

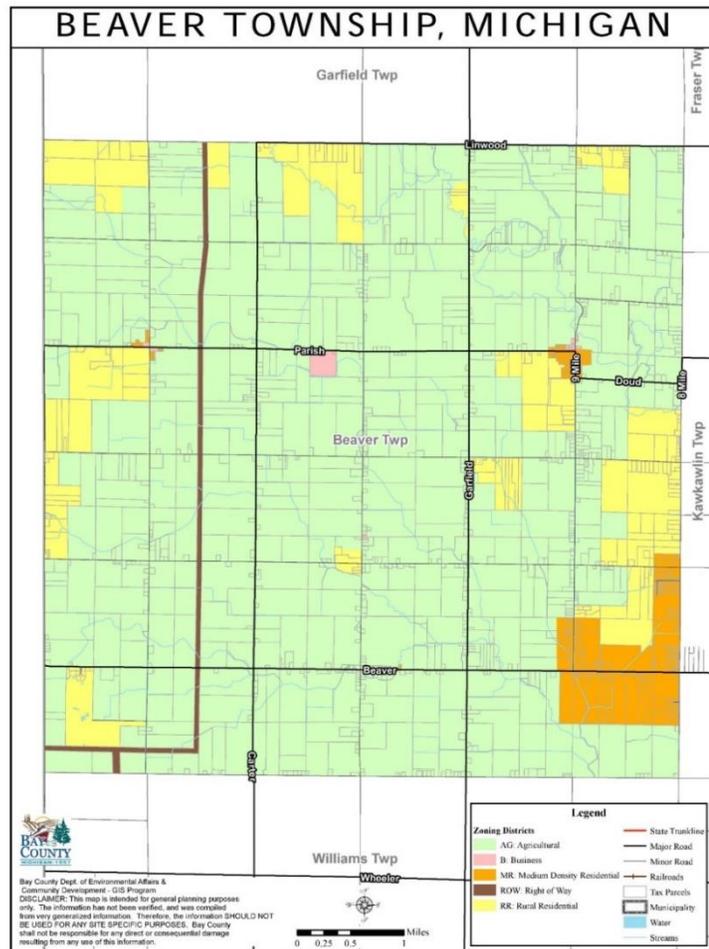
Township of  
**BEAVER**

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# Zoning Ordinance

Adopted 5-29-19

Amended Eff. Date 9-30-20



Zoning Ordinance

**Beaver Township  
Bay County, Michigan**

## ORDINANCE NO. 2019-02

An ordinance enacted under the authority of *2006 P.A. 110, the Michigan Zoning Enabling Act* providing for the regulation of land development and the establishment of zoning districts within Beaver Township which regulate the use of land and structures to meet the needs of residents and others for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety and welfare.

BEAVER TOWNSHIP, BAY COUNTY, MICHIGAN, ORDAINS:

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# Chapter I – Title, Purpose, Scope and Legal Basis

## **SECTION 1.01 TITLE**

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

## **SECTION 1.02 PURPOSE**

This Ordinance is based upon the Beaver Township General Development Plan and is designed:

- (1) To promote the public health, safety, morals, and general welfare;
- (2) To encourage the use of land in accordance with its character and adaptability and limit the improper use of land in accordance with the adopted master plan;
- (3) To conserve natural resources and energy, to meet the needs of the State's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- (4) To ensure that uses of land shall be situated in appropriate locations that encourage symbiotic relationships;
- (5) To avoid the overcrowding of population;
- (6) To protect adequate access to light and air;
- (7) To minimize congestion on the public roads and streets;
- (8) To reduce hazards to life and property;
- (9) To facilitate the adequate provisions of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;
- (10) To conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties;
- (11) To prevent new construction or alteration or expansion of existing structures or uses that do not comply with the restrictions herein;
- (12) To provide for the elimination of existing structures or uses that do not comply with the restrictions herein;
- (13) To define the powers and duties of officers and bodies charged with the enforcement of this Ordinance; and
- (14) To prescribe penalties for any violation of the provisions herein.
  - (a) This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

### **SECTION 1.03 SCOPE AND INTERPRETATION**

This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land that is imposed or required by such existing laws, ordinances, regulations, private restrictive covenants, the provisions of this Ordinance shall control.

### **SECTION 1.04 LEGAL BASIS**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

### **SECTION 1.05 ADMINISTRATIVE LIABILITY**

No officer, agent, employee, or member of the Planning Commission, Township Board, or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

### **SECTION 1.06 SEVERABILITY**

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be adjudged unconstitutional or invalid by any court for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **SECTION 1.07 REPEAL**

The former Zoning Ordinance of the Township, Ordinance No. 15, effective on or about May 31, 1979, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of the Township of Beaver, in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

# Chapter II – Definitions

## **SECTION 2.01 ACCESSORY BUILDING OR USE:**

A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

## **SECTION 2.02 ALTERATIONS, STRUCTURAL:**

Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

## **SECTION 2.03 ANIMAL, DOMESTICATED:**

Any animal that is commonly 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. Domestic animals include, but are not limited to, cattle, horses, pigs, sheep, goats, turkeys, chickens, ducks, emus, camels, and household pets as defined in this Section.

## **SECTION 2.04 ANIMAL, EXOTIC:**

Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal. Exotic animals include, but are not limited to, non-human primates, venomous snakes and reptiles, non-venomous snakes greater than ten (10) feet in length, reptiles (other than snakes) greater than four (4) feet in length measured from snout to end of tail, large cats, sharks greater than two (2) feet in length, ostriches, piranha, venomous insects, elephants, bears, gamecocks, hyenas, and other non-domesticated, non-wild animals.

## **SECTION 2.05 ANIMAL, HOBBY FARM:**

Animals often found on a farm and kept as an accessory to a single-family residential use. Hobby farm animals may include, but are not limited to, chickens, ducks, geese, pigeons, peacocks, rabbits, sheep, goats, cattle, swine, goats and llamas. Hobby farm animals do not include roosters, dogs, cats, deer or other wild animals.

## **SECTION 2.06 ANIMAL, WILD:**

Animals of a species indigenous to the State of Michigan or the Midwest region, and which are not a common household pet, including any hybrid animal that is part wild animal. Wild animals include, but are not limited to, badgers, bears, wild birds, large cats, coyotes, deer, wolves, dog-wolf hybrids, and weasels.

**SECTION 2.07 ASSISTED LIVING:**

A type of home for the aged, which is a special combination of dependent housing, personalized supportive services and health care designed to meet the needs of those who need help with activities of daily living. Services provided in assisted living residences include, but are not limited to, meals served in a common dining area, housekeeping, transportation, assistance with eating, bathing, dressing, or walking, medication management, laundry, or social and recreational activities. Depending on the combination of services provided, an assisted living facility may or may not require licensing by the State of Michigan.

**SECTION 2.08 AUTOMOBILE REPAIR, MAJOR:**

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body repair and frame straightening; painting or upholstering; vehicle steam cleaning; or undercoating.

**SECTION 2.09 AUTOMOBILE REPAIR, MINOR:**

Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair - Major".

**SECTION 2.10 BASEMENT:**

That portion of a building between the floor and the ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling.

**SECTION 2.11 BUILDING:**

Anything which is constructed or erected, having a roof supported by columns, walls, or other supports.

**SECTION 2.12 BUILDING HEIGHT:**

The vertical distance above "grade," as defined herein, to the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**SECTION 2.13 BUILDING SETBACK:**

The minimum distance from the front lot line to the nearest point of the main wall of the building or structure. Steps may be located within the building setback. Porches are considered as part of the building or structure and may not be located within the building setback. (Refer to "front yard".)

**SECTION 2.14 CAMP OR CAMPGROUND:**

“Camp” or “campground” shall mean and include temporary or permanent buildings, tents or other structures, together with the appurtenances pertaining thereto, established or maintained as temporary living quarters for children or adults, or both, operated continuously for a period of five (5) days or more, for recreation, religious, education or vacation purposes.

**SECTION 2.15 CHILD CARE CENTER:**

A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility may also be described as a day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

**SECTION 2.16 COMMISSION:**

The Planning Commission of the Township of Beaver.

**SECTION 2.17 CONVALESCENT HOME:**

See NURSING HOME.

**SECTION 2.18 DEPENDENT LIVING:**

A licensed multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may not contain cooking facilities, but shall contain sanitary facilities. See ADULT FOSTER CARE FACILITY

**SECTION 2.19 DRIVE-IN FACILITY:**

Any place or premise which offers the sale of goods or services to customers in vehicles, including those establishments where customers may serve themselves and use the goods or services on the premises.

**SECTION 2.20 DWELLING:**

Any building or portion thereof which is occupied, in whole or in part, as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, not including motels, hotels, tourist rooms or cabins, travel trailers or motor homes.

- (a) Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.
- (b) Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.
- (c) Dwelling, Multi-Family - A building designed for use and occupancy by three (3) or more families.

**SECTION 2.21 DWELLING UNIT:**

One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for living or sleeping purposes with housekeeping facilities. Tents, travel trailers, motor homes, and the like are not considered dwelling units for the purpose of this Ordinance.

**SECTION 2.22 EASEMENT:**

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

**SECTION 2.23 ERECTED:**

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of erection.

**SECTION 2.24 ESSENTIAL SERVICES:**

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, piping conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of utility service by such public utilities or municipal department or commission or for the public health, safety or general welfare.

**SECTION 2.25 EXCAVATION:**

The removal or movement of soil, sand stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

**SECTION 2.26 FAMILY:**

One (1) or more persons occupying a single dwelling unit and using common cooking facilities; provided, however, that unless all members are related by blood, marriage or legal adoption, no such family shall contain more than five (5) persons.

**SECTION 2.27 FARM:**

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. Farms may include specialized agricultural activities, including, but not limited to, animal husbandry, hatcheries, poultry farms, apiaries, dairying, field crops and truck farming. Such farms may include related dwellings, customary barns and similar buildings.

**SECTION 2.28 FLOOR AREA, GROSS:**

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**SECTION 2.29 FLOOR AREA, NET:**

See Floor area, usable residential and Floor area, usable nonresidential.

**SECTION 2.30 FLOOR AREA, USABLE NONRESIDENTIAL:**

The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of usable nonresidential floor area.

**SECTION 2.31 FLOOR AREA, USABLE RESIDENTIAL:**

The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

**SECTION 2.32 FOSTER CARE:**

See STATE LICENSED RESIDENTIAL FACILITY.

**SECTION 2.32.5 FRONTAGE:**

That portion of the boundary line of a lot or parcel immediately adjacent to a public road. All frontage used to meet the requirements of this Ordinance must be contiguous.

**SECTION 2.33 GARAGE, PRIVATE:**

An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

**SECTION 2.34 GASOLINE STATION OR SERVICE STATION:**

A place for retail sale and dispensing of fuel directly into motor vehicles or approved containers and excluding repair work defined in 'Major and Minor Automobile Repair.' Gas or service stations may also incorporate a convenience store operation.

**SECTION 2.35 GRADE:**

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five (5) feet from the building.

**SECTION 2.36 GROUP DAY CARE HOME:**

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

**SECTION 2.37 GROUP HOME:**

See STATE LICENSED RESIDENTIAL FACILITY.

**SECTION 2.38 HOME OCCUPATION:**

A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place.

**SECTION 2.39 HOTEL:**

A building where lodging, with or without meals, is furnished to transients or to resident guests for compensation and contains more than four (4) sleeping rooms.

**SECTION 2.40 HOUSEHOLD PET:**

A domesticated animal typically found in residential dwellings and not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs other than dog/wolf hybrids, small domesticated cats, gerbils, hamsters, turtles, non-venomous snakes under ten (10) feet in length, tropical fish, parrots, canaries and parakeets.

**SECTION 2.41 IMPROVEMENTS:**

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

**SECTION 2.42 JUNK YARD:**

A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, cleaned or handled, including house wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding such uses when conducted entirely within a completely enclosed building and excluding pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

**SECTION 2.43 KENNEL:**

Any lot or premises on which five (5) or more dogs, cats or other household pets, four (4) months of age or older, are kept either temporarily or permanently for the purpose of boarding or breeding for compensation.

#### **SECTION 2.44 LANDSCAPING:**

The treatment of the ground surface with live plant materials such as, but not limited to, grass, groundcover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative manmade materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- (a) Berms. A mound or wall, typically manmade, of soil or sand and covered in natural vegetation such as grasses.
- (b) Grass. Any of a family of plants with narrow leaves normally grown as permanent lawns in Bay County, Michigan.
- (c) Greenbelt. A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- (d) Groundcover. Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- (e) Hedge. A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary or fence.
- (f) Hydro-seeding. A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- (g) Interior parking lot landscaping. A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- (h) Mulch. A layer of wood chips, dry leaves, straw, peat moss, bark, or similar organic material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and prevent the freezing of roots.
- (i) Nurse grass. Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish groundcover to prevent dust or soil erosion.
- (j) Screen or screening. A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- (k) Shrub. A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

- (l) Tree. A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Bay County, Michigan.
  - a. Deciduous tree. A variety of tree that has foliage that is shed at the end of the growing season.
  - b. Evergreen tree. A variety of tree that has foliage that persists and remains green throughout the year.
- (m) Ornamental tree. A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
- (n) Shade tree. For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Bay County, Michigan, and has a trunk with at least five feet of clear stem at maturity.
- (o) Vine. A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

**SECTION 2.45 LOT:**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures or utilized for a principal use and accessory uses together with such open spaces as are required by this Ordinance.

- (a) Area, Lot- The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-way.
- (b) Corner Lot- A lot located at the intersection of two (2) or more streets where the corner interior angle, formed by the intersection of the center lines of the streets, is one hundred thirty-five (135) degrees or less, or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five (135) degrees or less.
- (c) Depth, Lot- The distance between the front and rear lot line, measured along the median between the side lot lines.
- (d) Double Frontage Lot- Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.
- (e) Width, Lot- The continuous distance between the side lot lines, measured at the minimum building setback line and at right angles to the lot depth.

**SECTION 2.46 LOT LINE:**

A line bounding a lot or a parcel of property.

- (a) Front- The boundary line of a lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a corner lot, the front line shall be the shortest boundary line adjacent to a street right-of-way. In the case of a double frontage lot, the front line shall be determined by the property owner.

- (b) Rear - The boundary line which is opposite and most distant from the front lot line.
- (c) Side - Any boundary line which is neither a front nor a rear property line.
- (d) Street or Alley, Lot Line- A lot line separating the lot from the street or alley.

**SECTION 2.47 LOT OF RECORD:**

A parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the County Register of Deeds and which exists as described therein.

**SECTION 2.48 MANUFACTURED HOME:**

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration, except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation, and other minor work, construction or installation. In the event of any controversy concerning whether or not a particular unit is included within the foregoing definition, the Board of Appeals shall have the right and authority to determine whether the same is so included based upon the similarity of the unit involved to the customary dwelling unit known as a manufactured home or to a standard constructed home.

- (a) Single Wide - A manufactured home with a longitudinal width of no greater than fourteen (14) feet for its full length.
- (b) Double Wide - A combination of two (2) manufactured homes designed and constructed to be connected along the longitudinal axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

**SECTION 2.49 MANUFACTURED HOME LOT:**

A measured parcel of land within a manufactured home park which is delineated by lot lines on a final development plan and which is intended for the placement of a manufactured home and the exclusive use of the occupants of such manufactured home.

**SECTION 2.50 MANUFACTURED HOME PAD:**

That portion of a manufactured home lot reserved for the placement of a manufactured home, appurtenant structures, or additions.

**SECTION 2.51 MANUFACTURED HOME PARK:**

A parcel of land which has been planned and improved for the placement of manufactured homes on a rental basis for non-transient use under the provision of Michigan Act 243 of 1959, as amended, and this Ordinance.

**SECTION 2.52 MANUFACTURED HOME SUBDIVISION:**

A manufactured home park, except that the manufactured home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**SECTION 2.53 MODULAR HOME:**

A dwelling which consists of prefabricated units transported to the site and assembled for permanent location on the lot.

**SECTION 2.54 MOTEL:**

A building or group of buildings of the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside garage or parking space located on the lot and designed for, or occupied by, vehicular travelers. The term shall include any building or group of buildings designated as motor lodges, transient cabins, or any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

**SECTION 2.55 MOTOR VEHICLE:**

Every vehicle which is self-propelled.

**SECTION 2.56 NONCONFORMING BUILDING OR STRUCTURE:**

A building or structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, which does not conform with the use regulations of the District in which it is located.

**SECTION 2.57 NURSING HOME, CONVALESCENT HOME, OR REST HOME:**

A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Act 139 of 1956, as amended.

**SECTION 2.58 OPEN SPACE:**

That part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

**SECTION 2.59 PARCEL:**

A continuous area, trace, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

**SECTION 2.60 PARKING LOT:**

An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

**SECTION 2.61 PARKING SPACE:**

An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**SECTION 2.62 PERFORMANCE GUARANTEE:**

A financial guarantee to ensure that all improvements facilities, or work required by this Ordinance will be completed in compliance with the ordinance, regulations, and approved plans and specifications of the development.

**SECTION 2.63 PIER:**

Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a manufactured home and intended to serve as a base for supporting the frame of the manufactured home.

**SECTION 2.64 POND:**

A body of water, natural or man-made.

**SECTION 2.65 PRINCIPAL OR MAIN USE:**

The primary or predominant use of a lot.

**SECTION 2.66 PROPERTY LINE:**

See LOT LINE.

**SECTION 2.67 PUBLIC UTILITY:**

Any firm, corporation, municipal department or board, duly authorized to furnish to the public, under Federal, State or municipal regulation, electricity, gas, steam, communications, transportation, sewage disposal or water supply.

**SECTION 2.68 RECREATIONAL VEHICLE:**

Recreational vehicles shall include the following:

- (a) Travel Trailer. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use, but not including manufactured homes as defined in this Ordinance.
- (b) Pickup Camper. A structure designed to be mounted on a pickup chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses.
- (c) Motorhome. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motorhomes generally contain sanitary, water and electrical facilities.
- (d) Folding tent trailer. A folding structure, mounted on wheels and designed for travel and vacation use.
- (e) Boats and boat trailers. Boats and boat trailers shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (f) Other recreational equipment. Other recreational equipment includes golf carts, snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

**SECTION 2.69 RIGHT-OF-WAY:**

The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

**SECTION 2.70 ROAD:**

Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- (a) Private road. Any road which is to be privately maintained and has not been accepted for maintenance by the township, Bay County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the township under any prior ordinance.
- (b) Public road. Any road or portion of a road which has been dedicated to and accepted for maintenance by the township, Bay County, State of Michigan or the federal government.
- (c) Cul-de-sac. A road that terminates in a vehicular turnaround.

**SECTION 2.71 ROADSIDE MARKET STAND:**

A building or structure designed or used for the display and/or sale of seasonal agricultural products.

**SECTION 2.72 ROOMING HOUSE:**

Also referred to as a boarding house, lodging house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two persons other than members of the family occupying such dwellings.

**SECTION 2.73 SANITARY LANDFILL:**

An area for the disposal of refuse as defined and licensed under Public Act 87 of 1965, Solid Waste Disposal Act, as amended, and as regulated under Public Act 641 of 1978, "The Solid Waste Management Act", as amended.

**SECTION 2.74 SENIOR CITIZEN HOUSING:**

An unlicensed residential living setting intended for older persons that may or may not provide hospitality or supportive services. Residents lead an independent lifestyle that requires minimal or no extra assistance.

**SECTION 2.75 SETBACK:**

The distance between a front, side or rear lot line or planned road right-of-way line and the nearest supporting member of a building or structure on a lot. The minimum required setback is the minimum distance between a front, side or rear lot line or planned right-of-way line and the

nearest supporting member of a building or structure in order to conform to the required yard setback provisions of this Ordinance.

**SECTION 2.76 SIGNS AND BILLBOARDS:**

- (a) Billboard - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for an off-premises use.
- (b) Business Sign - Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for an on-premises use.
- (c) Real Estate Sign - Any temporary structure used only to advertise (with pertinent information) the sale, rental or leasing of the premises upon which it is located.
- (d) Identifying Sign - Any structure on the same premises it identifies which serves only: (1) to tell the name or use of any public or semi- public building or recreation space, club, lodge, church, or institution; (2) to tell the name or address of an apartment house, hotel or motels; or (3) to inform the public as to the use of a parking lot.
- (e) Name Plate - A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

**SECTION 2.77 SOLAR ENERGY SYSTEM – ATTACHED SMALL:**

An array of solar collection materials secured to the exterior walls or roof of a principal or accessory building and generate between manufacturer’s rating of between 2 and 20 kW.

**SECTION 2.78 SOLAR ENERGY SYSTEM – FREE STANDING SMALL:**

An array of freestanding (not attached to a principal or accessory structure) solar energy systems that generates between manufacturer’s rating of between 2 and 20 kW.

**SECTION 2.79 SOLAR ENERGY SYSTEM – FREE STANDING UTILITY:**

An array of freestanding (not attached to a principal or accessory structure) utility-scale solar energy systems that generates energy exceeding the manufacturer’s rating of 20kw.

**SECTION 2.80 SOLAR ENERGY SYSTEM – GENERAL:**

A solar photovoltaic cell panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

**SECTION 2.81 SOLAR STORAGE BATTERY:**

A device that stores energy from the sun and makes it available in an electrical form.

**SECTION 2.82 SPECIAL HOME OCCUPATION:**

A gainful occupation undertaken in a residence, residential garage or accessory building adjacent to the applicant’s residence for the purpose of motor vehicle repair, sale and repair of lawn and

garden equipment and accessories, repair of heating, refrigeration and cooling equipment, welding shops, sharpening services, the storage of motor vehicles, boats, and recreation vehicles and related equipment, antique shops, locksmith services, sign painting shops, cabinet maker shops, lawn and landscape services, and licensed foster care homes for more than six residents, provided no more than two (2) persons are employed or engaged in conducting such activity.

#### **SECTION 2.83 STATE LICENSED RESIDENTIAL FACILITY:**

Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 11 of 1973, the Child Care Organizations Act, or Public Act 218 of 1979, the Adult Foster Care Facility Licensing Act. These acts provide for the following types of residential structures:

- (a) Adult Care Facility: A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:
  - a. Family Home: Private residence for six (6) or fewer adults. Licensee shall live in the home, and local zoning approval is not required prior to issuance of a license.
  - b. Adult Foster Care Small Group Home: Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
  - c. Adult Foster Care Large Group Home: Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
  - d. Congregate Facility: Residence for more than twenty (20) adults. Local zoning approval is required prior to issuance of a license.
- (b) Foster Family Home: A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Social Services.
- (c) Foster Family Group Home: A private residence that houses more than four (4) but less than seven (7) minor children, up to age 19, under constant care and supervision. Under public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Social Services.

#### **SECTION 2.84 STORY:**

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**SECTION 2.85 STREET:**

A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare, except alleys and pedestrian ways.

**SECTION 2.86 STRUCTURE:**

Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

**SECTION 2.87 TEMPORARY USE, BUILDING, OR STRUCTURE:**

Shall mean a use, building, or structure permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

**SECTION 2.88 TOURIST HOME:**

A building, other than a hotel, rooming house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients. Bed and Breakfasts are considered a tourist home for the purposes of this Ordinance.

**SECTION 2.89 TOWNSHIP:**

Beaver Township, Bay County, Michigan.

**SECTION 2.90 TOWNSHIP BOARD:**

The Beaver Township Board.

**SECTION 2.91 VEHICLE:**

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

**SECTION 2.92 WIND ENERGY CONVERSION SYSTEM (WECS):**

Also commonly referred to as a wind energy facility, wind generating tower, wind turbine, windmill, or wind-powered generator. It shall mean a combination of:

- (a) The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating powers; and
- (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- (d) The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.

- (e) A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility.

**SECTION 2.93 YARD:**

A required open space, other than a court, unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above grade of the lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Yard measurements shall be the minimum horizontal distance.

- (a) Front - A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure.
- (b) Rear - A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.
- (c) Side - A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

**SECTION 2.94 ZONING ACT:**

Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

# Chapter III – General Provisions

These general provisions shall apply to all Zoning Districts except as otherwise noted.

## **SECTION 3.01 EFFECT OF ZONING**

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

## **SECTION 3.02 EFFECT ON UNLAWFUL STRUCTURES AND USES**

Structures or uses which were unlawfully existing at the time of the effective date of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

## **SECTION 3.03 CONTINUATION OF EXISTING USES**

Any building, structure or use lawfully existing at the time of the effective date of this Ordinance may be continued except as hereinafter provided in Chapter XVI.

## **SECTION 3.04 RESTORATION OF UNSAFE BUILDINGS**

Subject to the provisions of the Nonconforming Uses Chapter, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.

## **SECTION 3.05 OUTSTANDING APPLICATIONS FOR BUILDING PERMITS**

Any building or zoning permit issued prior to the effective date of this Ordinance shall be valid, notwithstanding the provisions hereof, provided construction is commenced by the effective date of this Ordinance.

## **SECTION 3.06 ESSENTIAL SERVICES**

Essential services as defined in Section 2.24 are permitted in any Zoning District subject to the following conditions:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any Zoning District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

## **SECTION 3.07 UNDERGROUND POWER LINES AND PIPELINES**

The installation, use and maintenance of electric power lines and underground pipelines shall be permitted in any Zoning District. However, all such pipelines shall be buried at least three (3) feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land and any affected drain tile or untiled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3) feet. In no case shall power lines or pipelines be installed at a depth of less than two (2) feet below the surface of the ground or within six (6) inches above or below existing drain tiles.

Where a pipeline or power line is proposed to pass through land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township

containing a statement of the proposed use and location, and the time for a hearing thereon which shall not be less than 15 days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

### **SECTION 3.08 UNDERGROUND STORAGE TANKS**

Underground storage tanks for the storage of human or animal waste, hazardous materials, flammable liquids, regulated substances, or other similar materials shall be prohibited. Such tanks required by State or Federal agencies are excepted from this provision with valid documentation.

### **SECTION 3.09 PRINCIPAL BUILDING ON A LOT**

In the AG and RR Zoning Districts, no more than one (1) residential structure shall be placed on a lot. In the MR Zoning District, no more than one (1) single family or one (1) two family residential structure shall be placed on a lot. In the B District, no more than one (1) structure may be considered the principal building.

### **SECTION 3.10 CLEAR VISION CORNERS**

On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of three and one half (3-1/2) feet and eight (8) feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.

### **SECTION 3.11 HEIGHT AND LOCATION OF FENCES AND WALL**

Fences or walls in a residential zoning district shall not exceed eight (8) feet, provided further that a fence or wall in an R Zoning District may be constructed in any yard except a required front yard. Fences shall be constructed from standard fence materials including, but not limited to, wood, chain link, aluminum, vinyl, or other similar material. Fences kept in poor repair, including, but not limited to, leaning post, holes in panels, or otherwise broken condition, are not permitted.

### **SECTION 3.12 MINIMUM AND MAXIMUM GRADES**

The grade line at a house within fifty (50) feet of the road shall not be less than one fourth (1/4) of an inch per foot above the established grade as determined by the Bay County Road Commission. No premises shall be filled or graded so as to discharge surface runoff on abutting premises or roads in such a manner as to cause ponding or surface accumulation of such runoff thereon. Grading shall result in slopes not exceeding a grade of one (1) vertical unit for every four (4) horizontal units, unless natural slopes dictate modifying this standard.

### **SECTION 3.13 SEWAGE DISPOSAL AND WATER SUPPLY**

There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, commercial, industrial or other purposes, a safe and sanitary means of collection and disposal of sewage and a safe and sanitary water supply system in accordance with the requirements of Bay County, the State of Michigan, and the Federal Government.

### **SECTION 3.14 DRIVEWAY, SEPTIC, AND SOIL EROSION PERMITS**

Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required:

- (a) Driveway permit including approved culverts, where necessary, approved by the Bay County Road Commission or the Michigan Department of Transportation;
- (b) Sanitary system approved by the Bay County Health Department;
- (c) Soil erosion permit.

**SECTION 3.15 KEEPING OF PETS AND LIVESTOCK**

The following regulations are intended for the keeping of animals that is not associated with a farm as defined in the Michigan Right to Farm Act. Beaver Township defers to Bay County for matters relating to permitting of animals.

- (a) Household Pets. The keeping of household pets is permitted in all residential districts. In the MR district, no more than three (3) dogs and/or cats is permitted per lot, provided that any litter of dogs or cats does not constitute a violation for a period of four (4) months after birth and further provided that no more than two (2) litters shall be allowed to remain on the lot within any consecutive 12-month period.
- (b) Hobby Farm Animals
  - (1) Hobby farm animals may be kept in the AG and RR Zoning Districts subject to the following density and minimum lot size standards:

Animal	Number of Animals per acre	Minimum Lot Size
(a) Chickens, ducks, pigeons (no roosters)	10	1 acre
(b) Geese, peacocks	6	1 acre
(c) Rabbits	20	1 acre
(d) Goats, sheep, llamas, alpacas	3	2 acres
(e) Pigs	2	2 acres
(f) Cattle	1	2 acres
(g) Horses	1	2 acres
(h) Other Animals	Density approved by Zoning Administrator	

- (2) Hobby farm animals shall be kept within a building or fenced area. No farm animals are permitted to run at large.
- (3) Structures used for keeping hobby farm animals shall not be located in any required front yard, shall be set back 30 feet from all other property lines, and shall be set back 100 feet from dwellings on neighboring properties.
- (4) Hobby farms shall comply with noise and odor performance standards of this Ordinance.
- (5) Indoor and outdoor areas where hobby farm animals are kept shall be cleaned and manure spread or disposed of at least weekly.
- (6) Manure shall be stored at least 75 feet from all property lines.
- (c) The keeping of exotic, wild, or otherwise dangerous animals shall be prohibited in all zoning districts.

### **SECTION 3.16 CERTAIN USES PROHIBITED**

Uses not explicitly permitted by this Zoning Ordinance are prohibited. Specific uses identified as prohibited include, but are not limited to:

- (a) Use a manufactured home travel trailer or any other similar unit for any business, occupation or trade.
- (b) Occupy a basement as a permanent dwelling unit.
- (c) Primary residential structures constructed on a slab.

### **SECTION 3.17 HOME OCCUPATIONS**

All home occupations shall be subject to the following restrictions and regulations:

- (a) The home occupation shall be conducted in the home building by members of the family residing in such building.
- (b) No home occupation shall occupy more than twenty (20%) percent of the usable floor area of the home building; provided, however, that in no event shall the home occupation occupy more than three hundred (300) square feet.
- (c) In no event shall the use of a home building for a home occupation alter the residential character of the home building.
- (d) No merchandise or articles for sale shall be displayed on the lot utilized for the home occupation.
- (e) No article or material used in connection with the home occupation shall be stored other than in the home building.
- (f) Special Home Occupations. A special home occupation as defined by Section 2.82 of this Ordinance is permitted in the Agricultural District, Rural Residential District, and medium Density District, when authorized as a special use by the Township Planning Commission. In addition to the standards and requirements for issuance of a special land use permit specified in Chapter XV of this Ordinance, the Zoning Board shall also insure that the following requirements will be met:
  - (1) That the applicant will conduct his special home occupation in full conformity with the provisions of this Zoning Ordinance.
  - (2) That the applicant will conduct his special home occupation in full conformity with the provisions of the Beaver Township Anti-Blight Ordinance.
  - (3) That the proposed special home occupation will not increase the risk of fire, pollution, traffic hazards or the emission of noise or noxious fumes to the detriment of adjacent landowners.
  - (4) That all activities will be conducted within a completely enclosed structure.
  - (5) That no inventory, equipment, refuse, debris or other materials will accumulate outside of a completely enclosed structure.
  - (6) That the applicant has obtained all necessary permits required by any state or local agency or unit of government.
  - (7) That the following is true of the home occupation:
    - a. The home occupation is accessory to the primary residential use;
    - b. The home occupation has no effect on the surrounding neighborhood;
    - c. There are no substantive environmental effects from the home occupation;
    - d. There are no detrimental traffic impacts as a result of the home occupation;
    - e. Parking needs for the home occupation are sufficiently accommodated on site.

### **SECTION 3.18 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

### **SECTION 3.19 ACCESSORY BUILDINGS AND STRUCTURES**

- (a) Attached accessory structures, such as garages, breezeways, porches, or similar, shall be considered part of the primary structure and must comply with all applicable setbacks, unless expressly permitted by this ordinance.
- (b) Metal roll-off containers, shipping containers, moving pods, or similar containers, may not be utilized as permanent structures in Beaver Township. Such containers shall not be permitted on properties in Beaver Township for a duration of more than 30 days unless there is a permitted, active construction project being undertaken on the property.
- (c) In any Zoning District where an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building, such accessory building or structure shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building and the following:
  - (1) A detached accessory structure shall be set back from side and rear lot lines a minimum of ten (10) feet. Structures with the exterior wall closest to the lot line that has a top plate height of over 10 feet from grade shall be set back an additional two (2) feet for every foot of wall height greater than 10 feet. By way of example, a structure with a top plate height of 15 feet would have a required setback of 20 feet. Setbacks from any lot line are based on the height of the wall closest to said lot line.
- (d) Accessory structures may not be constructed prior to the primary structure on a property without authorization from the Planning Commission.

### **SECTION 3.20 STORAGE OF VEHICLES, TRAVEL TRAILERS, AND RECREATIONAL VEHICLES**

- (a) No more than one (1) inoperable and/or unlicensed automobile is permitted on a parcel of land outside of an enclosed structure, except in a junk yard as defined in this Ordinance.
- (b) Where no primary structure exists on a parcel, travel trailers and recreational vehicles are permitted when occupied by the landowner for a continuous duration of no more than 30 consecutive days. In the case where there is an active construction permit issued for the property which makes habitation in a permanent structure infeasible, travel trailers or recreational vehicles may be occupied by the landowner for a maximum of 12 months, unless the building permit is extended by the Building Official, in which case occupation of a travel trailer or recreational vehicle may be permitted at the discretion of the Building Official for an additional six (6) months, limited to two extensions.
- (c) Travel trailers or other habitable recreational vehicles (RV's) may be inhabited by persons other than the owner of the property on which the trailer or RV sits for a period not to exceed 15 days over any 30-day period when there is a primary residence on the property.

### **SECTION 3.21 PONDS**

- (a) Ponds may be constructed in any zoning district following approval by the Planning Commission as a special use. In considering such approval, the Planning Commission shall consider the standards set forth in subparts a.- f. in Part 1, below. Except for stormwater detention or retention ponds referred to in Part 3, below, all ponds constructed in Beaver Township shall be

subject to the regulations set forth in subparts a.- i. of Part 2, below. In the event that a person desiring to construct a pond intends to remove topsoil, sand, gravel or other materials from the land upon which the pond is to be constructed, he shall also comply with the requirements set forth in subsection (7) of Section 15.04(b), Mineral Extraction. Land on which pond construction has been completed may be divided in such manner that the property lines of the resulting parcels do not comply with the pond setback requirements set forth in subpart (b) of Part 2, below, of this subsection as long as the resulting parcels comply with all other applicable requirements of this ordinance and those of 1967 P.A. 288, as amended, the State of Michigan Land Division Act and any Beaver Township Land Division Ordinance.

(1) In considering authorization for a pond, the Planning Commission shall consider the following standards:

- (a) The size of the property;
- (b) The amount of topsoil, sand, gravel, or other such materials which is to be moved or removed;
- (c) The proposed location of the pond;
- (d) The effect of the pond on adjoining property;
- (e) The effect of soil removal in causing a safety hazard, creating erosion problems, or altering the groundwater table; and,
- (f) The effect of the pond construction project on neighboring properties.

(2) The following regulations shall apply to the construction of a pond:

- (a) No pond may be constructed on parcels less than two (2) acres in size.
- (b) No pond may be constructed within 200 feet of any public thoroughfare or within 50 feet of any adjoining property line.
- (c) Above-water pond side slopes shall have a maximum slope of four feet horizontal to one foot vertical. Below-water slopes shall be flattened to seven feet horizontal to one foot vertical for the first 14 horizontal feet from the edge toward the center of the pond. After the first 14 horizontal feet of below-water area, the remainder of underwater pond slopes toward the center of the pond shall not exceed a slope of three feet horizontal to one foot vertical.
- (d) On properties five (5) acres or less, a fence and gates suitable to afford adequate protection to persons and property is required. The Planning Commission may permit life rings as an alternative to fencing when it is demonstrated the life rings can reach any point on the water surface.
- (e) The premises adjacent to the impoundment shall be graded, seeded and mulched to conform with adjacent undisturbed areas.
- (f) The Planning Commission may require posting one or more signs stating the greatest depth of the pond and any hazards that may be occasioned by the pond.
- (g) In granting approval for a pond, the Planning Commission may impose any other reasonable requirements deemed necessary to assure safety, regardless of the size of the pond.
- (h) An owner shall obtain a permit from the zoning administrator prior to

commencing construction of a pond.

- (i) For ponds five (5) acres or greater in surface area, proof of MDEQ approval must be demonstrated to the Planning Commission.
- (3) Stormwater detention or retention ponds which are to be constructed in platted subdivisions or shown on approved site plans to assure adequate site drainage shall be subject to the regulations set forth in subparts c.-g. of Part 2, above. The Planning Commission may require that the area surrounding a stormwater detention or retention pond be landscaped and planted with suitable plantings to assure that the pond blends into the surrounding residential neighborhood. Notwithstanding anything stated in this subsection to the contrary, the Planning Commission may approve such a stormwater detention or retention pond with above- and/or below-water slopes that do not exceed three (3) feet horizontal to one foot vertical as long as the pond is fenced by a chain link fence at least four (4) feet high with a locked gate.

### **SECTION 3.22 GROUP DAY CARE HOME, CHILD CARE CENTER**

The following regulations shall apply to Group Day Care Homes, Child Care Centers, Nursery Schools, Day Nurseries, and Pre-Schools:

- (a) Licensing. In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the Department of Social Services and shall comply with the minimum standards outlined for such facilities.
- (b) Location. In accordance with Public Act 110 of 2006, as amended, all facilities shall not be located closer than 1,500 feet to any of the following:
  - (1) Another licensed group day care home.
  - (2) Another adult foster care small group home or large group home as licensed under the adult foster care licensing act, 1979 PA 281, as amended.
  - (3) Another facility offering substance abuse treatment and rehabilitation services to 7 or more people licensed under Chapter 6 of the Public Health Code, 1978 PA 218, as amended.
  - (4) 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.
- (c) Character. In accordance with Public Act 110 of 2006, as amended, all facilities shall maintain the property consistent with the visible characteristics of the neighborhood.
- (d) Hours of Operation. In accordance with Public Act 110 of 2006, as amended, a facility may not exceed 16 hours of operation during a 24-hour period.
- (e) Signs. A facility may have one (1) ground-mounted identifying sign limited to thirty-two (32) square feet of sign surface.
- (f) Off-Street Parking. Except for family homes for six or fewer children or adults, a facility shall comply with the minimum parking requirements:
  - (1) One parking space for each licensee, or employee; and,
  - (2) One parking space for each licensee's spouse and each family member; and
  - (3) One parking space for every two residents.

- (g) Outdoor Play Area. A minimum of one hundred fifty (150) square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than five thousand (5,000) square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt of at least ten (10) feet in width.
- (h) Frontage. Child care centers shall front onto a paved thoroughfare or collector road. Child care centers and family day care homes may be permitted on unpaved roads, subject to Special Land Use approval.
- (i) Setbacks. Child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

### **SECTION 3.23 NURSING AND CONVALESCENT HOMES, ASSISTED LIVING FACILITIES**

The following regulations shall apply to nursing homes, convalescent homes, and assisted living facilities:

- (a) Lot Area. The minimum lot area shall be three (3) acres. However, the Planning Commission may approve a lot of less than three (3) acres, in the special use approval process, provided that the lot abuts permitted non-residential uses, such as a church, fire department, public library, or other non-residential building or use.
- (b) Frontage and Access. Such uses shall front onto or have direct access to a paved major thoroughfare, except that the Planning Commission may approve access to the major thoroughfare via a driveway or other secondary road to minimize driveways and intersections in the interest of public safety.
- (c) Setbacks. The principal building and all accessory buildings shall be set back a minimum distance of seventy-five (75) feet from all property lines and from the planned right-of-way line.
- (d) Open Space. Common outdoor open space shall be provided, subject to the following:
  - (1) Landscaped open space shall constitute a minimum of fifteen (15) percent of the total site. Enclosed courtyards may be counted as landscaped open space.
  - (2) Street rights-of-way, required setback areas, access drives, the submerged area of a pond, lake, or stream, and wetlands shall not be counted as required open space.
- (e) Landscaped Screening. The structures and common open spaces shall be suitably screened from adjacent property by a greenbelt of at least ten (10) feet in width, consisting of plantings a minimum of four (4) feet in height at the time of planting and kept in living condition. The Planning Commission may approve other effective screening means.
- (f) State and Federal Regulations. Nursing homes, convalescent homes, and, where applicable, assisted living facilities, shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- (g) Emergency Services Approval. It is the intent of this regulation to ensure emergency services are included in the planning phase of development of nursing homes, convalescent homes, and assisted living facilities to ensure emergency services can be

adequately performed on the site. Applicants shall prepare a plan for coordination with local law enforcement and emergency medical services, outlining emergency contacts for the facility, anticipated regular assistance requirements, anticipated response call volumes, proximity to area law enforcement and medical provisioning facilities, and other information pertinent to the facility's operation and emergency response needs. The Township expects ongoing communication between facility operators and local emergency service providers; patterns of responses which are not addressed by a facility's operator may result in required modifications to the site and/or revocation of special use approval, as determined by the Planning Commission.

- (1) A signed agreement between the operator and the Township shall be submitted, describing mutual understanding of the number of high-priority and low-priority responses to be covered by the Township, and the cost to the operator for additional responses. The agreement may contain a progressive rate schedule and provisions for annual cost increases due to inflation.
- (2) Request for approval from emergency services shall also include a description of proposed staffing levels. Determination of appropriate staffing levels is intended to deter emergency service calls for non-critical events.
- (3) The nature of fire suppression infrastructure shall be noted in the submission documentation.

### **SECTION 3.24 SOLAR ENERGY SYSTEMS**

- (a) Purpose and Intent. The purpose of this Section is to establish standards and procedures by which the installation and operation of a Solar Energy System for either residential or commercial use and shall be governed within the Township to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by solar energy facilities.

Beaver Township recognizes the potential impact on the broad landscape and rural character currently enjoyed throughout the community. On a site-specific scale, safety and public health implications such as glare, water quality, and impact on natural agricultural production capabilities are a concern. For these reasons, and others, including those listed above, the Township finds it prudent and necessary to develop regulations for the responsible placement of solar energy systems.

- (b) Solar energy systems- attached small (2 - 20 kW): Solar energy systems- attached- small shall be permitted in any Zoning District subject to the following conditions:
  - (1) Height: Attached solar energy systems shall not extend more than four feet above the surface to which it is affixed and shall not exceed the height limitation for the zoning district in which they are located.
  - (2) Location: Where feasible, attached solar energy systems shall be located on the rear roof area of the dwelling unit or principal building. In the event that proper solar orientation cannot be achieved to the rear, a solar energy system may be located on the side of the dwelling or principal building. Where it is not feasible to locate solar energy system on the rear, or side of the dwelling or principal building, it may be located on the

- front roof area with approval from the Planning Commission in the special use approval process.
- (3) Building permit: Building and trades permits shall be required for any attached small solar energy system.
- (c) Solar energy systems- free standing small (2 - 20 kW): Solar Energy Systems- free standing small shall be permitted in any Zoning District subject to the following conditions:
- (1) Location and setbacks: Where feasible, ground-mounted solar energy systems shall be located to the rear of the dwelling unit or principal building. In the event that property solar orientation cannot be achieved to the rear, a solar energy system may be located on the side of the dwelling unit or principal building. Solar energy systems shall also meet minimum setbacks of the zoning district.
  - (2) Height. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
  - (3) Building Permit. Building and trades permits shall be required for any ground mounted solar energy system.
  - (4) Area. Ground mounted solar energy systems exceeding 20% of the total lot area shall require Special Use Approval in all Zoning Districts. Special Use Approval shall not be required for ground mounted solar energy systems that do not exceed 20% of the total lot area.
  - (5) Glare. Solar energy systems shall be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility.
- (d) Solar energy system - free standing utility: Solar Energy Systems- free standing utility as defined by Section 2.79 of this Ordinance are permitted in the Agricultural District when authorized as a special use by the Planning Commission. In addition to the standards and requirements for issuance of a special use permit specified in Chapter XV of this Ordinance, the Planning Commission shall insure that the following requirements shall be met:
- (1) Location and setbacks: The solar energy system, including required screening, shall be setback a minimum of 50 feet from all single property lines for solar energy systems on a single parcel, lease unit boundary lines for solar energy systems on a lease unit and/or the street right-of-way line.
  - (2) Height: The height of the solar energy system and any mounts shall not exceed 12 feet when oriented at maximum tilt.
  - (3) Screening: A berm of a height at least two (2) feet taller than the highest point of the solar energy system is required to screen all solar energy systems and accessory structures from view from adjacent properties and the road right-of-way. The berm shall be planted with grasses or similar natural vegetation to minimize erosion on the slope. Larger vegetation, including trees and shrubs, may also be planted on the berm. Planning Commission may approve alternate screening, such as a planted greenbelt, if it can be determined the alternate proposal reasonably achieves the intent to provide an adequate visual buffer from adjacent properties and the right-of-way.

- (4) Building permit: Building and trades permits shall be required for any free-standing utility solar energy system.
  - (5) Area: Impervious surfaces required for the installation of ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district. Impervious surfaces include, but are not limited to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures.
  - (6) Glare. Solar energy systems shall be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility.
  - (7) Drainage and Stormwater: Solar energy facilities shall not increase stormwater runoff to adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not exceed the agricultural runoff rate or otherwise cause undue flood. If detergents shall be used to clean solar panels, details on the type of detergent, frequency and quality of use, and stormwater qualification protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
  - (8) The proposed freestanding solar collection devices are encouraged to locate on predominantly (more than 60 percent) non-prime farmlands. The Application for Special Use permit shall include an analysis of the potential for agricultural use on the subject site by an expert in agriculture or soil science.
  - (9) The Township, within its reasonable discretion, may retain the services of a recognized professional in the area of solar energy conversion systems to assist and/or advise it in the review of the application or site if deemed necessary. The expense thereof shall be the responsibility of the applicant. The Township may request the applicant to post a deposit or secure a bond for such contingency.
  - (10) The applicant shall provide a copy of an Environmental Analysis by a third party qualified professional acceptable to the Township 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 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 shall remain after mitigation efforts.
- (e) Inspection. The Township shall have the right upon issuing any solar energy system facility approval to inspect the premises on which each system is located at any reasonable time. The Township may hire a third-party consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the solar energy system facility.
  - (f) Substations and accessory buildings. Structures related to a solar energy system shall be subject to the dimensional and locational standards of structures in the zoning district. Where

structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site.

- (g) Batteries. When solar storage batteries are included as part of the solar collector system, they shall be placed in a secure structure which meets the regulations for accessory structures in the zoning district when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- (h) Transmission Lines. New transmission lines required to connect a solar energy system with a new or existing network for the distribution of electricity shall be installed underground to a depth of at least six (6) feet. This requirement applies to all new transmission lines associated with the solar energy system, regardless of whether they are within or outside of the property boundary.
- (i) Decommissioning.
  - (1) The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning all structures in the facility in accordance with the requirements of this ordinance, including reclamation to the original site conditions. The cost of decommissioning shall be reviewed between the applicant and the Township Zoning Administrator every five (5) years to ensure adequate funds are allocated for decommissioning. The security bond, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.
  - (2) All above and below ground materials shall be removed when the solar energy system is decommissioned.
  - (3) The ground shall be restored to its original condition within 60 days of removal of the structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land.
- (j) Security Bond.
  - (1) The owner(s) and/or operator of the solar energy facility shall post a security bond in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Township every five (5) years to ensure adequate funds are allocated for decommissioning; the security bond, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.
  - (2) The security bond shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township.
  - (3) Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in Part v., below.
  - (4) In the event of sale or transfer of ownership and/or operation of the solar energy facility, the security bond shall be maintained throughout the entirety of the process. The purchaser or transferee shall notify the Township of the sale or transfer prior to the date of sale or transfer, and shall provide an updated bond document to the Township within thirty (30) days of the sale or transfer.

- (5) If at any time during the operation of the solar energy facility or prior to, during, or after the sale or transfer of ownership and/or operation of the facility the security bond is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.
- (k) Transfer or sale.
- (1) In the event of a transfer or sale of the solar energy facility, the Township shall be notified, and the special land use approval shall be updated to include the information of the new owner/operator.
  - (2) Change in ownership alone may be considered a minor amendment to the special land use and may be reviewed and approved by the Township Board.
  - (3) Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all solar energy systems as outlined herein, including a public hearing.
  - (4) Upon transfer or sale, the security bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- (l) Abandonment and Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, it shall be considered abandoned and the operator shall remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the 12-month period, unless the applicant receives a written extension of that period from the Township Zoning Administrator in a case involving an extended repair schedule for good cause. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the township may remove or secure the removal of the solar energy system or portion thereof, with the township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

### **SECTION 3.25 WIND ENERGY CONVERSION SYSTEMS (WECS)**

A wind energy conversion system (WECS) as defined by Section 2.92 of this Ordinance is allowed as a special use when approved by the Planning Commission in accordance with the process defined herein. In addition to the standards and requirements for issuance of a special use permit specified in Chapter XV of this Ordinance, the Planning Commission shall not approve the issuance of a Special Land Use Permit unless the following requirements shall be met:

- (a) Purpose and Intent. The purpose of this Section is to establish standards and procedures by which the installation and operation of a Wind Energy Conversion System (WECS) for both residential and commercial use and shall be governed within the Township to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.  
Beaver Township recognizes the potential impact on the broad landscape and rural character currently enjoyed throughout the community. On a site-specific scale, safety implications such as falling towers and ice throw are a concern, as are the potential impositions of constant or

cyclical sound and shadow flicker. For these reasons, and others, including those listed above, the Township finds it prudent and necessary to develop regulations for the responsible placement of wind energy conversion systems.

(b) Supplementary Definitions.

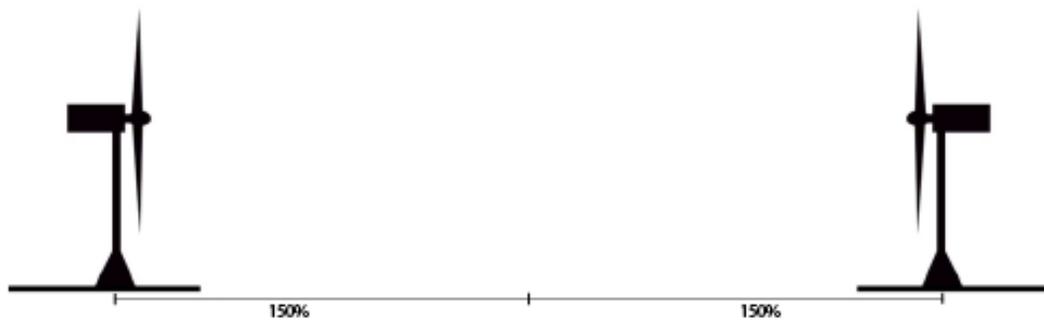
- (1) Ambient: The decibel measurement (dB(A) or dB(C)) of background sound pressure level exceeded 90% of the time at a given location prior to the installation of the WECS (also known as L90).
- (2) Anemometer Tower (MET): A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.
- (3) dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI S1.32 (1997 or most recent) for sound frequencies below the 1,000 HZ octave band.
- (4) dB(C): The sound pressure level in decibels. It refers to the “c” weighted scale defined by ANSI S1.32 (1997 or more recent) for acoustic energy from the 20HZ octave band and higher.
- (5) Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
- (6) FAA: The Federal Aviation Administration
- (7) IEC: The International Electrotechnical Commission
- (8) ISO: The International Organization for Standardization
- (9) LMax (LAMax or LCMax): The maximum dB(A) or DB(C) sound level measured using the “fast response” setting of the sound meter (equivalent to 0.125 second exponential averaging time).
- (10) Lease Unit Boundary: The boundary around a property(ies) leased or purchased for purposes of operating a wind energy facility, including leased or purchased adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
- (11) On-Site Wind Energy Conversion System: A wind energy conversion system more than 40 feet in height intended to generate electric power from wind solely for the use of the site on which the system is located. WECS primarily intended to provide on-site power, but contribute surplus energy to the grid, may also be considered On-Site WECS.
- (12) Participating and Non-Participating Parcels:
  - i. Participating Parcel shall mean a parcel of record that is to be used, occupied, maintained, let, leased or authorized to be used for any purposes of developing or operating a WECS, including construction of improvements, providing access to improvements, providing space for collection or distribution lines, or to meet requirements and regulations set forth herein.
  - ii. Non-Participating Parcel shall mean a parcel of record that is not a Participant Parcel.

- (13) Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects, such as but not limited to a window of a dwelling.
  - (14) Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
  - (15) Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
  - (16) Utility-Scale Wind Energy Conversion System: A wind energy conversion system intended to generate power from wind primarily to supplement the greater electric utility grid. Utility-Scale WECS include accessory uses such as, but not limited to, SCADA towers, anemometers, or electric substations.
  - (17) Wind Energy Conversion System (WECS): Shall mean a combination of:
    - i. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
    - ii. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
    - iii. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
    - iv. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
    - v. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers (MET), cables and wires and other buildings accessory to such facility. See also Section 2.92 of this Ordinance.
  - (18) Wind Energy Facility: Clusters of two or more Utility Grid Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the Wind Energy Conversion Systems are located. Said Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.
- (c) On-Site Wind Energy Conversion System Standards. The following standards shall apply to On-Site WECS, including Anemometer Towers, in addition to the general Special Approval Requirements of Chapter XI of this Ordinance:
- (1) Purpose. Designed to primarily serve the needs of a home, farm, or small business.
  - (2) Height. Shall have a total height of 75 feet or less; except where state and federal regulations may require a lesser height; or where, as a condition of special use approval, the Planning Commission requires a lesser height. Height is measured from the average grade at the base of the pole to the highest point of WECS when a blade is in its vertical orientation.
  - (3) Setbacks. The distance between an On-Site WECS and the property lines shall be equal to 400% of the height of the tower including the top of the blade in its vertical position. The distance between an Anemometer Tower and the owner's property lines

- shall be equal to 150% of the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than 20 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
- (4) Minimum Lot Area Size. The minimum lot size for a property to be eligible to have an On-Site WECS shall be two acres.
  - (5) Minimum Ground Clearance. The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 20 feet for an on-site WECS employing a horizontal axis rotor.
  - (6) Noise Emission. On-site WECS shall not exceed 45 dB(A) (Lmax) or 55 dB(C) (Lmax) at the property line closest to the WECS.
  - (7) Construction Codes, Towers, & Interconnection Standards. On-site WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, the Tri-City Area Joint Airport Authority Ordinance, and other applicable local and state regulations. An interconnected On-site WECS shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards. Off-grid systems are exempt from MPSC and FERC requirements.
  - (8) Safety. The WECS shall meet the following safety requirements:
    - i. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
    - ii. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
    - iii. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
    - iv. All collection system wiring shall comply with all applicable safety and stray voltage standards.
    - v. WECS towers shall not be climbable on the exterior.
    - vi. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the breaking system.
    - vii. A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
    - viii. A fire suppression system shall be provided that is satisfactory to the Township.
  - (9) Shadow Flicker. On-site WECS shall produce no off-site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the

WECS to stop rotating during times when shadow crosses occupied structures, may be required.

- i. This shadow flicker limit may be waived if the owner of the affected property owner submits for records a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from installation and waives the Township requirement for no shadow flicker on the property. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Bay County Register of Deeds.
- (d) Utility-Scale Wind Grid Energy Conversion System Standards. The following standards shall apply to Utility-Scale WECS, including Anemometer Towers, in addition to the general Special Use Requirements of Chapter XV of this Ordinance:
  - (1) Height. The maximum height of any Utility-Scale WECS is 500 feet. The height of a WECS is measured from the average grade at the base of the pole to the highest point of the WECS when a blade is in its vertical orientation.
  - (2) Setbacks. A distance equal to 400% of the height of the tower to the tip of the blade in its vertical position shall be maintained from the outside edge of the base of the turbine to all Non-Participating parcel property lines for WECS, public roads, and communication or electrical lines. In no event shall a turbine be located less than One Thousand Seven Hundred Sixty (1,760) feet from the nearest Non-Participating Parcel lease unit boundary line. Operations and maintenance office building, a substation, or ancillary equipment shall be setback a minimum of 50 feet from all single parcel property lines, or from lease unit boundary lines, and overhead transmission lines power poles. Such maintenance buildings and equipment shall be bordered by green space and screened by trees and shrubs to help blend into the rural setting and the Planning Commission will review the location and makeup of same as part of the Site Plan Review.
  - (3) Tower Separation. Turbine/tower separation shall be based on the following standards:
    - i. Between any two (2) utility-scale WECS: No less than 150% the height of both towers including the top of the bladed in their vertical position.
    - ii. Between any two (2) utility-scale WECS: No less than 150% of the height of both towers including the tops of the blades in their vertical positions.



Separation between two utility-scale WECS

- (4) Minimum Lot Size. The size of a single property, or a leased unit to be used for a utility-scale WECS shall be sufficient to comply with all setback requirements in this section.
- (5) Minimum Ground Clearance. The minimum vertical blade tip clearance from grade and any structure, adjoining property, or tree shall be 75 feet for a utility-scale WECS employing a horizontal axis rotor.
- (6) Transmission Lines. New transmission lines required to connect a WECS with a new or existing network for the distribution of electricity shall be installed underground to a depth of at least six (6) feet. This requirement applies to all new transmission lines associated with the WECS, regardless of whether they are within the property boundary or lease unit boundary or outside of said boundary.
- (7) Sound Pressure Level. Utility-Scale WECS shall not exceed 45 dB(A) (Lmax) / 55 dB(C) (Lmax) at the property line or lease unit boundary closest to the WECS, measured in accordance with the protocol set forth in Section (e)13(ii).
- (8) Construction Codes, Towers, & Interconnection Standards. Utility-Scale WECS including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility-Scale WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, the Tri-City Area Joint Airport Authority Ordinance, and other applicable local and state regulations. An interconnected Utility-Scale WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- (9) Safety. The WECS shall meet the following safety requirements:
  - i. The WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
  - ii. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS.
  - iii. A sign shall be posted near the tower or operations and maintenance office building that shall contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.
  - iv. All collection system wiring shall comply with all applicable safety and stray voltage standards.

- v. WECS towers shall not be climbable on the exterior.
  - vi. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the breaking system.
  - vii. A copy of the un-redacted Safety Manual from the turbine manufacturer shall be submitted to the Township and the turbine must comply with all requirements therein.
- (10) Visual Impact
- i. WECS shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color.
  - ii. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping).
  - iii. A certified registered engineer and authorized factory representative shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards.
  - iv. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that shall blend facility components with the natural setting and the environment existing at the time of installation.
- (11) Shadow Flicker. No amount of Shadow Flicker may fall on or in a Non-Participating Parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Measures to eliminate all effects of shadow flicker on all Non-Participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required.
- i. If the Shadow Flicker Impact Analysis shows potential for shadow flicker to fall on any Non-Participating Parcel and the affected property owners wishes to waive his/her rights to the protections provided by this Ordinance, the property owner shall submit for records a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker on his/her parcel may result from installation and waives the Township requirement for no shadow flicker on the Non-Participating Parcel. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgment must be recorded with the Bay County Register of Deeds.
- (12) Lighting. A lighting plan that includes all proposed lighting for each WECS shall be approved by the Planning Commission. The plan shall include, but is not limited to, the planned number and location of lights, light color, whether any lights shall be flashing, and all proposed shielding mechanisms. All tower-mounted lighting shall be of the radar-activated variety and shielded from view at ground level, unless otherwise directed by the FAA. All tower lighting shall comply with FAA regulations and guidance and shall be

consistent with U.S. Fisheries and Wildlife Service/Michigan Department of Natural Resources guidelines.

- (13) Interference. No Utility-Scale WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception. Any signal interference incurred following the installation of a WECS shall be resolved to the satisfaction of the person receiving that signal interference. No Utility-Scale WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce interference in the link's operation unless the interference is insignificant.
- (14) Substations and accessory buildings. Structures related to a WECS shall be subject to the dimensional and locational standards of structures in the zoning district. Where structures are visible from adjacent properties, vegetative or manmade screening may be required to minimize visual impact off-site.
- (15) Inspection. The Township shall have the right upon issuing any WECS or wind energy facility special use permit to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the WECS.
- (16) Complaints and Resolution. It is the intent of this ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance shall be resolved in the following manner:
  - i. Complaints shall be submitted to the Township Zoning Administrator in writing from the affected property owner, or written designee, including name, address, contact information, and specific complaint. The written complaint shall include the specific section of the ordinance which is believed to be violated. The Zoning Administrator shall cause the complaint to be added to the agenda of the next Township Board meeting in accordance with the procedure for setting the agenda.
  - ii. The Zoning Administrator shall submit to the operator of record notice of all written complaints to the Township within 10 days of receipt of any complaint. Complaints received by the Township and the date of any Township Board meeting where complaints may be considered shall be communicated to the operator.
  - iii. Upon review, if the Township Board, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board shall notice the owner(s) and/or operator of the WECS that an investigation has been requested by the Board. Within ten (10) days of the date of the notice, the owner/operator of the WECS shall deposit reasonable funds, at

- the determination of the Township Board, sufficient to pay for third-party independent investigation of the complaint.
- iv. If the WECS is found in compliance, the balance of the deposit that was not used for the investigation shall be returned to the owner(s) and/or operator who submitted funds.
  - v. If the WECS is found in violation of this ordinance, the owner(s) and/or operator shall take immediate action to bring the WECS into compliance. If the operator fails to bring the operation into compliance within thirty (30) days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner(s) and/or operators are deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offense.
- (17) Decommissioning.
- i. The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning the structure in accordance with the requirements of this ordinance, including reclamation to the original site conditions. The cost of decommissioning shall be reviewed between the operator and the Township Zoning Administrator every two (2) years to ensure adequate funds are allocated for decommissioning; the security bond, defined herein, shall be appropriately adjusted to reflect the then current decommissioning estimate.
  - ii. All above and below ground materials shall be removed when the WECS is decommissioned.
  - iii. The ground shall be restored to its original condition within 60 days of removal of the structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land.
  - iv. In the event that the WECS owner or operator fails to comply with the decommissioning requirements of this Ordinance, the Township may, upon thirty (30) days written notice to the WECS owner and/or operator, utilize the security bond referenced in Section 17(i) to complete the decommissioning process.
- (18) Abandonment. Any WECS that is not used to produce energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this ordinance, unless the applicant receives a written extension of that period from the Township Board in a case involving an extended repair schedule for good cause.
- (19) Reasonable Conditions. In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of WECS as a special use.
- (20) Security Bond.
- i. The owner(s) and/or operator of the WECS shall post a security bond in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total

estimated decommissioning and reclamation costs. The cost of decommissioning shall be reviewed between the operator and the Township Board every two (2) years to ensure adequate funds are allocated for decommissioning; the security bond, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.

- ii. The security bond shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal- or State-chartered lending institution acceptable to the Township.
- iii. Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in subpart v., below.
- iv. In the event of sale or transfer of ownership and/or operation of the solar energy facility, the security bond shall be maintained throughout the entirety of the process. The purchaser or transferee shall notify the Township of the sale or transfer prior to the date of sale or transfer, and shall provide an updated bond document to the Township within thirty (30) days of the sale or transfer.
- v. If at any time during the operation of the WECS or prior to, during, or after the sale or transfer of ownership and/or operation of the WECS the security bond is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.

(21) Transfer or sale.

- i. In the event of a transfer or sale of the WECS, the Township shall be notified and the special land use may be reviewed and approved by the Township Board.
- ii. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing.
- iii. Upon transfer or sale, the security bond shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

(e) Wind Energy Conversion System Site Plan Review Procedure. An application for a WECS shall be reviewed in accordance with all applicable requirements in Section XIV – Site Development Plan and Chapter XV – Special Use Requirements of this Ordinance. In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information, as appropriate:

- (1) Documentation that noise emissions, construction code, tower, and safety requirements have been reviewed by the appropriate third-party professional and the submitted site plan is prepared to show compliance with these issues.
- (2) Proof of the applicant's public liability insurance for the project.
- (3) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as

- well as the boundaries of the Lease Unit Boundary, as well as a copy of any letters waiving the sound and/or shadow flicker limit on Non-Participating Parcels.
- (4) An un-redacted safety manual from the turbine manufacturer and a statement from the applicant verifying that the WECS is or will be operated in compliance with all requirements therein.
  - (5) The phases, or parts of construction, with a construction schedule.
  - (6) The project area boundaries.
  - (7) The location, height, and dimensions of all existing and proposed structures and fencing.
  - (8) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
  - (9) A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township 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 WECS.
  - (10) All new infrastructure above and below ground related to the project, including transmission line locations.
  - (11) A copy of Manufacturers' Material Safety Data Sheet(s) 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.
  - (12) Description of operations, including anticipated regular and unscheduled maintenance.
  - (13) Additional Requirements for Utility-Scale Wind Energy Conversion Systems only:
    - i. A wind assessment study conducted within a potential project area shall be completed within 18 months of the date of application for a WECS. The study must show analysis for a period of time no less than one (1) year. The height of an anemometer (or similar) device measuring wind availability shall be placed within the potential vertical swept blade area of the proposed WECS. Temporary (one-year) installation of said device may be applied for through the Township site plan approval process and may be approved for a height acceptable to determine feasibility of a WECS height allowed by this ordinance. The anemometer shall be decommissioned in accordance with Section 3.25(d)17 of this ordinance, including the provision of a security bond covering decommissioning costs.
    - ii. A copy of a noise modeling and analysis report completed by a third-party acoustician acceptable to the Township 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 WECS shall not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to the most current protocol for The International Electrotechnical Commission (IEC) 61400, Parts 11 and 14, The International Organization for Standardization (ISO) 9613-2, and ANSI S12.62, including all tolerances and uncertainties. After installation of the WECS, sound pressure level measurements shall be performed by a third

party, acoustician acceptable to the Township according to the procedures in the most current version of The American National Standards Institute (ANSI) S12.9, Part 3 and ANSI S12.100 for measurements (with an observer). 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 actual sound pressure level measurements shall be provided to Beaver Township within 60 days of the commercial operation of the project and as requested to respond to a noise complaint from a resident.

- iii. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
  - iv. A copy of an Environmental Analysis by a third party qualified professional acceptable to the Township 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 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 shall remain after mitigation efforts.
  - v. A copy of a shadow flicker analysis at Non-Participating Parcel property lines 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 owners and/or occupants of the Non-Participating Parcels and show measures that shall be taken to eliminate the problems.
  - vi. The restoration plan for the site after completion of the project which includes the following supporting documentation:
    - a. The anticipated life of the project.
    - b. The estimated decommissioning costs as defined in this ordinance.
    - c. The security bond, or similar Township-approved security, ensuring that funds shall be available for decommissioning and restoration.
    - d. The anticipated manner in which the project shall be decommissioned, and the site restored.
  - vii. A contact person/address to which any notice of complaint, as defined by this ordinance, may be sent.
- (f) Deposit to defray cost of hiring consultants and experts. To administer the provisions relating to WECS, the Township may hire consultants and experts as are reasonably necessary in the sole discretion of the Township. The applicant shall pay the Township in advance for the costs of such consultants and experts. The Township may charge an annual fee to be determined by the Beaver Township Board and assess additional fees in order to execute its responsibilities related to a project. Any fees charged must be reasonable in light of efforts required.

### **SECTION 3.26 SWIMMING POOLS/HOT TUBS/SPAS**

- (a) Construction, alteration, excavation, or enlargement of swimming pools, hot tubs, and spas shall require all applicable permits.
- (b) All private swimming pools, hot tubs, and spas shall comply with the applicable State Construction code requirements as defined in the ISPSC (International Swimming Pool and Spa Code) Book.
- (c) Construction, alteration, excavation, or enlargement of a swimming pool shall not interfere with the flow or drainage of surface waters on adjacent lots, or cause flooding of adjacent land.
- (d) Swimming pool shall be set back a minimum of five (5) feet from any structure on the same lot, fifty (50) feet from any road right-of-way, and twenty (20) feet from all other lot boundaries as measured from the outside of the pool wall.
- (e) Swimming pool shall not be located within any easement if the swimming pool could interfere with the use of the easement or any overhead utility lines.
- (f) The pool area around a swimming pool, hot tub, or spa shall be fenced with a four (4) foot minimum height fence and a lockable gate. Said fence shall be constructed in a manner so as to keep children from entering the pool area.

# Chapter IV – Mapped Districts

## **SECTION 4.01 ZONING DISTRICT**

For the purpose of this Ordinance, Beaver Township is hereby divided into the following zoning districts:

- (a) AG Agricultural District
- (b) RR Rural Residential District
- (c) MR Medium Density Residential District
- (d) B Business District
- (e) FP Floodplain District
- (f) MHP Manufactured Home Park District

## **SECTION 4.02 ZONING MAP**

The locations and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled “The Zoning Map of Beaver Township, Bay County, Michigan,” which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

- (a) Boundaries indicated as approximately following the centerline of streets, highways, alleys or rail roads, shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- (d) Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream, or river.
- (e) Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

## **SECTION 4.03 AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a district on the zoning map, such land shall be in the AG Agricultural District.

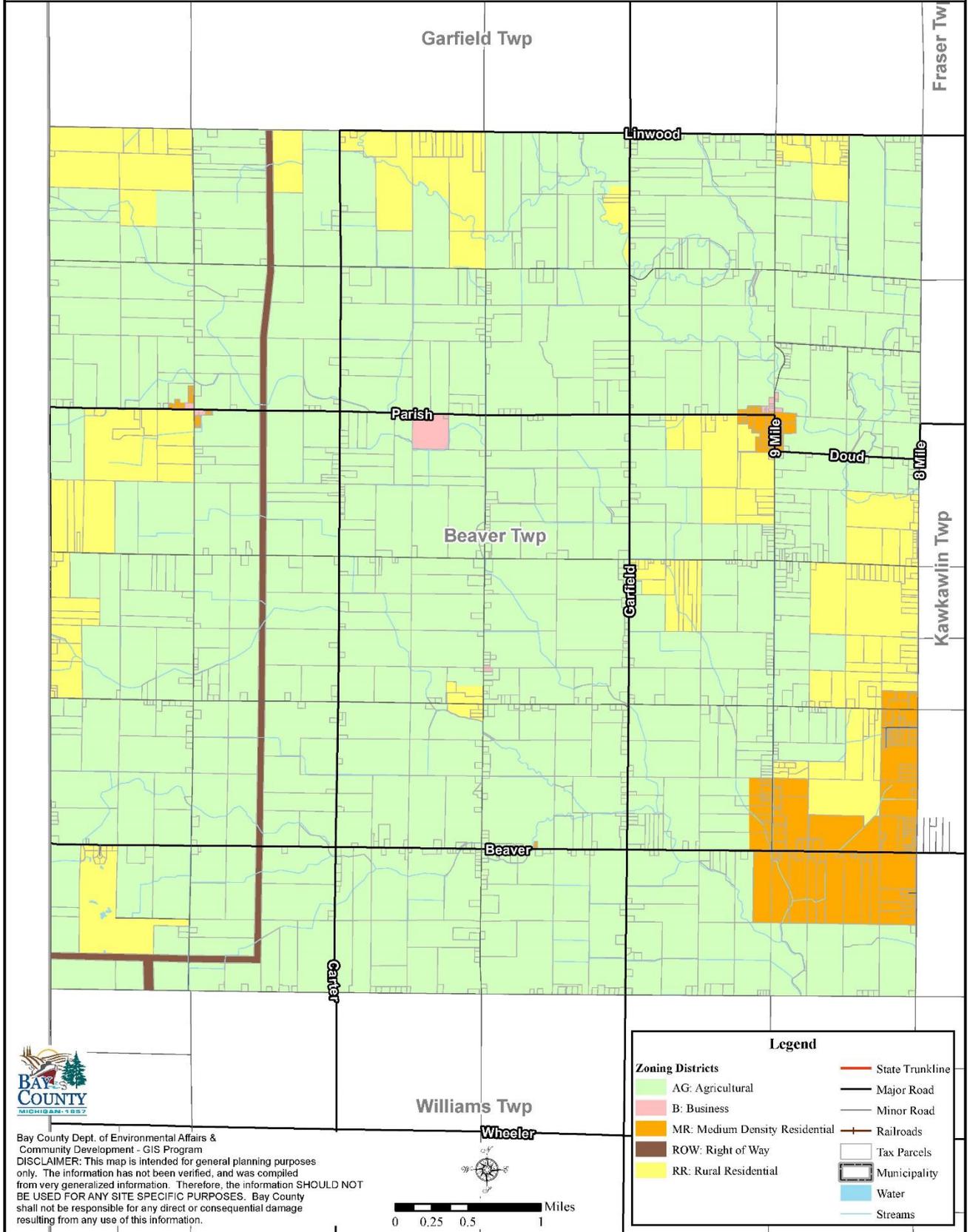
**SECTION 4.04 AREAS INCLUDED WITHIN TWO DISTRICTS**

Where portions of a single contiguous property are clearly shown to exist in two (2) or more zoning districts, the most restrictive dimensional and use standards shall apply, unless Planning Commission determines a less restrictive standard better achieves conformance with the predominant development pattern of adjacent properties.

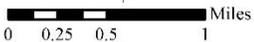
**SECTION 4.05 OFFICIAL ZONING MAP**

The official zoning map shall be maintained in the Beaver Township Hall and shall show all amendments in Zoning District boundaries as they are made from time to time.

# BEAVER TOWNSHIP, MICHIGAN



Bay County Dept. of Environmental Affairs & Community Development - GIS Program  
 DISCLAIMER: This map is intended for general planning purposes only. The information has not been verified, and was compiled from very generalized information. Therefore, the information SHOULD NOT BE USED FOR ANY SITE SPECIFIC PURPOSES. Bay County shall not be responsible for any direct or consequential damage resulting from any use of this information.



**Legend**

<b>Zoning Districts</b>	— State Trunkline
AG: Agricultural	— Major Road
B: Business	— Minor Road
MR: Medium Density Residential	— Railroads
ROW: Right of Way	□ Tax Parcels
RR: Rural Residential	□ Municipality
	— Water
	— Streams

# Chapter V – Schedule of Regulations

## SECTION 5.01 SCHEDULE OF DIMENSIONAL REGULATIONS FOR STRUCTURES

District	Maximum Structure Height (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)
<b>AG Agricultural</b>	35	50	10	50	43,560	200
<b>RR Rural Residential</b>	35	30	10	40	43,560	200
<b>MR Medium Density Residential</b>	35	25	10 (20 for special uses)	30	43,560 (single fam) 50,000 (2-fam) 43,560 (special uses)	200
<b>B Business</b>	35	50 or as established	25 see text	25 see text	15,000	100

## SECTION 5.02 AREA, FRONTAGE AND USE CONDITIONS AND EXCEPTIONS

- (a) Required Area or Space - A lot, yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership, or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- (b) Existing Lots of Record - A lot which is platted or otherwise of record as of the effective date of this Ordinance may be used for a (one) single family use provided the lot has a minimum lot area of fifteen thousand (15,000) square feet, a minimum width of one hundred (100) feet on a public road, and there is compliance with all yard and setback requirements for the zoning district in which the lot is located.
- (c) Flag Lots – Flag lots shall conform to the minimum lot width standard of the zoning district throughout, including the “pole” portion of the lot. Flag lots that do not maintain the minimum lot width for the entire depth of the parcel are not permitted.
- (d) Frontage – Lots and parcels shall have frontage of at least the minimum lot width for the zoning district.

### **SECTION 5.03 HEIGHT EXCEPTIONS**

The following buildings and structures shall be exempt from height regulations in all Zoning Districts; parapet walls not exceeding three (3) feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, scenery lofts, monuments, cupolas, domes, church spires, penthouses housing necessary mechanical appurtenances, electrical transmission towers, and television and radio reception and transmission antennas and towers, and on-site wind energy conversion systems, so long as they do not exceed seventy-five (75) feet in height. Utility-Scale Wind Energy Conversion Systems approved by the Township may be allowed to exceed the height limit of the zoning district, provided that they do not exceed five hundred (500') feet in height, adhere to all the standards and requirements in this Ordinance and do not create a hazard to the public health, safety, or welfare.

### **SECTION 5.04 LOTS HAVING FRONTAGE ON TWO STREETS**

Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirement on both such streets.

### **SECTION 5.05 TRANSITION ZONING**

The following transitional uses are permitted on premises in the AG, RR, and MR Zoning Districts where the side and/or rear yard adjoins a B District.

- (a) The first such lot or lots in single ownership or the first one hundred fifty (150) feet thereof, whichever is the lesser, may be utilized in accordance with the next less restricted zone requirements.
- (b) The first one hundred fifty (150) feet thereof may be utilized for off- street parking.
- (c) Any single principal structure located or built completely upon the first one hundred fifty (150) feet thereof may be used for offices or business; provided:
  - (1) The yards meet the district requirements in which such lot is located;
  - (2) The building conforms to the residential character of the neighborhood.

### **SECTION 5.06 YARD REQUIREMENTS**

#### (a) Front Yards –

- (1) In any R District, the front yard requirements of a lot may be modified so as to equal the average depth of existing front yards on developed lots within one hundred (100) feet of said lot, provided the front yard shall not be less than twenty (20) feet.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
- (3) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required front yard.

(b) Side Yards –

- (1) Cornices, eaves, gutters, balconies, fire escapes, and fireplaces shall not project into a required side yard more than one third (1/3) of its required width nor more than three (3) feet, provided that the length of any such projection shall not exceed one third (1/3) of the length of the side yard in which such projection occurs; however, any fire escape so located may be at least ten (10) feet in length.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be closer than five (5) feet from any lot line.
- (3) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required side yard.

(c) Rear Yards –

- (1) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen (18) inches above the lowest above-grade floor level and shall not be located less than ten (10) feet from the rear lot line or less than six (6) feet from an accessory building.
- (2) Bays, including their cornices and eaves, balconies and fire places, shall not project more than three (3) feet into a required rear yard.
- (3) A fire escape, fire tower, balcony or outside stairway shall not project more than six (6) feet into a required rear yard.
- (4) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other similar features may project into a required rear yard.

**SECTION 5.07 AREA AND WIDTH OF DWELLINGS**

- (a) Every single and two-family dwelling shall have a floor area designed and used for living quarters of not less than nine hundred sixty (960) square feet per dwelling unit, exclusive of basements, porches, garages, breezeways, terraces or attics. The minimum width throughout the entire length of said dwellings shall be twenty-two (22) feet measured between the exterior part of the walls having the greatest length.

# Chapter VI – AG Agricultural District

## **SECTION 6.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate and preserve certain portions of the Township for farming and animal husbandry, dairying, horticulture and other agricultural activities. At the same time, in order to provide a degree of flexibility, it is intended that the AG District allow single family, nonfarm dwellings and certain limited uses related to farming.

## **SECTION 6.02 PERMITTED USES**

The following uses are permitted in the AG Agricultural District:

- (a) Farms, together with farm dwellings and buildings and other installations necessary to such farms.
- (b) Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, poultry and livestock farms.
- (c) Single family dwellings.
- (d) Roadside stands which sell only products grown or produced on the premises.
- (e) State licensed residential facility which provide resident service for six (6) or fewer persons, such as family day care homes, adult foster care homes, foster family homes, or foster family group homes, subject to the regulation in Section 206 of Michigan Public Act 110 of 2006, as amended.

## **SECTION 6.03 SPECIAL LAND USES**

The following uses are permitted by special land use approval in the AG Agricultural District:

- (a) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources, subject to the provisions of Section 15.04(b).
- (b) Limited Commercial Enterprises (LCE). Limited commercial enterprises are those land uses permitted by right in the B Business District which are conducted within a completely enclosed structure, which do not involve the outside storage of equipment, material, supplies, or inventory and which do not rely upon public water and/or public sewer service in their operations. LCE are subject to the provisions of Section 15.04(c).
- (c) Nursing homes, convalescent homes, and assisted living facilities when authorized as a special land use, subject to the provisions in Section 3.23.
- (d) Group day care homes and child care centers, when authorized as a special land use, subject to the provisions in Section 3.22.
- (e) Solar energy systems- free standing utility when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.

- (f) Solar energy systems- attached small (2 - 20 kW) when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.
- (g) Solar energy systems- free standing small (2 - 20 kW) when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.
- (h) On-Site Wind Energy Conversion Systems (WECS) described in *part (c)* of *Section 3.25* and Utility-Scale Wind Energy Conversion Systems (WECS) when authorized as a special use by the Planning Commission. When considering such authorization, the Planning Commission shall consider the provisions of *Sections 3.25* and *5.03*, and *Chapter XV*.
- (i) Other uses which are of the same general character as other uses permitted in the AG District. In consideration of a similar use, the Planning Commission shall consider the following standards:
  - (1) The size, nature, and character of the proposed use;
  - (2) The proximity of the proposed use to adjoining properties;
  - (3) The parking facilities provided for the proposed use;
  - (4) Any traffic congestion or hazard which will be created by the proposed use;
  - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;
  - (6) The need or necessity for the proposed use to service the needs of the surrounding neighborhood; and,
  - (7) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

**SECTION 6.04 ACCESSORY USES**

The following accessory uses are permitted in the AG Agricultural District:

- (a) Uses not specifically defined herein that are reasonably and customarily incidental and subordinate in all respects to the principal use to which they are accessory.
- (b) The processing and storage of animals and products grown on the above listed farms is permitted when accessory and incidental to a farm as defined in this Ordinance.
- (c) Accessory buildings and structures, subject to the provisions of Section 3.19.
- (d) Home occupations, subject to the provisions of Section 3.17 and Chapter XV.

# Chapter VII – RR Rural Residential District

## **SECTION 7.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate certain portions of the Township exclusively for large lot, single family dwellings. Certain complimentary religious, educational, and recreational facilities may also be permitted as special uses.

## **SECTION 7.02 PERMITTED USES**

The following uses are permitted in the RR Rural Residential District:

- (a) Single family dwellings.
- (b) Golf courses, country clubs and sportsmen associations.
  - (1) Minimum site size of 20 acres.
- (c) State licensed residential facilities which provide resident service for six (6) or fewer persons, such as family day care homes, adult foster care homes, foster family homes, or foster family group homes, subject to the regulation in Section 206 of Michigan Public Act 110 of 2006, as amended.

## **SECTION 7.03 SPECIAL LAND USES**

The following uses are permitted by special land use approval in the RR Rural Residential District:

- (a) Churches, public, private and parochial schools and colleges, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
- (b) Parks, playgrounds, community centers, governmental, administration or service buildings include fire stations and other public service facilities which are owned and operated by a governmental agency or noncommercial organization.
  - (1) Minimum site size of at least two (2) acres.
  - (2) Minimum lot frontage of 200 feet on a public street.
  - (3) Buildings shall be located at least 50 feet from all property lines.
- (c) Municipal, denominational, and private cemeteries.
  - (1) Minimum site size of at least 20 acres.
  - (2) Minimum lot frontage of 200 feet on a public street.
  - (3) Buildings shall be located at least 100 feet from all property lines.
  - (4) All monuments and structures shall observe applicable front, side, and rear yard setbacks.
- (d) Kennels and Public Stables
  - (1) Minimum site size of five (5) acres for kennels, 20 acres for stables.
  - (2) Minimum lot frontage of 250 feet.
  - (3) Kennel- and stable-related buildings shall be set back in accordance with the following:
    - i. Front yard – 100 feet

- ii. Side yard – 50 feet each
  - iii. Rear yard – 50 feet
- (4) Stables shall meet the requirements of Michigan Act 93 of 1974, as amended.
- (e) Storage Building for Class B exhibition fireworks.
  - (1) Minimum site size of 15 acres.
  - (2) Minimum lot frontage of 200 feet on a public street.
  - (3) Recurring submission to the Township demonstrating proof of valid Federal and/or State of Michigan explosives permit.
- (f) On-Site Wind Energy Conversion Systems (WECS)
- (g) Nursing homes, convalescent homes, and assisted living facilities when authorized as a special land use, subject to the provisions in Section 3.23.
- (h) Group day care homes and child care centers, when authorized as a special land use, subject to the provisions in Section 3.22.
- (i) Solar energy systems- attached small (2 - 20 kW) when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.
- (j) Solar energy systems- free standing small (2 - 20 kW) when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.
- (k) On-Site Wind Energy Conversion Systems (WECS) described in *part (c)* of *Section 3.25* when authorized as a special use by the Planning Commission. When considering such authorization, the Planning Commission shall consider the provisions of *Sections 3.25* and *5.03*, and *Chapter XV*.
- (l) Other uses which are of the same general character as other uses permitted in the RR District. In consideration of a similar use, the Planning Commission shall consider the following standards:
  - (1) The size, nature, and character of the proposed use;
  - (2) The proximity of the proposed use to adjoining properties;
  - (3) The parking facilities provided for the proposed use;
  - (4) Any traffic congestion or hazard which will be created by the proposed use;
  - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;
  - (6) The need or necessity for the proposed use to service the needs of the surrounding neighborhood; and,
  - (7) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

#### **SECTION 7.04 ACCESSORY USES**

The following accessory uses are permitted in the RR Rural Residential District:

- (a) Uses not specifically defined herein that are reasonably and customarily incidental and subordinate in all respects to the principal use to which they are accessory.
- (b) Accessory buildings and structures, subject to the provisions of Section 3.19.
- (c) Home occupations, subject to the provisions of Section 3.17 and Chapter XV.

# Chapter VIII – MR Medium Density Residential District

## **SECTION 8.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate certain portions of the Township for medium density one and two-family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted as special uses.

## **SECTION 8.02 PERMITTED USES**

The following uses are permitted in the MR Medium Density Residential District:

- (a) Single family dwellings
- (b) Two-family dwellings
- (c) State licensed residential facilities which provide resident service for six (6) or fewer persons, such as family day care homes, adult foster care homes, foster family homes, or foster family group homes, subject to the regulation in Section 206 of Michigan Public Act 110 of 2006, as amended.

## **SECTION 8.03 SPECIAL LAND USES**

The following uses are permitted by special land use approval in the MR Medium Density Residential District:

- (a) Churches, public, private and parochial schools and colleges, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
- (b) Parks, playgrounds, community centers, governmental, administration or service buildings include fire stations and other public service facilities which are owned and operated by a governmental agency or noncommercial organization.
  - (1) Minimum site size of at least two (2) acres.
  - (2) Minimum lot frontage of 200 feet on a public street.
  - (3) Buildings shall be located at least 50 feet from all property lines.
- (c) Municipal, denominational, and private cemeteries.
  - (1) Minimum site size of at least 20 acres.
  - (2) Minimum lot frontage of 200 feet on a public street.
  - (3) Buildings shall be located at least 100 feet from all property lines.
  - (4) All monuments and structures shall observe applicable front, side, and rear yard setbacks.
- (d) Home occupations, subject to the provisions of Section 3.17, Chapter XV.

- (e) Nursing homes, convalescent homes, and assisted living facilities when authorized as a special land use, subject to the provisions in Section 3.23.
- (f) Group day care homes and child care centers, when authorized as a special land use, subject to the provisions in Section 3.22.
- (g) Solar energy systems- attached small (2 - 20 kW) when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.
- (h) Solar energy systems- free standing small (2 - 20 kW) when authorized as a special use by the Planning Commission. When considering such authorizing, the Planning Commission shall consider the provisions of Section 3.24 and Chapter XV.
- (i) Other uses which are of the same general character as other uses permitted in the MR District. In consideration of a similar use, the Planning Commission shall consider the following standards:
  - (1) The size, nature, and character of the proposed use;
  - (2) The proximity of the proposed use to adjoining properties;
  - (3) The parking facilities provided for the proposed use;
  - (4) Any traffic congestion or hazard which will be created by the proposed use;
  - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;
  - (6) The need or necessity for the proposed use to service the needs of the surrounding neighborhood; and,
  - (7) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

#### **SECTION 8.04 ACCESSORY USES**

The following accessory uses are permitted in the MR Medium Density Residential District:

- (a) Uses not specifically defined herein that are reasonably and customarily incidental and subordinate in all respects to the principal use to which they are accessory.
- (b) Accessory buildings and structures, subject to the provisions of Section 3.19.

# Chapter IX – B Business District

## **SECTION 9.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate certain portions of the Township for commercial uses, including retail businesses or service establishments which supply commodities or perform services which meet the needs of Township residents.

## **SECTION 9.02 PERMITTED USES**

The following uses are permitted in the B Business District:

- (a) Nonresidential uses permitted by right in residential zoning districts
- (b) Bakery
- (c) Banks, loan or finance offices, including drive-in branches
- (d) Barber or beauty shop
- (e) Eating places, including restaurants, bars, cocktail lounges, taverns, or businesses deemed similar by the Planning Commission, including those with drive-in uses
- (f) Book, stationery, or gift store
- (g) Bowling alley, including bars and restaurants utilizing the same primary building
- (h) Candy store, soda fountain and/or ice cream store
- (i) Catering service, delicatessen and confectionery store
- (j) Laundromat or laundry pick-up station, linen and towel supply service, dry cleaners
- (k) Clothing and dry goods store
- (l) Contractors (plumbing, heating, electrical, or profession deemed similar by the Planning Commission), provided all operations and storage are completely enclosed in a building
- (m) Dress shop and/or tailor
- (n) Drug Store
- (o) Building and contractor supply store, including wholesale and storage
- (p) Exterminator services
- (q) Factory and mill supplies
- (r) Florist and gift shop
- (s) Frozen food locker
- (t) Funeral home
- (u) Grocery store and meat market
- (v) Hardware store
- (w) Hotels and motels
- (x) Household appliance store, including in-store sales and service
- (y) Convenience store and ice pick-up station
- (z) Jewelry store
- (aa) Laboratory and research facility

- (bb) Liquor store, including beer and wine sales
- (cc) Locksmiths
- (dd) Lodge hall, private clubs, veterans' clubs
- (ee) Nursery school and day care
- (ff) Office uses, including, but not limited to, architects, surveyors, engineers, accountants, insurance sales, financial management, travel agency and uses deemed similar by the Planning Commission
- (gg) Paint and wallpaper store
- (hh) Pet shop, not including the treatment and boarding of animals
- (ii) Photographic and dance studios
- (jj) Printing and publishing store direct-to consumer services, not including large-scale presses
- (kk) Professional studios
- (ll) Resale shops and auction houses
- (mm) Shoe repair shop
- (nn) Taxidermist
- (oo) Indoor theatre
- (pp) Trade schools
- (qq) Variety stores not exceeding 5,000 square feet
- (rr) Wholesale sales

### **SECTION 9.03 SPECIAL LAND USES**

The following uses are permitted by special land use approval in the B Business District, subject to the provisions in Chapter XV:

- (a) Nonresidential uses permitted by special land use in residential zoning districts.
- (b) Automobile and other vehicle sales
- (c) Automobile repair shop or garage, including body work and major repair operations
- (d) Car wash
- (e) Crating, packing, and logistics businesses
- (f) Ambulance service
- (g) Junk yard
- (h) Beer, liquor, and wine distribution
- (i) Metallurgy, including iron work and fence services
- (j) Printing and publication presses
- (k) Gas and service stations
- (l) Sign painting and fabrication shops
- (m) Warehousing and storage structures
- (n) Agricultural implements, including retail sales, services, and rentals
- (o) Animal hospitals
- (p) Building materials and fuel storage yards

- (q) Grain elevators
- (r) Greenhouses
- (s) Ice manufacturing operation
- (t) Lumberyard
- (u) Machine shop
- (v) Optical goods manufacture
- (w) Propane, petroleum, and liquified gas storage
  - (1) Buildings and storage containers must be located at least 500 feet from property lines
- (x) Sheet metal shops
- (y) Television and radio tower, antennas and masts
- (z) Welding shops
- (aa) Woodworking shops
- (bb) Other uses which are of the same general character as other uses permitted in the B District. In consideration of a similar use, the Planning Commission shall consider the following standards:
  - (1) The size, nature, and character of the proposed use;
  - (2) The proximity of the proposed use to adjoining properties;
  - (3) The parking facilities provided for the proposed use;
  - (4) Any traffic congestion or hazard which will be created by the proposed use;
  - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;
  - (6) The need or necessity for the proposed use to service the needs of the surrounding neighborhood; and,
  - (7) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

**SECTION 9.04 ACCESSORY USES**

The following accessory uses are permitted in the B Business District:

- (a) Uses not specifically defined herein that are reasonably and customarily incidental and subordinate in all respects to the principal use to which they are accessory.
- (b) Accessory buildings and structures, subject to the provisions of Section 3.19.

# Chapter X – FP Floodplain District

## **SECTION 10.01 DESCRIPTION AND PURPOSE**

This Zoning District is a special district intended to control the placement of buildings and structures and the use of land in areas subject to periodic inundation. The District is located along the north and south branches of the Kawkawlin River in Beaver Township. These areas have been identified by the Federal Insurance Administration as special flood hazard areas because of the probability of periodic flooding with the resultant potential for major property damage, danger to life, erosion and similar flood hazards. In order to protect the public health, safety and welfare, development in these areas is regulated to reduce flood hazard potential.

## **SECTION 10.02 USE REGULATIONS**

In the FP District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Agricultural uses permitted in the AG Agricultural District, but not including any residential structures.
- (b) Residential supportive uses such as lawns, gardens, parking areas or play areas, but not including residential structures.
- (c) Boat landings or docks for pleasure use.
- (d) Parks, playgrounds and community centers.
- (e) Parking lots, loading areas and storage areas for equipment and machinery easily moved or not subject to flood damage.
- (f) Golf courses if the site plan is reviewed by the Planning Commission in accordance with Section XIV.
- (g) Removal of topsoil, sand, gravel or other soil or mineral resources when authorized as a special use by the Planning Commission in accordance with the provisions of Section 15.04(b)
- (h) Real estate signs, identifying signs, or name plates.
  - (1) Other uses which are of the same general character as other uses permitted in the FP District. In consideration of a similar use, the Planning Commission shall consider the following standards:
    - (a) The size, nature, and character of the proposed use;
    - (b) The proximity of the proposed use to adjoining properties;
    - (c) The parking facilities provided for the proposed use;
    - (d) Any traffic congestion or hazard which will be created by the proposed use;
    - (e) How well the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood;
    - (f) The need or necessity for the proposed use to service the needs of the surrounding neighborhood; and,
    - (g) The effect of the proposed use on adjoining properties and the surrounding neighborhood.

**SECTION 10.03 HEIGHT REGULATIONS**

No building or structure shall exceed thirty-five (35) feet in height. All agricultural buildings and structures shall not exceed their usual and customary heights.

**SECTION 10.04 AREA REGULATIONS**

Yard and lot requirements in the FP Zone shall be the same as the, AG Agricultural District, except as herein provided.

No building or structure shall be located within a special flood hazard area as identified by the Federal Insurance and Mitigation Administration such that it would impede or interfere with the flow of flood waters. This provision shall not preclude the placement or construction of docks, boat houses, pump houses or similar structures in their usual and customary location.

**SECTION 10.05 PARKING**

Off-street parking shall be provided in accordance with the regulations of Chapter XII.

**SECTION 10.06 STATE COMPLIANCE**

No new construction in the FP District shall be permitted until the same has received approval from the pertinent state agency or official under the provisions, where applicable, of the Subdivision Control Act (288 of 1967 as amended; also known as the Land Division Act), the Natural Resources and Environmental Protection Act (451 of 1994, as amended), or other applicable state statutes and any and all amendments thereto.

# Chapter XI – Manufactured Home Park District

## **SECTION 11.01 MANUFACTURED HOMES**

The use of manufactured homes as a dwelling or any other use is prohibited in the township except under the following conditions:

- (a) The Zoning Administrator may issue a permit to an individual to park and occupy a manufactured home in any zone provided that the Zoning Administrator makes the following determinations:
  - (1) The manufactured home will be used only as a temporary use of the same lot while the individual is constructing a permanent residence for a period not to exceed one (1) year or as provided in this ordinance. Such permit may be extended one time for a period of one (1) year by the Zoning Administrator at the request of the property owner provided the property owner can give reasonable assurances that the structure or building will proceed expeditiously until completion.
  - (2) A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary trailer permit.
- (b) A manufactured home may be used outside of a licensed manufactured home park as a single-family dwelling in the Agricultural, Rural Residential and Medium Density Residential Districts provided the following conditions are met:
  - (1) There shall be a minimum floor area as required in the Zoning District.
  - (2) There shall be a minimum floor to ceiling height of seven (7) feet five (5) inches.
  - (3) There shall be a minimum width throughout the entire length of the manufactured home of twenty-two (22) feet measured between the exterior part of the walls having the greatest length.
  - (4) There shall be a foundation around the entire exterior perimeter of the manufactured home of concrete or block of a minimum height of forty-two (42) inches below grade with a maximum height of sixteen (16) inches of exposed foundation and a minimum of eight (8) inches exposed foundation above grade of the same design as required by the construction code as adopted by the Township for single family residences.
  - (5) The manufactured home shall be firmly attached to the foundation so as to be water tight in such a way as water will not enter and shall be anchored to said foundation by an anchor system designed and constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
  - (6) None of the wheels, pulling mechanisms, tongues and undercarriage shall be visible from outside the manufactured home.

- (7) The dwelling shall be connected to a public sewer and water supply and/or a well or septic system approved by the County Health Department.
- (8) There shall permanently attached to the foundation steps and/or porch areas where an elevation differential exists between any door and surrounding grade.
- (9) There shall be no additions to the living space of the manufactured home unless it meets all the requirements hereof and is built according to the same minimum standard as the manufactured home and approved by the Building Inspector.
- (10) There shall be a minimum of two (2) doors to provide means of ingress and egress from the manufactured home.
- (11) Plans, floor plan layouts and certification of meeting HUD manufactured home standards of the manufactured home and foundation shall be presented along with a site plan showing compliance therewith and with all other requirements of the Zoning Ordinance, including but not limited to the requirement of the district in which it is, to the Building Inspector prior to issuance of a building permit.
- (12) The manufactured home must meet standards for manufactured home construction as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and all applicable local, state, and federal standards.
- (13) The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

# Chapter XII – Parking and Loading Spaces

## SECTION 12.01 GENERAL

In all Zoning Districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles.

## SECTION 12.02 SCHEDULE OF OFF-STREET PARKING

The amount of required off-street parking space shall be determined in accordance with the schedule which follows. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

Use	Minimum Parking Spaces Required	Per Each Unit of Measure as Follows
<b>Residential</b>		
(a) Dwellings	Two (2)	Each dwelling unit
(b) Housing for Elderly	One (1)	Two (2) dwelling units
(c) Mobile Homes	Parking should be provided in accordance with Michigan Manufactured Home Commission Rules and Michigan Public Act 419 of 1976, as amended.	
<b>Institutional or Public Uses</b>		
(a) Child Care Centers	One (1)	Teacher, administrator, or other employee, PLUS 400 sq. ft. of usable floor area.
(b) Churches, Temples, and Places of Worship	One (1)	Each four (4) seats in the main worship unit
(c) Community center	One (1)	Each one hundred (100) square feet of assembly floor area
(d) Homes for Senior Citizens, Nursing Facility, Convalescent Homes,	One (1)	Each two (2) beds

<b>Convents, Children's Homes, and Orphanages</b>		
<b>(e) Hospitals, Sanitariums, Institutions, and clinics</b>	One (1)	Each Bed, PLUS 150 sq. ft. of usable floor area occupied by outpatient services
<b>(f) Libraries, museums, and Post Offices</b>	One (1)	Each two hundred (200) square feet of floor area
<b>(g) Schools, elementary and junior high</b>	Two (2)	Each three (3) employees normally engaged in or about the buildings and grounds, in addition to the requirements for the auditorium
<b>(h) Schools, Senior high and institutions of higher learning</b>	Two (2)	Each three (3) employees normally engaged in or about the buildings and grounds, PLUS (1) additional for each four (5) students enrolled in the institution, in addition to the requirements for the auditorium
<b>(i) Theatres, auditoriums, stadiums</b>	One (1)	Each four (4) seats
<b>Commercial</b>		
<b>(a) Animal Hospitals and Commercial Kennels</b>	One (1)	400 sq. ft. of usable floor area, one (1) per employee
<b>(b) Automobile Service and Service Stations</b>	Two (2)	Each lubrication stall, rack or pit, and 3 spaces for each one (1) fuel pump, plus two (2) stacking spaces per fuel

		pump plus one (1) per transport or towing vehicle and one (1) per employee
<b>(c) Banks and Financial Institutions</b>	One (1)	Each two hundred (200) square feet of floor area. In addition, financial institutions with drive-in windows shall provide six (6) stacking spaces for each window.
<b>(d) Bowling alleys</b>	Six (6)	Each alley
<b>(e) Car Wash (Automatic)</b>	One (1)	Each employee. In addition, reserve parking space equal in number to 5 times the maximum capacity of the auto wash. Maximum capacity shall mean the greatest number of automobiles possible under-going some phase of washing at the same time which shall be determined by dividing the length in feet of each wash line by 20.
<b>(f) Car Wash (Self-service)</b>	80%	Of manufacturer's hourly rated capacity for the system in use, plus one (1) parking space for each employee on the largest working shift.
<b>(g) Hotels, Motel and Other Lodging</b>	One (1)	Each occupancy unit, PLUS one (1) per employee
<b>(h) Mortuaries or funeral homes</b>	One (1)	Each fifty (50) square feet of floor area used for services

<b>(i) Private clubs and lodges</b>	One (1)	Each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area
<b>(j) Offices, Professional and business</b>	One (1)	Each two hundred (200) square feet of floor area
<b>(k) Office, Medical doctors, dental clinic, and similar medical professions</b>	One (1)	Each employee, PLUS one (1) space for each 100 sq. ft. of usable floor area
<b>(l) Open Air Business</b>	One (1)	500 sq. ft. of land area being used for display
<b>(m) Restaurants, grills, dining rooms, dairy bar, soda fountain</b>	One (1)	75 sq. ft. of usable floor area with minimum of ten (10) spaces, plus one (1) space per 4 seats, plus one (1) per employee.
<b>(n) Taverns and bars</b>	One (1)	50 sq. ft. of usable floor area, in addition to requirements for restaurant for portion used principally for dining.
<b>(o) Restaurant, Fast-Food</b>	One (1)	50 sq. ft. of eating area, in addition to requirements for drive through
<b>(p) Drive-in. Drive-Through</b>	One (1)	Employee, PLUS ten (10) stacking spaces
<b>(q) Carry-Out Restaurant</b>	One (1)	15 sq. ft. of usable floor area with a minimum of five (5) spaces.
<b>(r) Retail Use Group. Retail stores, supermarkets,</b>	One (1)	Each one hundred (100) square feet of floor area

<b>department stores, personal service shops, general business</b>		in the basement and on the first floor used for retail sales, one (1) for each four hundred (400) square feet of floor area on the second floor, six hundred (600) square feet of floor area on the third floor used for retail sales, and one (1) for each eight hundred (800) square feet of floor area on any additional floors used for retail sales
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**Industrial**

<b>(a) Contractor or Construction Use</b>	One (1)	Employee, PLUS each piece of equipment stored on the site.
<b>(b) Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related, not necessarily connected to a manufacturing or industrial building</b>	One (1)	Each three (3) employees on the maximum shift or peak employment period
<b>(c) Wholesale and Warehouse Establishments</b>	One (1)	1,500 sq. ft. of gross floor area

**Other**

<b>(a) Other uses not specifically mentioned</b>	In the case of buildings which are used for uses not specifically mentioned, those provision for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply	
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<b>(b) Mixed uses in the same building</b>	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein	
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**SECTION 12.03 BARRIER FREE PARKING REQUIREMENTS**

Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the adopted township building code. The number of barrier-free spaces required is as follows:

<b>Total Parking Spaces In Lot</b>	<b>Required Number Barrier-Free Spaces</b>
<b>Up to 25</b>	1
<b>26 to 50</b>	2
<b>51 to 75</b>	3
<b>76 to 100</b>	4
<b>101 to 150</b>	5
<b>151 to 200</b>	6
<b>201 to 300</b>	8
<b>301 to 400</b>	12
<b>Over 400</b>	12 Plus 2 for every 230 or fraction thereof over 400

**SECTION 12.04 OFF-STREET PARKING STANDARDS**

Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Maneuvering Aisle Width (ft.)	Parking Stall Width (ft.)	Parking Stall Depth (ft.)	Total width of two stalls of parking plus maneuvering aisle (ft.)
0 degrees (parallel one-way)	12.0	24.0	8.5	29.0 (one-way)
0 degrees (parallel two-way)	24.0	24.0	8.5	41.0 (two-way)
Up to 53 degrees	13.0	10.0	20.0	52.0 (one-way)
54 to 74 degrees	16.0	10.0	20.0	57.0 (one-way)
75 to 90 degrees	24.0	10.0	20.0	61.0 (two-way)

**SECTION 12.05 JOINT USE OF FACILITIES**

Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

**SECTION 12.06 LOCATION OF FACILITIES**

Off-street parking facilities shall be located as hereafter specified; when a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

- (a) For all residential buildings and for all nonresidential buildings and uses in Residential Zoning Districts, required parking shall be provided on the lot with the building or use it is required to serve.
- (b) For commercial and all nonresidential buildings and uses in a Business District, required parking shall be provided within three hundred (300) feet.

### **SECTION 12.07 SIZE OF PARKING SPACE**

Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width.

### **SECTION 12.08 REQUIREMENTS FOR PARKING AREAS**

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- (a) The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any R or AG Zoning District, a greenbelt ten (10) feet in width, landscaped with lawn and low shrubbery clumps, backed up by a solid planting of evergreen trees at least five (5) feet in height and five (5) feet wide after one (1) growing season or by a tight board fence at least seven (7) feet in height maintained in a safe and healthful manner.
- (b) The parking lot and its driveway shall be: (1) designed to provide adequate drainage; (2) surfaced with concrete, asphalt or with stone or gravel to a depth of at least four (4) inches; and (3) maintained in good condition, free of dust, trash and debris.
- (c) The parking lot and its driveways shall not be used for repair, dismantling or servicing of any vehicles.
- (d) The parking lot shall be provided with entrances and exists so located as to minimize traffic congestion.
- (e) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- (f) No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than ten (10) feet to the street right-of-way.

### **SECTION 12.09 OFF-STREET LOADING SPACES**

For every building or addition to an existing building hereafter erected to be occupied by uses requiring the receipt or distributing in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and (2) off-street loading spaces in relation to floor areas as follows:

- (a) Up to twenty thousand (20,000) square feet – one (1) space;
- (b) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet – two (2) spaces; and
- (c) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any R Zoning District.

# Chapter XIII – Signs

## **SECTION 13.01 PURPOSE**

These regulations are intended to permit signs and other displays that are needed for the purposes of identification or advertising, subject to the following objectives:

- (a) By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
- (b) Signs should enhance the aesthetic appeal of the Township. Thus, these regulations are intended to:
  - i. Regulate oversized signs that are out-of-scale with surrounding buildings and structures; and
  - ii. Prevent an excessive accumulation of signs which cause visual clutter.
- (c) The Placement and design of signs should further the land use planning objectives of the Township. Signs should protect neighborhood character and the value of surrounding properties.

## **SECTION 13.02 SEVERABILITY**

This Chapter and the various sections, subsections, paragraphs, and clauses herein are hereby declared severable. If any section, subsection, paragraph, sentence, phrase, clause, term, or word of this chapter is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected by the judgment.

## **SECTION 13.03 SUBSTITUTION**

Any lawful commercial sign permitted under the provisions of this Ordinance may contain a noncommercial message.

## **SECTION 13.04 SIGN DEFINITIONS**

For the purposes of this article, the following definitions shall apply (see illustrations):

- (a) *Accessory sign*: A sign which pertains to the use of the premises on which it is located.
- (b) *Banner sign*: A sign made of fabric, cloth, paper, or other non-rigid material. A feather banner is a type of banner sign comprised of a metal or plastic frame, pole, and/or base to which a vinyl, nylon, canvas or polyester fabric sign face is attached (see illustration).
- (c) *Billboards*: See "Off-premises advertising sign".
- (d) *Bulletin board*: A type of "manual changeable copy" sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, country club,

park or other recreational facility, and which displays announcements of its services and activities upon the premises.

- (e) *Business center or shopping center identification sign:* A business center or shopping center is a building or complex that occupies one or more parcels, contains more than one business, and operates as a cohesive unit. A business center or shopping center identification sign is one that identifies the center and may also identify the tenants in the center.
- (f) *Changeable copy sign (manual):* A sign, which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is changed manually.
- (g) *Construction sign:* A temporary sign identifying the designer, contractors and subcontractors, and material suppliers participating in construction on the property on which the sign is located.
- (h) *Directional sign:* A sign which is intended to direct the flow of vehicular and pedestrian traffic to, from, and within a development site.
- (i) *Freestanding sign:* A sign which is erected upon or supported by the ground, including "pole signs" and "ground signs."
- (j) *Ground sign:* A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message is painted or posted. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.
- (k) *Illegal sign:* A sign that does not meet the requirements of this Ordinance and which has not received legal nonconforming status.
- (l) *Illuminated sign:* Any sign which contains a mechanism that emits artificial light internally or externally.
- (m) *Incidental sign:* A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.
- (n) *Nameplate:* A no electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (o) *Noncommercial message sign:* A sign that is not related to or connected with trade and traffic or commerce in general and includes an election (political) sign or a sign expressing an opinion or other point of view.

- (p) *Nonconforming sign:*
- A. A sign which is prohibited under the terms of this Ordinance but was erected lawfully, with a permit and was in use on the date of enactment of this Ordinance, or amendment thereto.
  - B. A sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.
- (q) *Obsolete sign:* A sign that advertises a product that is no longer made or that advertises a business that has closed.
- (r) *Off-premises advertising sign:* A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located.
- (s) *On-premises advertising sign:* A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.
- (t) *Outline tubing sign:* A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.
- (u) *Pole sign:* A type of freestanding sign that is elevated a minimum of six feet above the ground on a single pole.
- (v) *Portable sign:* A sign designed to be moved easily and not permanently affixed to the ground or to a structure. This also includes signs worn or carried by a person.
- (w) *Projecting sign:* A sign, other than a flat wall sign, that projects from the face of the building or structure upon which it is located and is designed to attract the attention of drivers. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted. A projecting sign is not a pedestrian blade sign, as defined herein.
- (x) *Public sign:* A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.
- (y) *Real estate sign:* A temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.
- (z) *Sign:* A sign is a device for visual communication that is used to bring the subject to the attention of the public, but does not include flags, or other insignia of any government, fraternal, or similar organization. A sign includes any device, structure, fixture, or placard

which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible and legible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.

- (aa) *Temporary sign*: A sign not constructed or intended for long-term use. Examples of temporary signs include, signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.
- (bb) *Wall sign*: A sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.
- (cc) *Window sign*: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

### **SECTION 13.05 GENERAL SIGN STANDARDS**

The following standards apply to all signs in Beaver Township, regardless of whether a permit is or is not required:

- (a) All signs shall be maintained in good condition and repair and in a condition that will not be hazardous to the public.
- (b) All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.
- (c) Sign area measurement. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign. Where a sign consists of individual letters or graphics affixed directly to a structure, the area of all shall be computed by measuring the area of a rectangular envelope required to enclose the lettering and graphics. Foundations, frames, and other structural elements containing or supporting the sign shall not be included in the sign area measurement.
- (d) Sign height measurement. Signs shall be measured from the average grade level directly below a sign to the top of the sign, including any structural elements containing or part of the sign.

### **SECTION 13.06 SIGNS PERMITTED WITHOUT A PERMIT**

The following sign types shall be permitted without a permit issued by the Township Zoning Administrator:

- (a) Highway signs erected by the State of Michigan, County of Bay or Beaver Township;
- (b) Governmental use signs erected by the governmental agencies in parks, public parking lots, recreational areas, other public space, for governmental buildings, or any publicly owned and/or operated land or facility;
- (c) Directional signs erected in conjunction with private off-street parking area, provided any such sign does not exceed four (4) square feet in area and is limited to traffic control functions only.
- (d) Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
- (e) Placards posted to control or prohibit hunting within Beaver Township.
- (f) One (1) construction sign per project of no more than thirty (30) square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one- and two-family dwellings, provided such signs do not exceed one (1) per project and thirty (30) square feet in area.
- (g) Essential service signs denoting utility lines, railroad lines, hazards, and precaution.
- (h) Memorial signs or tablets which are either (a) cut into the face of a masonry surface; or (b) constructed of bronze or other incombustible material when located flat on the face of a building.
- (i) Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon when they are less than 32 square feet.
- (j) Special decorative displays or signs used for holidays, public demonstrations or special events.
- (k) Permanent signs for permitted non-residential uses that are ten (10) square feet or less in area, subject to the other regulations in this Ordinance.
- (l) Home Occupation Signs. For purposes of identification, one (1) non-illuminated nameplate not exceeding one (1) square foot in area shall be permitted. Such identification nameplate shall identify only the name and profession, vocation or trade of the person or persons operating the home occupation. No other sign shall be utilized in connection with such home occupation.
- (m) Temporary signs, for a consecutive duration of no more than 60 days and no more than 120 days in a calendar year. No more than one (1) temporary sign is permitted per 50 linear feet of road frontage.

### **SECTION 13.07 SIGNS REQUIRING A PERMIT**

- (a) Permanent business signs for permitted non-residential uses that are more than ten (10) square feet in area and less than 32 square feet.
- (b) Permanent signs of up to 32 square feet for permitted non-single-family residential uses and for single-family residential developments of five (5) or more units.

- (1) Subdivision real estate signs not exceeding thirty-two (32) square feet in area; provided, however, that such signs shall be removed at such times as fifty (50) percent or more of the lots in such subdivisions are sold or after five (5) years, whichever shall first occur.

**SECTION 13.08 PROHIBITED SIGNS**

- (a) Signs not specifically permitted in this Ordinance are prohibited.
- (b) No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign. No sign or sign structure should be located in a manner that would prevent safe access to fire hydrants or other infrastructure relating to public safety.
- (c) Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited.
- (d) Signs installed without the consent of the land owner or right-of-way owner on whose property the sign is placed are prohibited.

# Chapter XIV – Site Development Plan Review

## **SECTION 14.01 SITE DEVELOPMENT PLAN**

To fully insure the safety, convenience and well-being of the citizens of the Township and the intended occupants of a particular use, the Planning Commission is hereby empowered as an administrative body to require and thereafter review, prior to the issuance of a building permit, a site development plan for all principal uses which require more than four (4) parking spaces or as otherwise required in the Ordinance. Approval shall be subject to the following procedures and conditions described in this chapter.

## **SECTION 14.02 GENERAL PROVISIONS**

- (a) The Planning Commission is empowered to require a performance bond, certified check, or similar security in an amount equal to the estimated cost of improvements (as defined in Section 2.41) associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site development plan. If a project is not completed in accordance with an approved plan, said performance bond shall be forfeited.
  - (1) The Township may rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of an approved development plan have not been met in accordance with the timeframes defined by this Ordinance, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.
- (b) Each development shall be under construction within one (1) year after the date of final approval by the Planning Commission. If said applicant does not fulfill this provision, the Commission may grant a sixty (60) day extension provided the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or a sixty (60) day extension has expired without construction underway, the site development plan shall be null and void.
- (c) The Planning Commission shall undertake and complete all site development plan reviews within sixty (60) days of submission by the applicant unless specifically obligated to adhere to State of Michigan or Federal guidelines or if plan details require specific attention or review that exceeds this timeframe. In cases where the review period exceeds 60 days, it is the

responsibility of the Planning Commission to attempt to provide a determination as expeditiously as is feasible.

- (1) The Planning Commission is authorized to take the following action on the plan, subject to guidelines in the Zoning Ordinance: approval, approval with conditions, denial, or table the plan.
- (d) Upon approval of a site development plan, the Chairman of the Planning Commission shall sign three (3) full-scale and complete copies thereof. One (1) signed copy shall be made a part of the Commission's files and one (1) shall be forwarded to the Building Inspector for issuance of a building permit. The third copy shall be returned to the applicant. Additional copies may be signed by the Planning Commission Chairman at the request of an applicant.

### **SECTION 14.03 SITE DEVELOPMENT PLAN REQUIREMENTS**

The applicant shall submit three (3) copies of a site development plan at a scale not to exceed one (1) inch equals two hundred (200) feet (1" = 200'). The following items shall be shown on the plan:

- (1) Property legal description and boundary.
- (2) Zoning designation.
- (3) Property lines, setbacks and dimensions, including individual lot lines and lot numbers if the complete parcel includes more than one platted lot.
- (4) Dimensions of all existing structures and proposed structures or improvements.
- (5) Existing and proposed utilities, showing the location of sanitary sewers and/or water lines or a statement of intent to utilize private wells and/or septic disposal systems.
- (6) Existing and proposed street rights-of-way, indicating proposed access routes and internal circulation.
- (7) Existing and proposed storm drainage - how storm water will be drained.
- (8) Existing and proposed easements, if any exist.
- (9) Proposed paved parking areas, drives and landscaped areas. Parking areas shall be designated by lines showing individual spaces. Parking calculations must be shown on the plan.
- (10) The following information shown on the plan in separate tabular form:
  - (a) Total lot (or parcel) area (square feet or acreage).
  - (b) Proposed building area (square feet).
  - (c) Proposed parking area (square feet).
  - (d) Percentage of lot coverage of all impervious surfaces, itemized by building footprints, flatwork (concrete and asphalt), or other surface type.
- (11) Signature or seal, in digital or print, of person preparing the plan.
- (12) Date site plan was prepared.

#### **SECTION 14.04 SITE DEVELOPMENT PLAN REVIEW CRITERIA**

The Planning Commission shall determine that the proposed development is arranged:

- (1) To provide convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways and adjoining properties or parking areas;
- (2) To minimize conflicts of traffic movements on public streets and upon the property involved;
- (3) To ensure the valuation and reasonable use of adjacent properties and the safety, convenience, and well-being of adjoining property owners and the citizens of the Township;
- (4) To ensure adequate drainage without jeopardizing adjacent or downstream properties;
- (5) To maintain significant natural features, including vegetation, slopes, water bodies, wetlands, or any others identified;
- (6) To maintain proper setbacks and yards as set forth in this Zoning Ordinance;
- (7) To ensure adequate paved parking areas and the proper identification of loading zones and storage areas; and
- (8) To insure the provision of adequate and safe water supply and sewage disposal.

#### **SECTION 14.05 PLANNING COMMISSION MODIFICATIONS**

To accomplish the goals of site plan review, the Planning Commission may recommend modifications to a plan in the interests of assuring public health, safety, and welfare. Modifications may include, but are not limited to:

- (1) Entries and exits for vehicular traffic;
- (2) The direction of traffic flows on off-street parking areas and drives;
- (3) The number and location of entries and exits onto public streets;
- (4) The use of existing entries and exits on adjacent properties to minimize traffic hazards on public streets.
- (5) Other modifications for the assurance of the public health, safety, and welfare, including, but not limited to, landscaping, sidewalks, ADA accessibility, lighting, etc.

# Chapter XV – Special Use Permit

## **SECTION 15.01 PURPOSE**

Special uses are those uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or locational qualities which require individual review and discretion 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 chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses. The criteria for decision and requirements provided for under the provisions of this chapter shall be in addition to those required elsewhere in this ordinance which are applicable to the special use under consideration.

## **SECTION 15.02 APPLICATION PROCEDURES**

An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- (a) Application - Applications for special use permits shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. Any unused portion of said fee shall be refunded to the applicant.
- (b) Required Information - An application for a special use permit shall be accompanied by the following documents and information:
  - (1) A special use application form supplied by the Zoning Administrator which has been completed in full by the applicant.
  - (2) A site plan which meets the minimum requirements defined in Section 14.03, Site Development Plan Requirements
  - (3) A use statement describing the nature of the proposed development and how the plan complies with the criteria required for special land use approval in Section 15.03, and other criteria imposed by this Ordinance affecting the special use under consideration.
- (c) Notice - Upon receipt of an application for a special use permit, the Zoning Administrator will publish one (1) notice in accordance with the notice requirements of PA 110 of 2006, as amended. The notice shall state that a request for a special use permit approval has been received and will be posted in a newspaper which circulates in the Township and sent by mail or personal delivery such notice to all persons to whom real property is assessed within one thousand (1,000) feet of the boundary of the property in question, and to the occupants of all structures within one thousand (1,000) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered in accordance with PA 110 of 2006, as amended. 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 the structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 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.

(d) The notice shall:

- (1) Describe the nature of the special land use request.
- (2) Indicate the property which is the subject of the special use request.
- (3) State when and where the special use request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.
- (5) Indicate that a public hearing on the special use request may be requested by any property owner, or the occupant of any structure located within one thousand (1,000) feet of the boundary of the property being considered for a special use.

If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special use permit shall not be made unless notification of the request or notification of a public hearing on the special use permit request has been made as required by this section.

- (e) Review and Approval - Within thirty (30) days following the public meeting or public hearing, the Planning Commission shall review the application for a special use permit, comments received at the public meeting or public hearing, and other materials submitted in relation to the request, and make a determination on the special use application in accordance with the criteria for approval stated in Section 15.03, and such standards contained in this Ordinance which relate to the special uses under consideration. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
- (f) Appeal - Within fifteen (15) days following the date of decision on any special use permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal to the Zoning Administrator the decision of the Planning Commission to the Zoning Board of Appeals. Upon the filing of an appeal with the Zoning Administrator, the application, all relevant documents and testimony, and the findings and decision of the Planning Commission shall be transmitted to the Zoning Board of Appeals.

### **SECTION 15.03 BASIS OF DETERMINATION**

Prior to approval of a special use application, the Planning Commission shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

- (a) General Standards - The Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- (1) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- (2) The special use shall not change the essential character of the surrounding area and shall be designed to be compatible with the natural environment.
- (3) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
- (4) The special use shall not place demands on public services and facilities in excess of current capacity.
- (5) The special use shall be consistent with the general principles and objectives of the Township's Master Plan and shall promote the intent and purpose of this Ordinance.
- (6) The location of the special use within the zoning district shall minimize the impact of the traffic generated by the proposed use, taking into account proximity and access to thoroughfares and intersections, adequacy of sight distances, location of and access to off-street parking, and provisions for pedestrian traffic.
- (7) Planning Commission shall also consider the following factors:
  - i. The size, nature and character of the proposed use.
  - ii. The proximity of the proposed use to adjoining property and the general effect on the surrounding neighborhood.
  - iii. The parking facilities provided for the proposed use.
  - iv. How the proposed use mixes with adjoining properties and the surrounding neighborhood.
  - v. The need or necessity for the proposed use to service the needs of the Township.

#### **SECTION 15.04 SPECIAL USE STANDARDS FOR SPECIFIC USES**

##### **(a) SANITARY LANDFILLS**

Sanitary landfills are permitted when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall insure that the following requirements can be met:

- (1) The landfill is located on a parcel of land of not less than two hundred (200) acres.
- (2) All buildings and structures shall be removed upon the completion of the landfill operation. Planning Commission may require a security bond, letter of credit from an accredited financial institution, or similar mechanism to ensure removal costs are paid for by the operator.
- (3) The parcel is enclosed by a fence six (6) feet high which is of such a construction that it will contain all windblown debris.

- (4) No burning of waste material shall be allowed without a permit from the Department of Natural Resources.
- (5) If the landfill borders on a public right-of-way or abuts a residential district, there shall be a twenty (20) foot landscaped buffer consisting of deciduous or evergreen trees which reach a minimum of five (5) feet in height in one (1) growing season.
- (6) The landfill shall meet the requirements of Public Act 451 of 1994, as amended, and other state, county, and local requirements as are applicable.
- (7) Once the landfill operation is completed, the land shall be graded to smooth contours suitable for other uses.
- (8) All truck operations shall be directed away from residential areas. Haul routes shall be designed to minimize disturbance to surrounding properties. County Road Commission approval of routes is required.
- (9) The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health and general welfare of the people of Beaver Township and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner but, in so doing, complying with other applicable provisions of this Ordinance.
- (10) No business or industrial building or structures of a permanent nature shall be erected.
- (11) No storage or truck parking and no storage or piling of lumber, logs or any other forest product shall be located within two hundred (200) feet of any right-of-way, and no closer than fifty (50) feet from any other property line.
- (12) All truck operations shall be directed away from residential streets wherever possible.
- (13) The Planning Commission may require such bond as deemed necessary to ensure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.

(b) MINERAL EXTRACTION

Mineral Extraction operations are subject to the following standards:

- (1) The size of the property from which such topsoil, sand, gravel or other such materials are to be removed.
- (2) The effect of such removal on adjoining property.
- (3) The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
- (4) The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas.
- (5) The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resource.
- (6) Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.

(7) Operations must meet the following conditions:

- i. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other person having reason to be within the area of activity.
- ii. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located.
- iii. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property.
- iv. After the natural resources have been removed, the property shall be restored by the replacement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings. The excavation area shall be planted with a suitable ground cover sufficient to control erosion.
- v. All truck operations shall be directed away from residential streets wherever possible.
- vi. The Planning Commission may require such bond as deemed necessary to ensure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.

(c) LIMITED COMMERCIAL ENTERPRISES

Limited commercial enterprises are those land uses permitted by right in the B Business District which are conducted within a completely enclosed structure, which do not involve the outside storage of equipment, material, supplies, or inventory and which do not rely upon public water and/or public sewer service in their operations.

As a prerequisite for approval of a special use permit for a limited commercial enterprise, the applicant shall furnish on forms prescribed by the Township an application for Special Use pay the fee for consideration of a special use application as determined by the Beaver Township Board, and furnish to the zoning administrator a detailed site plan conforming to the requirements of Chapter XIV and Chapter XVII of the Beaver Township Zoning Ordinance.

- (1) That the land use and the applicant will be in full conformity with all the provisions of this Zoning Ordinance.
- (2) That the applicant will conduct their proposed limited commercial enterprise in full conformity with the provisions of the Beaver Township Anti-Blight Ordinance.
- (3) That the proposed LCE will not increase the risk of fire, pollution, traffic hazards, or the emission of noise or noxious fumes, odors, soot, dust, vibration or glare to the detriment of other adjacent landowners.

- (4) That all activities, inventory and material used in conjunction with the limited commercial enterprise will be conducted and stored within a completely enclosed structure.
- (5) That no inventory, equipment, parts, refuse, debris or other materials will accumulate outside a completely enclosed structure.
- (6) That the applicant has obtained all necessary permits required by any state or local agency or unit of government.
- (7) That the premises upon which such a limited commercial enterprise will be conducted is adjacent to and served by a county primary road.

#### **SECTION 15.05 PLANNING COMMISSION ACTION**

After the required public hearing and review of the plans, the Planning Commission may take one of the following actions:

- (1) Approval. Upon a determination that a special use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
- (2) Approval with Conditions. The Planning Commission may impose conditions with the approval of a special use which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special use permit and shall be enforced by the Zoning Administrator. Reasonable and necessary conditions to the approval can include:
  - i. Specifying what uses are authorized to be conducted on the premises.
  - ii. Specifying the hours of operations and days of operations for such activities.
  - iii. Establishing minimum fencing, landscaping and lighting standards.
  - iv. Specifying minimum parking areas and off-street loading areas, as well as the location of points of ingress and egress to the proposed use.
  - v. Establishing clear vision corners when necessary and maximum signage.
  - vi. Seasonal periods of inactivity.
  - vii. Other standards and conditions determined to be in the public interest and to promote the orderly development of land within the Township and to promote the public health, safety, and welfare of the residents and property owners of the Township.
- (3) Denial. Upon determination by the Planning Commission that a special use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, and/or orderly development of the Township, a special use shall be denied.

**SECTION 15.06 VALIDITY**

- (a) Commencement of activity. If construction or occupancy has not commenced within 12 months of final approval of the special land use, the approval becomes null and void and a new application for special land use approval shall be required.
- (b) Transfer of Special Land Use. Any transfer of ownership for the operation of a Special Land Use shall require a new Special Land Use permit, reviewed in accordance with the process defined in the Zoning Ordinance for the establishment of a new Special Land Use permit. Special Land Uses shall expire when the original applicant transfers ownership or operation.
- (c) Inactivity. A Special Land Use permit shall expire after 90 consecutive days of inactivity, unless express authorization has been granted in advance of the expiration by the Planning Commission. Seasonal Special Land Uses are subject to the regulations governing inactivity unless otherwise stated as a condition of approval in the Planning Commission's approval of the use.

**SECTION 15.07 REVOCATION**

Any special use permit issued under the provisions of this section shall immediately be revoked and void if any condition of this Ordinance, The Beaver Township Anti Blight Ordinance, or any condition imposed by the Zoning Board and Planning Commission as part of the issuance of a special use permit has been violated.

# Chapter XVI - Nonconforming Uses, Buildings, Structures, or Parcels

## **SECTION 16.01 DESCRIPTION AND PURPOSE**

Where there exist uses, buildings, structures, parcels and characteristics of uses which were lawful before this Ordinance was passed or amended, that would be prohibited, regulated, or restricted under the terms of this Ordinance or an amendment thereto, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

## **SECTION 16.02 CONTINUANCE OF NONCONFORMING USES, BUILDINGS, STRUCTURES OR PARCELS**

Except where specifically provided to the contrary and subject to the provisions of this Chapter, the lawful use of any building or structure, or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be continued, although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Chapter, a building or structure which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance then on the effective date of such amendment, may be maintained and continued, although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

## **SECTION 16.03 EXPANSION**

Structures or buildings nonconforming by reason of height, area, and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled, or modernized when the improvements do not expand or create new nonconformities.

- (a) No existing building, structure, or parcel devoted to a use not permitted in the District in which it is located, shall be extended, enlarged, altered, remodeled, modernized or moved, except in changing the use of the building, structure or parcel to a use permitted in the District in which it is located.
- (b) No nonconforming structure may be extended, enlarged, altered, remodeled or modernized in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (c) Should a nonconforming building or structure be moved for any reason, for any distance whatsoever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
- (d) A nonconforming use may be extended throughout any part of a building or structure so long as any part of the building or structure was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. However, at no time shall such use be extended to occupy any land outside such building.

- (e) A structure or building, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District; and the nonconforming use may not thereafter be resumed.
- (f) Where nonconforming use status applies to a building or structure, or land in combination, removal or destruction of the building or structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.
- (g) A nonconforming use of a building, structure, or land may be changed to another nonconforming use of more restricted nature and classification, as determined by the Zoning Administrator.
- (h) A nonconforming use of any building or structure, or of any land or premises which is nonconforming for reasons other than height, area, and/or parking and loading space provisions, may hereafter be extended or enlarged, provided:
  - (1) All extensions or enlargements shall not exceed fifty (50) percent of the area of the original nonconforming use.
  - (2) Such extensions or enlargements are authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the provisions of Section 15.03 and the following standards:
    - i. The extension or enlargement will not substantially extend the probable duration of such nonconforming use.
    - ii. The extension or enlargement will not interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

#### **SECTION 16.04 RESTORATION AND REPAIR**

All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God, public enemy, or other cause, it may be rebuilt or restored if the cost thereof does not exceed fifty (50) percent of the value of the nonconforming building or structure after the rebuilding or restoration is complete.

In the event any nonconforming building or structure is damaged by fire, wind, Act of God, public enemy, or other cause, and the cost of rebuilding or restoration exceeds one-half (1/2) the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the provisions of Section 15.03 and the following standards:

- (a) Such rebuilding or restoration will not substantially extend the probable duration of the nonconforming use.

- (b) The land previously occupied by the nonconforming use cannot be advantageously used for a use permitted in the applicable Zoning District.

#### **SECTION 16.05 CHANGE OR DISCONTINUANCE**

The nonconforming use of a building or structure or of any parcel shall not be:

- (a) Reestablished after a discontinuance, vacancy, lack of operation, or otherwise for a period of twelve (12) consecutive months.
- (b) Reestablished after it has been changed to a conforming use.

#### **SECTION 16.06 CHANGE OF OWNERSHIP**

Change of ownership between private parties does not remove the nonconformity nor extend time limits.

#### **SECTION 16.07 REPLACEMENT COST**

Replacement cost as used in this Chapter is the cost of restoring the building or structure to its original condition as determined by the Building Inspector.

#### **SECTION 16.08 REMOVAL OF NONCONFORMING STATUS**

A nonconforming building, structure, or parcel may be made conforming by appropriate action or modifications which cause the building, structure, or parcel to fulfill the requirements of the district in which it is located. In the case of a nonconformity which would be permitted as a Special Use by this Ordinance, the nonconforming status may be removed upon issuance of a special use permit after the appropriate action has been taken in accordance with the provisions of this Ordinance.

#### **SECTION 16.09 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE OR AMENDMENT**

Any building or structure shall be considered existing and lawful (and for the purposes of Section 16.02, to have been in use for the purpose for which constructed) if, on the effective date of this Ordinance or amendment thereto, a building permit has been issued, a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.

# Chapter XVII – Administration and Enforcement

## **SECTION 17.01 ADMINISTRATIVE ORGANIZATION**

The Township Board of Trustees or its duly authorized representative as specified in this ordinance is hereby charged with enforcing the provisions of this ordinance. Accordingly, the administration of this ordinance is hereby vested in the following Township entities:

- (a) Township Board of Trustees
- (b) Township Planning Commission
- (c) Zoning Board of Appeals
- (d) Zoning enforcement officials, including the Building Official and Zoning Administrator.

## **SECTION 17.02 ZONING ENFORCEMENT OFFICIALS**

The Building Official and Zoning Administrator shall be appointed by the Township Board for such terms and subject to such conditions and at such rates of compensation as the Township Board shall determine.

Enforcement officials shall perform certain actions necessary for the implementation of this ordinance with the assistance of the Township Board, Planning Commission, or authorized assistants or representatives. In carrying out their designated duties, all enforcement officers shall administer the ordinance precisely as it is written and shall not make changes or vary the terms of the ordinance. Enforcement officials shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into, or used in connection with building construction. Enforcement officials may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

## **SECTION 17.03 DUTIES AND LIMITATIONS OF THE ENFORCEMENT OFFICIALS**

- (a) In addition to specific responsibilities outlined elsewhere in this ordinance, and in addition to specific responsibilities related to enforcement and administration of the adopted building code, the Building Official, Zoning Administrator, or their duly authorized assistants shall have the following responsibilities:
- (b) Provide citizens and public officials with information relative to this ordinance and related matters.
- (c) Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
- (d) Review all applications for site development review, special land use review, and other procedures and uses as defined in this ordinance, and take any action required under the guidelines of this ordinance.

- (e) Assist administrative staff, as appropriate, in forwarding to the Planning Commission all applications for site development review, special land use review, petitions for amendments to this Ordinance, and other applications which must be reviewed by the Planning Commission.
- (f) Assist administrative staff, as appropriate, in forwarding to the Zoning Board of Appeals all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
- (g) Assist administrative staff, as appropriate, in forwarding to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
- (h) Periodically report to the Planning Commission on the status of Township's zoning and planning administration.
- (i) Maintain up-to-date zoning map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and documents in an orderly fashion.
- (j) Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance and update this record as conditions affecting the nonconforming status of such use changes.
- (k) Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
- (l) Issue building or other appropriate permits when all provisions of this ordinance and other applicable ordinances have been complied with.
- (m) Issue certificates of occupancy in accordance with Section 17.12, when all provisions of this ordinance and other applicable ordinances have been complied with.
- (n) Perform inspections of buildings, structures and premises to insure proposed land use changes or improvements are and will remain in compliance with this ordinance.
- (o) Investigate alleged violations of this ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work and revoking of permits.

Perform other related duties required to administer this ordinance.

#### **SECTION 17.04 PERMITS REQUIRED**

No person, firm or corporation shall excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Beaver Township or cause the same to be done without first obtaining a separate building permit for each such building or structure from the enforcement officials as required in the building code. It shall be unlawful for any person, firm or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Beaver Township without first obtaining such a permit from the appropriate enforcement official.

### **SECTION 17.05 APPLICATIONS FOR BUILDING PERMITS**

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit for which the application is made.
- (b) Describe the land on which the proposed work is to be done by lot block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use or occupancy for which the proposed work is intended.
- (d) Be accompanied by plans and specifications as required in Section 17.06.
- (e) State the valuation of the proposed work.
- (f) Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority.
- (g) Give such other information as reasonably may be required by the enforcement officials, including, but not limited to, the following:
  1. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
  2. Descriptions of natural features, including protected wetlands, woodlands, water bodies, drains, and other natural features present on the site.
  3. The shape, size, area and location of the building or structure to excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted or demolished, and of any buildings or other structures already on the lot.
  4. The existing and intended use of the lot and of all structures upon it.
  5. Applicable approvals by local, county, state, and federal entities when the project may affect land or objects within the jurisdiction of those entities. Where approvals are not required by an entity with jurisdiction, the Township enforcement officials may require a letter of acknowledgement from the entity.
    - i. Examples include proof of capping of existing wells, abandonment of existing septic fields, and removal of foundations.
  6. Such other information concerning the lot, adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance and the building code are being observed.

### **SECTION 17.06 BUILDING PERMIT PLANS AND SPECIFICATIONS**

With each application for a building permit, and when required by the Building Official for enforcement of any provisions of this Ordinance and the building code, two sets of plans and specifications shall be submitted. The Building Official may require plans and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such. Exceptions to this provision may be granted as provided in the building code.

### **SECTION 17.07 INFORMATION ON PLANS AND SPECIFICATIONS**

Plans and specifications shall be submitted to the Building Official in accordance with the requirements of the building code.

Enforcement officials, at their discretion, may require a certified property survey to ensure that the provisions of the Ordinance are met.

#### **SECTION 17.08 ISSUANCE OF BUILDING PERMITS**

The application, plans, and specifications filed by an applicant for a permit shall be checked by the Building Official. Such plans may be reviewed by other officials of the Township to check compliance with the laws and ordinances under their jurisdiction. If the enforcement officials are satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Ordinance, the building code, and other pertinent laws and ordinances, and that the fee specified in Section 17.09 has been paid, they shall issue a permit therefore to the applicant. However:

- (a) Issuance of a Permit shall in no case be construed as waiving any provision of this Ordinance.
- (b) Enforcement officials under no circumstances are permitted to grant exceptions to the actual meaning or any clause, order, or regulation contained in this Ordinance to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use buildings, structures or land.
- (c) Enforcement officials under no circumstances are permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out their duties.
- (d) Enforcement Officials shall issue a permit when the imposed conditions of this Ordinance and the building code are met by the applicant, regardless of the effect of such a permit on contracts, such as deeds, covenants or private agreements.
- (e) If any application for such permit is not approved, enforcement officers shall state in writing the cause for such disapproval.

#### **SECTION 17.09 EXPIRATION OF BUILDING PERMITS**

Every building permit issued shall be valid for a period of one (1) year after which it shall be null and void. If construction has not been completed within that time, the building permit may be renewed by the Building Official for a period of one (1) year. The fee, therefore, shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. In the event changes have been made or will be made in the original plans and specifications, the building permit shall be charged on the basis of a new permit.

#### **SECTION 17.10 FEES**

Building permit fees shall be charged and collected by enforcement officials in accordance with the fee schedule adopted by resolution of the Township Board as determined in the building code.

#### **SECTION 17.11 INSPECTIONS**

All construction or work for which a permit is required shall be subject to on-site inspections by enforcement officials as required in the building code. Enforcement officials, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of

the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the building code.

- (a) Foundation Inspection – to be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job.
- (b) Frame Inspection – to be made after the roof, all framing, fire-blocking, and bracing are in place and all pipes, chimneys and vents are complete.
- (c) Lath and/or Wallboard Inspection – to be made after all lathing and/or wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
- (d) Final Inspection – to be made after building is completed and ready for occupancy.

In addition to the inspection specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the building code.

#### **SECTION 17.12 CERTIFICATE OF OCCUPANCY**

No building or structure, except as provided in the building code, shall be used or occupied, and no change in the use or occupancy of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy. Such Certificate shall affirm that the building or structure conforms in all respects with the provisions of this Ordinance and the building, plumbing, electrical and other applicable codes.

- (a) A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of the building or structure prior to the completion of the entire building or structure.
- (b) Upon written request from the owner or tenant, the Building Official may issue a Certificate of Occupancy for any building, structure, or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building, structure or premises and whether such use conforms to the provisions of this Ordinance.
- (c) No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

#### **SECTION 17.13 ADDITIONAL FEES**

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by a fee in accordance with the schedule adopted by the Township Board.

#### **SECTION 17.14 TOWNSHIP PLANNING COMMISSION ZONING AUTHORITY**

The Beaver Township Planning Commission was originally established as specified in Section 3 of Act 168 of the Public Acts of 1959, as amended, being the Rural Township Planning Commission Act. All powers, duties and responsibilities, provided by Act 184 of the Public Acts of 1943, as amended, being the Township Rural Zoning Act for zoning boards created thereunder, were transferred to the Planning Commission by resolution of the Township Board as provided in Section 11 of Act 168 of the Public Acts of 1959, as amended. Subsequently, all powers, duties, and responsibilities of the zoning commission provided by Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act,

were transferred to the Beaver Township Planning Commission as provided by said act. The Planning Commission shall perform the duties of said zoning commission as provided in Public Act 110 of 2006, as amended, together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

**SECTION 17.15 TOWNSHIP PLANNING COMMISSION PLANNING AUTHORITY**

The Beaver Township Planning Commission assumes the roles and responsibilities and shall act in accordance with the rules and procedures for Planning Commissions, defined in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended. The Planning Commission shall be responsible for the preparation of a Master Plan and Capital Improvements Plan as defined therein, and has been granted by the Township Board the authority to act as the Zoning Commission as defined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

**SECTION 17.16 APPROVAL OF PLATS**

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action thereon by the Township Board and may request the Planning Commission to recommend regulations governing the subdivision of land. The recommendations may provide for the procedures of submittal, including recommendations for submitting a preliminary subdivision design, the standards of design, and the physical improvements that may be required.

# Chapter XVIII – Board of Appeals

## **SECTION 18.01 CREATION, MEMBERSHIP, TERM OF OFFICE, OFFICERS, RULES**

- (a) There is hereby created a Board of Appeals consisting of three (3) members: the first member of such Board shall be a member of the Planning Commission; the second member shall be a member of the Township Board appointed by the Township Board; and the third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township, provided that no elected officer of the Township nor any employee of the Township Board shall serve simultaneously as the third member of, or as an employee of, the Township Board of Appeals.
- (b) Initially, one (1) member of the Board shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year. Thereafter, each member, when appointed, shall have a term of three (3) years.
- (c) The Board of Appeals shall elect one (1) of its members as its chairman and one (1) of its members as secretary and shall prescribe rules for the conduct of its affairs. Copies of the rules shall be made available to the public at the Office of the Township Clerk.
- (d) A vacancy on the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- (e) A member of the zoning board of appeals who is also a member of the zoning commission, the planning commission, or the legislative body shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the zoning commission, the planning commission, or the legislative body. However, the member may consider and vote on other unrelated matters involving the same property.
- (f) The presence of two (2) members shall constitute a quorum, but the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirements, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to affect any variation in such Ordinance.

## **SECTION 18.02 POWERS AND DUTIES**

The Zoning Board of Appeals shall have all the powers and duties prescribed by The Michigan Planning Enabling Act, PA 110 of 2006, as amended, and by this chapter which are more particularly specified as follows:

- (a) Interpretation - Decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary of the Zoning Map if there is uncertainty with respect thereto.

- (b) Variances - Grant variances from the terms and provisions of this Ordinance as provided in this Chapter.
- (c) Appeals - Hear and decide appeals of decisions made by the Zoning Administrator or the Planning Commission in the enforcement of this Ordinance.
- (d) Other Matters – Decide on matters upon which the Board of Appeals is required to pass as prescribed in the Zoning Ordinance.

### **SECTION 18.03 COMPENSATION**

Each member shall receive a reasonable sum as determined by the Township Board for his services in attending each regular or special meeting of the Board of Appeals. Sums to pay said compensation and the expenses of the Board shall be provided annually in advance by the Township Board.

### **SECTION 18.04 REMOVAL OF MEMBERS AND CONFLICT OF INTEREST**

Members of the Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes nonperformance of duty.

### **SECTION 18.05 MEETINGS - RECORDS**

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board, in the rules of procedure, may specify. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and which shall be a public record.

### **SECTION 18.06 PROCEDURE**

- (a) Applications or appeals shall be taken within such time as shall be prescribed by the Board of Appeals, by general rule, by filing with the Zoning Administrator, and with the Board of Appeals a notice of application or appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit to the Board all the papers constituting the record from which the application or appeal was taken.
- (b) When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall fix a reasonable time for the hearing of the request and will publish one (1) notice in accordance with the notice requirements of PA 110 of 2006, as amended. The notice shall state that a request for an interpretation, variance, or appeal, as stated on the application, has been received and will be posted in a newspaper which circulates in the Township and sent by mail or personal delivery such notice to all persons to whom real property is assessed within one thousand (1,000) feet of the boundary of the property in question, and to the occupants of all structures within one thousand (1,000) feet. The notice shall be given not

less than fifteen (15) days before the date the application will be considered in accordance with PA 110 of 2006, as amended. 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 the structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 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.

(1) The notice shall:

- i. Describe the nature of the request to the Board of Appeals.
  - ii. Indicate the property which is the subject of the request, if applicable.
  - iii. State when and where the request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
  - v. Indicate that a public hearing on the request may be requested by any property owner, or the occupant of any structure located within one thousand (1,000) feet of the boundary of any property being considered for a request.
- (c) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information.
- (d) Upon the hearing, any party may be heard in person or by agent or attorney.
- (e) The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- (f) Any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact.
- (g) Each appeal or application for variance shall be accompanied by a filing fee according to the fee schedule adopted by the Township Board which shall be deposited by the Zoning Administrator with the Township Treasurer.

#### **SECTION 18.07 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Administrator, and on due cause shown.

### **SECTION 18.08 CONDITIONS OF APPROVAL**

In authorizing a variance or exception, the Board may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest, including the right to authorize such variance or exception for a limited period of time.

### **SECTION 18.09 TIME LIMIT ON VARIANCES**

Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within said period; provided, however, that the Board of Appeals may extend such period for a further period of time not exceeding one (1) year upon application and without further notice.

### **SECTION 18.10 VARIANCES PERMITTED**

Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- (a) Where it is found that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel or property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot.
- (b) Where it is found that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance and a request is made to vary such regulations so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- (c) Where it is found that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this Ordinance.
- (d) The practical difficulty in conforming to the regulations of the Zoning Ordinance is not created by an action of the applicant. The difficulty existed at the time of adoption of the requirement from which the variance is requested or the variance is necessary as the result of a governmental action.
- (e) The variance is the minimum necessary to permit reasonable use of the land and buildings for activities permitted in the zoning district.

**SECTION 18.11 VARIANCES PROHIBITED**

No variance in the provisions or requirements of this Ordinance shall be affected by the Board of Appeals unless it is determined that the conditions described in Section 18.10 are met to the satisfaction of the Board of Appeals.

**SECTION 18.12 SPECIAL CONDITIONS**

In considering any applications, the Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 18.08.

# Chapter XIX – Amendment to the Ordinance

## **SECTION 19.01 INITIATION OF AMENDMENTS**

This Ordinance may be amended or supplemented from time to time in accordance with Section 202 of Public Act 110 of 2006, as amended, known as the Michigan Zoning Enabling Act. Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, or by any interested person or persons by petition to the Planning Commission.

## **SECTION 19.02 AMENDMENT PETITION PROCEDURE**

Individuals submitting petitions for amendment of this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:

- i. The petitioner's name, address and interest in the petition and, if applicable, the name, address and interest of each person having a legal or equitable interest in any land which is to be rezoned.
- ii. The nature and effect of the proposed amendment.
- iii. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned survey prepared by a licensed surveyor showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
- iv. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- v. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
- vi. The supporting goals, objectives, or tenants defined by the Township's Master Plan and future land use map.
- vii. All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.
- viii. A remittance to cover the cost encountered in notifying and conducting a public hearing, such a fee to be determined from time to time by the Township Board.

## **SECTION 19.03 AMENDMENT PROCEDURE**

After initiation, amendments to this Ordinance shall be considered as follows:

- (a) The Planning Commission shall authorize the preparation of the proposed amendment to be considered.

- (b) When an application has been filed in proper form, the Planning Commission shall fix a reasonable time for the hearing of the request and will publish one (1) notice in accordance with the notice requirements of PA 110 of 2006, as amended. The notice shall state that a request for an Ordinance amendment has been received and will be posted in a newspaper which circulates in the Township and sent by mail or personal delivery such notice to all persons to whom real property is assessed within one thousand (1,000) feet of the boundary of the property in question, and to the occupants of all structures within one thousand (1,000) feet. The notice shall be given not less than fifteen (15) days before the date the application will be considered in accordance with PA 110 of 2006, as amended. 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 the structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall receive notice.
- (c) Such notices shall include the places and times at which the tentative text or map change may be examined.
- (d) The Planning Commission shall notify by mail all railroads and public utilities registered within the Township and, in the case of a proposed zoning map change, all property owners as listed on the last assessment roll, and to the occupants of all single- and two-family dwellings within one thousand (1,000) feet of the boundaries of the property proposed to be changed. Furthermore, the Planning Commission shall insure that the property proposed to be changed shall also be conspicuously posted.
- (e) At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.
- (f) The Planning Commission shall hold public hearing, noting all comments and reports requested, or noting the absence of such.
- (g) Prior to making a determination on the proposed amendment, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical errors. The omission of the name of any owner or occupant of property who may, in the opinion of the Township Planning Commission, be affected by such amendment or change, shall not invalidate any ordinance amendment passed hereunder; it being the intention of this Section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the Township Board, proposing to make a change in the Zoning Map or the regulations set forth in this Ordinance. The changed text shall be forwarded as above without further hearing.
- (h) If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.

- (i) The Planning Commission shall forward the proposed amendment to the Township Board with recommendation for approval or denial. Any decision or recommendation shall contain the reasons therefor.
- (j) After the required notice period and hearing, the Township Board shall consider such proposed zoning amendment.
- (k) In case of a protest presented to the Township Board against a proposed change in the boundaries of a District signed by the owners of twenty (20) percent or more of the frontage included in such change, or by the owners of twenty (20) percent or more of the frontage immediately in the rear thereof, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be changed, such amendment shall not be passed except by the favorable vote of four fifths (4/5) of the members of the Township Board of the Township of Beaver.
- (l) If a Township Board shall deem any amendments, changes, additions, or departures advisable as to the proposed amendment, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Board. After receiving the report, the Board shall grant a hearing on any proposed ordinance provision to any property owner who, by certified mail addressed to the Township Clerk, requests to be so heard and shall request the Planning Commission to attend and such hearing.
- (m) The Township Board shall publish one (1) notice of ordinance adoption in a newspaper of general circulation within the Township within fifteen (15) days after adoption.
- (n) The Township Board shall then file the Ordinance in the official ordinance book of the Township within seven (7) days after the publication with a certification of the Clerk stating the vote on passage, date published, and date filed. The amendment shall take effect upon filing.

# Chapter XX – Penalties

## **SECTION 20.01 VIOLATIONS AND PENALTIES**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and act thereon as provided by this Ordinance. A record of the disposition of complaints shall be filed. Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any statement or plan submitted hereunder, or shall refuse reasonable opportunity to inspect any premises, is subject to a municipal civil infraction, subject to payment of a civil fine, costs or other sanctions for each infraction as set forth in the Beaver Township Civil Infractions Ordinance. Each and every day such violation continues shall be deemed a separate and distinct violation. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, or any architect, builder, contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be subject to a municipal civil infraction as set forth in the Beaver Township Civil Infractions Ordinance.

## **SECTION 20.02 VIOLATIONS DECLARED NUISANCES**

Any building or structure erected, altered, enlarged, rebuilt or moved, or any use carried on in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

## **SECTION 20.03 PROCEDURE**

The Township Board, the Board of Appeals, the duly authorized Attorney for the Township, the Prosecuting Attorney for Bay County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

# Chapter XXI – Adoption

## **SECTION 21.01 PUBLICATION**

This Ordinance or a summary of it shall be published in *The Pinconning Journal*, a newspaper of general circulation within Bay County, within 15 days after adoption. All provisions of this Ordinance shall become effective upon the expiration of seven days after the last required publication following adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

## **SECTION 21.02 ADOPTION**

The above Ordinance was adopted at a Special meeting of the Township Board on the 28<sup>th</sup> day of May, 2019.

YEAS: Steve Gray, Gary Koch, Mary McCarry, Nick Tomczak, Bill Retzloff

NAYS: None

ABSENT: None

**ORDINANCE DECLARED ADOPTED.**



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Mary McCarry, Clerk  
Beaver Township  
Bay County, Michigan

**CERTIFICATION**

I, Mary McCarry, as Clerk for the Township of Beaver, Bay County, Michigan hereby certify the following relative to the foregoing Ordinance.

1. That the same was adopted by the Township of Beaver Board on the 28<sup>th</sup> day of May, 2019.
  
2. That a summary of the same was published in *The Pinconning Journal* on the 12<sup>th</sup> day of June, 2019.



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Mary McCarry, Clerk  
Beaver Township  
Bay County, Michigan

**AUTHENTICATION OF RECORD**

We, Steve Gray, Supervisor, and Mary McCarry, Clerk, for the Township of Beaver, Bay County, Michigan hereby authenticate the following relative to the foregoing Ordinance:

1. That the same was passed by the Township of Beaver Board on the 28<sup>th</sup> day of May, 2019.
  
2. That the following members of the Township Board voted yes, in favor of said Ordinance: Steve Gray, Gary Koch, Mary McCarry, Nick Tomczak, Bill Retzloff
  
3. That the following members of the Township Board voted no, against said Ordinance:  
None
  
4. That the following members of the Township Board were absent: None

Dated: This 28<sup>th</sup> day of May, 2019.

BEAVER TOWNSHIP  
Bay County, Michigan

By: \_\_\_\_\_  
Steve Gray, Supervisor

By: \_\_\_\_\_  
Mary McCarry, Clerk