006, as amended.

Adopted: August 26, 2010

Published: August 31, 2010

Effective: September 7, 2010

**Republic Township Zoning Map
Zoning Map Amendments
Adopted April 23, 2020**

The Zoning Ordinance & Map can be found on the
Republic Township website:

www.republicmichigan.com/building-zoning/