



*Sidney Township*

**MONTCALM COUNTY, MICHIGAN**

**ZONING ORDINANCE**

**Adopted July 9, 2001**

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## Article I

### TITLE AND PURPOSE

#### **Section 1.01 Preamble**

In accordance with the authority and intent of Act 184 of the Public Acts of 1943, as amended, the Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, commerce, residents, food producers, the natural resources, or energy conservation. The Township further desires to assure adequate sites for commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for the parking of vehicles for customers and employees using commercial and retail areas; to assure that all uses of land and buildings within the Township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township.

#### **Section 1.02 Enacting Clause**

The Township of Sidney, County of Montcalm, State of Michigan, ordains:

#### **Section 1.03 Title**

An Ordinance enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, known as the "Township Rural Zoning Act" for the establishment of zoning districts in the unincorporated portions of Sidney Township, within the districts the use of commerce, forestry, recreation, residence, water supply conservation, and additional uses of land may be encouraged, regulated, or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings and structures, including tents, recreation vehicles, and travel trailers which may hereafter be erected or altered; for the regulation of the area yards, courts, and measures that shall be required for such dwellings, buildings and structures, including tents, recreation vehicles, and travel trailers; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents, recreation vehicles, and travel trailers; to provide regulation, as allowed in said Public Act 184, for the elimination, repair, or maintenance, of buildings and structures, and uses of land that are made non-conforming by the adoption of this Ordinance; to establish a Zoning Board of Appeals, and to grant authority to said Board in addition to that expressly provided in said Public Act 184; to provided standards to guide actions and decisions of said Board; to provide to the enforcement of the provisions of this Ordinance and penalties and other relief for the violation of said Ordinance; and to provide for the amendment thereof and the repeal of all Ordinance or parts of the Ordinance in conflict therewith.

#### **Section 1.04 Short Title**

This Ordinance shall be known as the "Zoning Ordinance of The Township of Sidney," and will be referred to herein as "the Ordinance."

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**Section 1.05     Scope**

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed by this Ordinance, or with any private restrictions placed upon property by Covenant, deed or other private agreement unless repugnant hereto.

**Section 1.06     Control**

Where this Ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this Ordinance shall control.



## Article II

### DEFINITIONS

#### Section 2.01 Construction of Language

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The word “occupied” includes arranged, designed, built, altered, converted to, rented, and leased.
- H. The words “zone” and “district” are the same, meaning a Zoning District as herein defined.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
  - a. “And” indicates that all connected items, conditions, provisions, or events shall apply.
  - b. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - c. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.

#### Section 2.02 Definitions - A

**ACCESSORY BUILDING (ACCESSORY STRUCTURE)** - A building or a portion of a building subordinate to, and on the same premises as a main building and occupied by or devoted exclusively to an accessory use, including but not limited to a private garage, deck, or storage shed. (When attached to a main building, the ACCESSORY BUILDING shall be considered part of the main building, for determining setbacks only.)

**ACCESSORY USE, OR ACCESSORY** - A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building on the lot.

**ADULT FOSTER CARE FACILITY, STATE LICENSED** - 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. **ADULT FOSTER CARE FAMILY HOME:** A residence for six (6) or fewer adults. Licensee must live in the home; and local zoning approval is not required prior to issuance of a license.

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- B. ADULT FOSTER CARE SMALL GROUP HOME: A 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 house.
- C. ADULT FOSTER CARE LARGE GROUP HOME: A 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: A residence for more than twenty (20) adults.

AGRICULTURE - Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

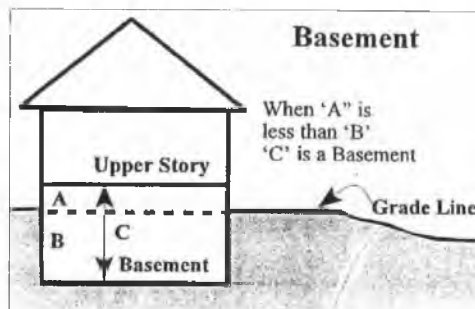
AUTOMOBILE SERVICE STATIONS AND MAINTENANCE ESTABLISHMENT (MINOR) - Building and premises which supplies and dispenses at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, and includes facilities for "minor repairs" such as, but not limited to, commodity installation, tire and brake servicing and oil changes.

AUTOMOBILE SERVICE STATIONS AND MAINTENANCE ESTABLISHMENT (MAJOR) - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning. These establishments may also provide services described above as "minor" in addition to the services described herein.

AUTOMOBILE SALES, NEW AND USED - An area used for the display, sale or rental, of new or used automobiles in operable condition.

AUTOMOBILE WASH - A building or portion thereof, the primary purpose of which is that of washing motor vehicles. Such establishments may be classified as AUTOMATIC which involves a drive-through type facility with equipment and staff that washes the car for the customer or SELF-SERVE which requires individual service bays with the appropriate equipment for the customer to wash the vehicle themselves.

**Section 2.03 Definitions - B**



BASEMENT - A portion of a building partly below the average grade, that portion being more than one-half ( $C/2$ ) of its height below the average grade. A basement shall not be counted as a story.

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BED AND BREAKFAST ESTABLISHMENT - A single family residential structure which is occupied by the owner(s), and has one (1) or more of the sleeping rooms available for rent by transient people, and in which the owner(s) serves the breakfast to the transient people at no extra cost.

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

BOARD OF APPEALS, OR ZONING BOARD OF APPEALS - The Zoning Board of Appeals of Sidney Township.

BOAT HOUSE - A structure located on or near any body of water, used to store boats or other like equipment. Such structure shall not be used for guest or sleeping quarters, saunas, or dwelling purposes.

BREEZEWAY - A covered structure significantly connecting an accessory building with the principal building making the two (2) structures. one (1).

BUFFER STRIP - A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING - An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING, PRINCIPAL - See PRINCIPAL BUILDING.

BUILDING HEIGHT - See "HEIGHT OF BUILDING"

BUILDING LINE - A line parallel to the street line formed by the face of the building or touching that part of a building closest to the road. For the purposes of this Ordinance, a minimum building line is the same as the front setback.

BUILDING OFFICIAL, OR BUILDING INSPECTOR - The persons designated by the Township Board to administer the provisions of the adopted Building Codes for Sidney Township.

BUILDING SITE - This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

**Section 2.04 Definitions - C**

CAMPGROUND - A publically or privately owned establishment intended, or used for the purpose of supplying a location for temporary or recreational overnight camping.

CELLULAR COMMUNICATION TOWER - See Section 2.23 WIRELESS COMMUNICATION TOWER, COMMERCIAL.

CHILD CARE ORGANIZATION, STATE LICENSED:

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules

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promulgated by the State Department of Social Services. Definitions for various care organizations are listed below:

- A. CHILD CARE CENTER OR DAY CARE CENTER: A facility other than a private residence, receiving one (1) or more children for preschool or school age care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.
- B. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- C. CHILD CARING INSTITUTION: A child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- D. FOSTER FAMILY HOME: A private home in which at least one (1) but not more than four (4) children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- F. FAMILY DAY CARE HOME: A private home in which at least one (1) but less than seven (7) children are received for 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. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- G. GROUP DAY CARE HOME: A private home in which more than six (6) but not more than twelve (12) 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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

CHURCH - A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

CLUB - An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL - Any use connected with, or work intended for financial gain.

COMMUNITY CENTER - A building either owned and maintained publically, or in cooperation under an owners association or manufactured home park owner, that is generally open to the public or members to rent or as a safe haven in case of a natural or other disaster.

**Section 2.05 Definitions - D**

DAY CARE CENTER - See "CHILD CARE CENTER."

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DRIVE-THROUGH FACILITY - A business so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in their motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out. Drive-through facilities serve businesses such as, but no limited to, restaurants, banks and financial institutions, personal service establishments like dry-cleaning pick-up and pharmacies.

DWELLING UNIT - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or DWELLING UNITS which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the DWELLING UNIT and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY - A building containing three (3) or more individual dwelling units.  
DWELLING, SINGLE FAMILY DETACHED - A building containing only one (1) dwelling unit.  
DWELLING, TWO-FAMILY - A building on a single lot containing two (2) attached dwelling units.

**Section 2.06 Definitions - E**

EAVES - The lower border of the roof that overhangs the wall.

ENCLOSED LOCKED FACILITY - A closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a Qualifying Patient or Primary Caregiver, built and maintained in a manner consistent with applicable building and property maintenance codes.

ENFORCEMENT OFFICER - The person appointed by the Township Board to issue Municipal Civil Infraction citation for Ordinance violations.

ERECTED - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term "ESSENTIAL PUBLIC SERVICES" shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

EXCAVATION - Any breaking of ground, except common household gardening and ground care.

EXOTIC ANIMAL - See "WILD OR EXOTIC ANIMAL"

**Section 2.07 Definitions - F**

FAMILY - A person living alone in a single dwelling unit, or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. "FAMILY" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME - See "CHILD CARE CENTER"

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FARM - Any parcel or the contiguous neighboring or associated parcels operated as a single unit which is used for raising agricultural products, livestock, poultry, or dairy products as a source of income for the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. FARMS may include a single family dwelling, and may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards, or sand and gravel pits shall not be considered farms.

FENCE - A barrier intended to mark a boundary, enclose animals or property, or a decorative device or planting. Generally made of wood, metal, wire, masonry, or vegetation.

FESTIVAL - A periodic seasonal programs of cultural or sporting events or other entertainment.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from:

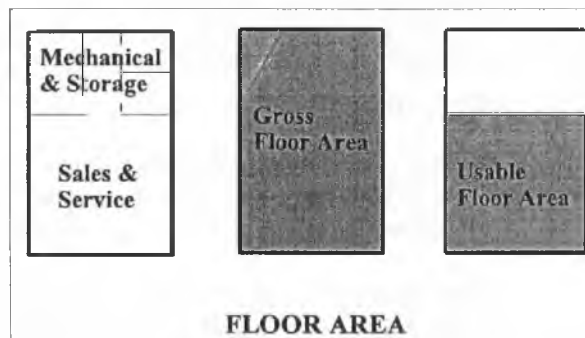
- A. The overflow of inland waters
- B. The unusual and rapid accumulation or runoff of surface waters from any source

FLOOD PLAIN - All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by the Michigan Department of Environmental Quality where it has jurisdiction.

FLOOR AREA, GROSS - The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA, LIVING SPACE - The area in a dwelling unit computed by measuring the horizontal dimensions of the ground floor of the dwelling from the outside walls, excluding any room or space not having a clear height of seven (7) feet six (6) inches, the basement, unenclosed porches and patios, terraces, breezeways, carports, verandas, and attached accessory buildings.

FLOOR AREA, USABLE (For the purposes of computing parking) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of USABLE FLOOR AREA. Measurement of USABLE FLOOR AREA shall be the sum of the horizontal areas of all floors of the building measured from the interior faces of the exterior walls.



FOREST CONNECTED INDUSTRIES - Industrial operations that involve processes which utilize trees including but no limited to sawmills, lumber and planing mills, debarking operations, and chipping facilities.

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FRONTAGE - The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

**Section 2.08 Definitions - G**

GARAGE SALE - A temporary event where household goods are sold by the occupants and owners of a property, or by their relatives.

GENERAL OUTDOOR RECREATION AND ENTERTAINMENT FACILITIES - A facility that is either public, private, for-profit or non-profit that provides recreation and entertainment outdoors. These facilities include all other outdoor activities not already specified in this ordinance.

GENERAL INDOOR RECREATION AND ENTERTAINMENT FACILITIES - A facility that is either public, private, for-profit or non-profit that provides recreation and entertainment indoors. These facilities include all other indoor activities not already specified in this ordinance.

GRADE - The gradient, the rate of incline or decline expressed as a percent. (A rise of twenty (20) feet in a horizontal distance of eighty (80) feet would be expressed as a grade of twenty-five (25) percent.)

GRADE, AVERAGE - The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

GRANDFATHERING - See “NON-CONFORMING”

GROUP DAY CARE HOME - See “CHILD CARE CENTER”

**Section 2.09 Definitions - H**

HEIGHT OF BUILDING - The vertical distance measured from the average grade to the highest point of a structure.

HOME OCCUPATION - An occupation or profession carried on within a portion of a dwelling unit, or accessory building, that is clearly a customary, incidental, and secondary use of the residence, and which does not negatively impact the residential character of the neighborhood in which the HOME OCCUPATION is located. Examples of HOME OCCUPATION include, but are not limited to, typing service, answering service, proof reading, or a real estate agent’s home office.

HOSPITAL - An institution providing health, services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL/MOTEL - A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities. (See also MOTEL/RESORT)

**Section 2.10 Definitions - I**

INDUSTRY - A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

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**Section 2.11 Definitions - J**

JUNK - Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances.

JUNK YARD - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Section 2.12 Definitions - K**

KENNEL - Any lot or premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for the commercial purposes of breeding and sale or for competitive show purposes only.

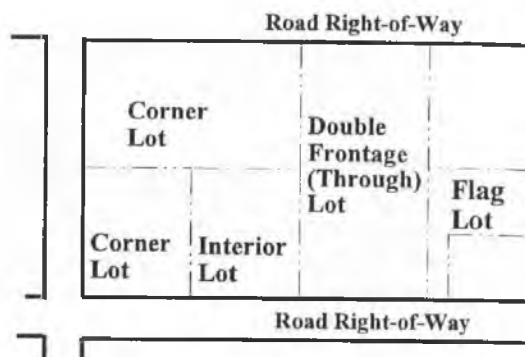
**Section 2.13 Definitions - L**

LAND USE PERMIT/ZONING PERMIT - A permit for commencing construction, or a land use, issued by the in accordance with a plan for construction or use that complies with all the provisions of this Zoning Ordinance.

LOADING SPACE - An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

LOT - A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principle and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A LOT may or may not be specifically designated as such on public records. A LOT may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual LOT which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A “Building Site” as defined in this Ordinance in connection with a site condominium project.



LOT, CORNER - Any lot having at least two (2) contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot



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abutting upon a curved road or roads shall be considered a comer lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, FLAG - A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR - A lot other than a comer lot, flag lot, or through lot.

LOT, THROUGH - Any interior lot having frontage on two (2) parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT, WATERFRONT - A lot having a property line abutting a shoreline, including lots abutting canals.

LOT AREA - The total horizontal area within the lot lines. For the purposes of this Ordinance, where the front or side lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered when calculating the required LOT AREA.

LOT COVERAGE - The part of the lot occupied by any building, including accessory buildings.

LOT DEPTH - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES - The lines bounding a lot as defined herein:

- A. FRONT LOT LINE - In the case of a Flag Lot, Comer Lot, Through Lot and Interior Lot, it is the line separating the lot from the street. In the case of a Waterfront Lot, it is both the line separating the lot from the water.
- B. REAR LOT LINE - The lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. SIDE LOT LINE - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot is an INTERIOR SIDE LOT LINE.

LOT OF RECORD - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH - The horizontal straight line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines.

### **Section 2.14 Definitions - M**

MANUFACTURED HOME - A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditions, and electrical systems contained in the structure.

MANUFACTURED HOUSING COMMUNITY - A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together

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with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MARIHUANA - As defined in Section 7106 of the Public Health Code, 1978 PA 368 being MCL 333.7106.

MARIHUANA FACILITY - Any facility or building in which Marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term Marihuana Facility does not include those medical marihuana accessory uses conditionally permitted by Sec. 3.11.

MARINA - An establishment for the parking, storage, repair, and sale of boats and other water craft, but generally include restaurants, boat and water craft supply shops, and similar uses.

MEDICAL USE OF MARIHUANA - The acquisition, possession, cultivation, manufacture, delivery, transfer, or transportation of Marihuana or paraphernalia related to the administration of Marihuana to treat or alleviate a registered Qualifying Patient's debilitating medical condition or symptoms associated with said condition.

MINI/SELF STORAGE FACILITY . A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups.

MOTEL/RESORT - Groups or furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as MOTELS, RESORTS, motor courts, or cabin courts

**Section 2.15 Definitions - N**

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the Zoning District in which it is located.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the Zoning District in which it is located.

NONCONFORMING USE - A use or activity of property that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the Zoning District in which it is located.

NONRESIDENTIAL DISTRICT - This term shall include the Commercial and Industrial Zoning Districts.

NURSING HOME - A nursing care facility licensed as a "NURSING HOME" by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A "NURSING HOME" as defined by this section shall include extended care facility and convalescent home.

**Section 2.16 Definitions - O**

OFF-STREET PARKING LOT - A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OFFICE - A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, accounting, filing, recording, communication or stenographic equipment for current use in the

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office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar related or incidental furniture equipment or personnel connected or concerned with the performance of a service.

OPEN AIR BUSINESS - Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service equipment sales or rental.
- B. Outdoor display area for sale or rent of recreation vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.

OPEN SPACE - Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

ORDINARY HIGH WATER MARK - The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ORDINARY HIGH WATER MARK shall be the higher of the levels generally present.

**Section 2.17 Definitions - P**

PARKING SPACE - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSON - An individual, partnership, corporation, association, club, joint venture, estate, trust, governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

PERSONAL SERVICE ESTABLISHMENT - A commercial business conducting services that are performed primarily on the premises, such as but not limited to a barber shop, beauty salon and tailor.

PLACE OF ASSEMBLY - Establishment which may or may not be open to the public that is utilized to host various events and activities and may or may not require an entrance fee. These gathering places include but are not limited to pavilions, outdoor stages, concert halls and auditoriums.

PLANNED DEVELOPMENT (PD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION - The Sidney Township Planning Commission.

PREMISES - A lot, including the land, main building, and any accessory buildings.

PRIMARY CAREGIVER - A person who is at least twenty-one (21) years old and who has agreed to assist with a Qualifying Patient's Medical Use of Marihuana and who has never been convicted of a felony involving illegal drugs and has been registered pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

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PRINCIPAL BUILDING - A building in which the main use of the premises is conducted on which the building is situated. (Also know as MAIN BUILDING)

PRINCIPAL USE - The main, primary, or predominate use of the premises. (Also known as MAIN USE)

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

PUBLIC WATER - The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, State, and Federal agencies regulating drinking water.

**Section 2.18 Definitions – Q**

QUALIFYING PATIENT - A person who has been diagnosed by a physician as having a debilitating medical condition and has been registered pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

**Section 2.19 Definitions - R**

RECREATIONAL VEHICLE OR EQUIPMENT - Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, RECREATIONAL VEHICLE shall also mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and personal watercraft, and trailers designed to transport boats and personal watercraft;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles; and
- E. Pop-up tent and camper trailers.
- F. Any type or size of tent.

RECYCLING CENTER - An area where used, or discarded materials are brought, then disassembled or separated, then stored, baled, packed, or handled for sale or exchange to be re-processed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

RESIDENTIAL DISTRICT - This term shall include the R-1, R-2, R-3, MHC and PPRF Districts, and any residential uses within an approved Planned Development District.

ROAD, PRIVATE - An undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

ROAD, PUBLIC - A public dedicated right-of-way controlled and maintained by the Montcalm County Road

Commission, Michigan Department of Transportation, or the U.S. Department of Transportation, which affords the principal means of access to abutting property.

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ROAD, SECONDARY - On a corner lot, it is the road adjacent to the street side yard.

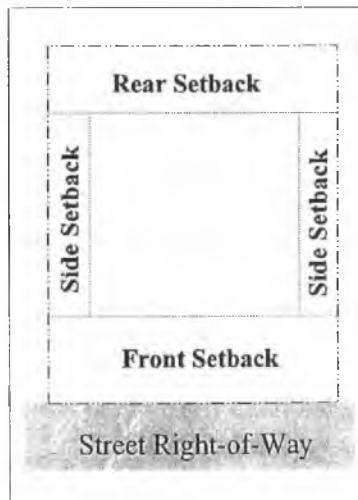
ROADSIDE STAND - A temporary building or structure operated for the purpose of selling farm produce, Christmas trees, and other seasonal items.

**Section 2.20 Definitions - S**

SALVAGE YARD - An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SETBACK - The distance required to obtain minimum front, side or rear yard requirements of this Ordinance.



SEXUALLY ORIENTED BUSINESSES - The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. ADULT BOOKSTORE - A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.
- B. ADULT LIVE ENTERTAINMENT THEATER - A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."
- C. ADULT MOTION PICTURE THEATER - A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

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- D. MASSAGE PARLOR - Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths.

This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

1. Proof of graduation from a school of massage licensed by the State of Michigan;
  2. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; in addition three (3) references from massage therapists who are professional members of a massage association referred to in this section;
  3. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
  4. A current occupational license from another state.
- E. SPECIFIED ANATOMICAL AREAS - Are defined as:
1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
  2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- F. SPECIFIED SEXUAL ACTIVITIES - Are defined as:
1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual intercourse or sodomy;
  3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SHORELINE - See "ORDINARY HIGH WATER MARK"

SIGN - A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

SIGNIFICANT NATURAL FEATURE - A natural area as designated by the Sidney, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SPECIAL LAND USE - A use which by its nature requires additional review, as opposed to a "Permitted Use" or a use permitted by right. A "SPECIAL LAND USE" is subject to approval by the Sidney, as specified by this Ordinance. A permitted SPECIAL LAND USE is not a nonconforming use.

STABLE, RIDING - Shall mean either:

- A. Private STABLE - A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. Public STABLE - A building where horses for hire, sale, or boarding are kept, for remuneration.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS) - A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care

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organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “STATE LICENSED RESIDENTIAL FACILITY (SIX OR LESS PERSONS)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY - That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF - An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches.

STRUCTURE - Anything constructed or erected including decks, steps, balconies, overhangs, and awnings, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Ordinance, “SUBSTANTIAL IMPROVEMENT” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL - Any structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A “SWIMMING POOL” shall be considered an accessory structure for purposes of computing lot coverage.

**Section 2.21 Definitions - T**

TAVERN - Any place where malt, vinous , or spirituous liquors are sold for consumption on the premises.

TEMPORARY USE, BUILDING OR STRUCTURE - A use or building permitted to exist during period of construction of the main building or use, or for special events.

TEMPORARY DWELLING - See TEMPORARY USE.

TOWNSHIP BOARD - The Sidney Township Board of Trustees

**Section 2.22 Definitions - U**

USE - The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

USE, PRINCIPAL - See PRINCIPAL USE.

USE, TEMPORARY - See TEMPORARY USE

Sidney Township Zoning Ordinance

**Section 2.23 Definitions - V**

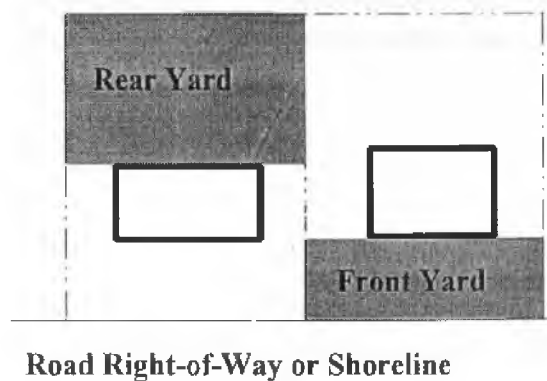
VEHICLE - A device for carrying or conveying persons or objects on wheels, runners, treads, skids, or combination thereof.

**Section 2.24 Definitions - W**

WILD OR EXOTIC ANIMALS - Any animal normally found in the wild irrespective of geographic origin, including any crossbreeds of these animals with domestic animals (50% wild/50% domestic), or any descendant of such crossbreeds which is 25% or more wild, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. WILD OR EXOTIC ANIMALS include but are not limited to the following:

- A. venomous snake, python, or constrictor snakes which because of size pose a potential danger to human life.
- B. monkey;
- C. raccoon;
- D. skunk;
- E. leopard, lion, tiger, lynx, bobcat, or other large carnivorous feline;
- F. badger;
- G. fox, coyote, wolf, or other similar canine;
- H. llamas;
- I. camels;
- J. ostriches and emus;
- K. potbelly pigs;
- L. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox; and
- M. A hybrid of any of the above animals shall be considered a wild animal.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including Road Right-of-Way or Shoreline cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.



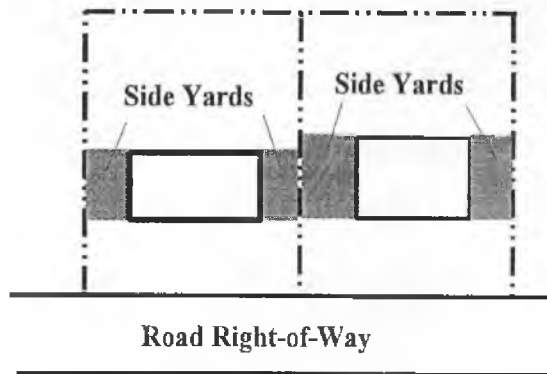
**Section 2.25 Definitions - Y**

YARDS - The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise permitted in this Ordinance, and as defined herein.



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- A. FRONT YARD - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, or secondary front lot line, and the building line of the main building. In the case of a lot fronting on a river or lake, the front yard shall face the water.
- B. REAR YARD - An open space extending the full width of the lot, the depth of which is the minimum horizontal — distance between the rear lot line and the building line of the main building. In the case of a comer lot, the rear - yard shall be opposite the street frontage of the principal street.
- C. SIDE YARD - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARD, REQUIRED - The required yard shall be that set forth as the minimum yard setback requirements for each district.

**Section 2.26 Definitions - Z**

ZONING ADMINISTRATOR - The administration officer appointed by the Township Board to carry out the provisions of this Ordinance.

ZONING DISTRICT - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

## Article III

### GENERAL PROVISIONS

#### **Section 3.01 Essential Public Services**

The erection, construction, alteration or maintenance of Essential Public Services shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

#### **Section 3.02 Main Building or Use**

No more than one (1) main building or use may be located on a parcel, except for groups of related commercial buildings, multiple family dwellings, or manufactured homes contained within a single, integrated complex, sharing parking and access.

#### **Section 3.03 Required Area or Space**

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

#### **Section 3.04 Required Access**

No Land Use Permit shall be issued unless the property for which the permit is requested fronts upon a designated and approved public or private road right-of-way or easement, at least the length of the minimum lot width as required for zoning district in which the lot is located.

#### **Section 3.05 Water and Sanitary Sewer Service**

- A. No structure for human occupancy shall be erected, altered, moved, or used in whole or in part for dwelling, commercial, or recreation purposes unless provided with a safe, sanitary, and potable water supply, with a safe and effective means of collection, treatment, and disposal of human, domestic, and commercial waste. Such facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the County Health Department, the Subdivision Regulations, Building Code, and other applicable ordinances of Sidney Township and Montcalm County.
- B. No outside toilets shall hereafter be erected except as may be temporarily needed during construction on the premises, approved by the County Health Department.

**Section 3.06      Illegal Dwellings**

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Township building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area living space for the district in which it is located.

**Section 3.07      Regulations Applicable to Single-Family Dwellings Outside Manufactured Housing Communities**

Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, upon inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are, or may be adopted by the Township. However, where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Township codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- E. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Housing Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- F. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- G. The dwelling unit shall comply with the minimum floor area required for the district in which it is located.
- H. Storage area shall be provided within the dwelling unit of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- J. The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
- K. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.

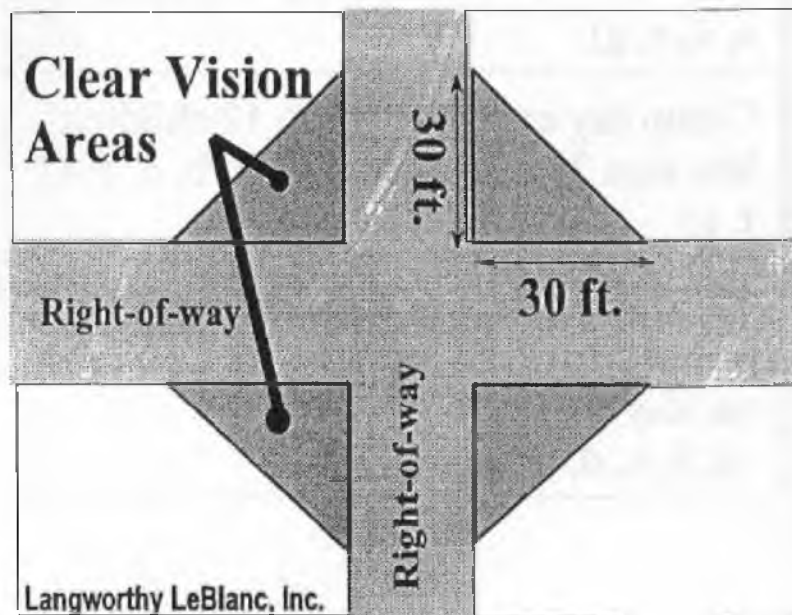
Sidney Township Zoning Ordinance

- L. The dwelling shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein
- M. No building which has been wholly or partially erected or assembled on any premises located within or outside the Township of Sidney, shall be moved to or placed upon any other premises in the Township without full compliance with the provisions of this Ordinance in the same manner as a new building.
- N. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Sidney Township, irrespective of the requirements of any other ordinance of Sidney Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured housing community under the provisions of this Article.

**Section 3.08 General Lighting and Screening Requirements**

All lighting upon any premises, regardless of the zoning district, shall be so arranged that such lighting does not produce any glare which is nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

**Section 3.09 Clear Vision**



- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than thirty (30) inches.
- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes and resident identification signs no greater than two (2) square feet in area, shall be placed in any road right-of-way.

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**Section 3.10 State Licensed Residential Adult and Child Care Facilities**

A. State-licensed adult and child care facilities, as defined in Article 2, Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Type of facility (standards applicable to the use)	Zoning District				
	AP	R-1	R-2, R-3, MHC	PPRF	Com, Ind
Adult foster care family home (6 or fewer adults) (a, b, c)	P	P	P	P	--
Adult foster care small group home (12 or fewer adults) (a, b, c, f)	--	P	SLU	SLU	--
Adult foster care large group home (13 to 20 adults) (a, b, c, f)	--	--	--	SLU	SLU
Congregate Facility (more than 20 adults) (a, b, c, f)	--	--	--	SLU	SLU
Foster family home (4 or fewer children 24 hours per day)	P	P	P	P	--
Foster family group home (5 to 6 children 24 hours per day) (a, b, c)	P	P	SLU	P	--
Family day care home (6 or fewer children less than 24 hrs. per day) (a, b, c, d, e, g)	P	P	SLU	--	--
Group day care home (7 to 12 children less than 24 hours per day) (a, b, c, d, e, f, g)	--	--	--	--	SLU ,
Child care center or day care center (more than 6 children less than 24 hours per day) (a, b, c, d, e)	--	SLU as accessory	SLU as accessory	SLU as accessory	SLU
Child caring institution (a, b, c, d, e)	--	--	--	SLU	SLU

**Legend:**

P: Permitted use

SLU: May be allowed as a principal use or accessory use upon review and approval of a Special Land Use, in accordance with the general and specific standards for Special Land Uses.

SLU as accessory: May be allowed only as an accessory to an approved use, such as a church, school, office or other place of employment, upon review and approval of a Special Land Use.

**Footnotes:**

- a. The use shall be registered with the Sidney Township Clerk's Office and shall continually have on file with the Village/Township documentation of a valid license as required by the State.
- b. Since the State law preempts in this area, the facility shall be brought into compliance with all State Building and Fire Codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
- c. Off street parking shall be provided for the number of employees on site at any one time.
- d. All required outdoor play areas shall be fenced with a four foot tall fence, provided that no fence shall be located in a front yard.
- e. An on-site drive shall be provided for drop-offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.

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- f. The lot shall be at least 1,500 feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of state licensed residential facilities. If the use is accessory to a principal use, this requirement does not apply.
  - g. The facility shall operate a maximum of eighteen (18) hours per day.
- B. A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (July 20, 2001), that has been operating under a valid state license and is registered with the Village no later than sixty (60) days following the effective date of this Ordinance (July 20, 2001), shall be considered an approved special land use, provided such use conforms with the conditions of this section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of Article 15 - Site Plan Review as applicable.

**Section 3.11 Accessory Buildings, Structures, and Uses**

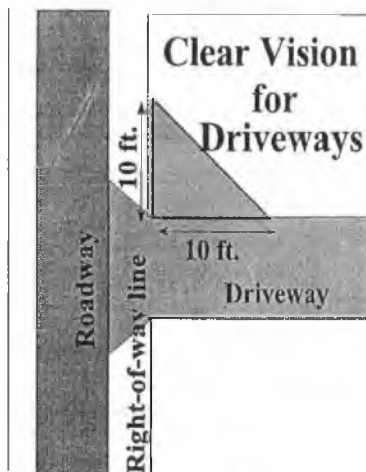
- A. Accessory Buildings ( or structures)- Accessory buildings and structures two-hundred (200) square feet and over require a building permit from the Zoning Administrator and shall comply with the following requirements:
  - B. Detached and attached accessory buildings shall conform to all setback, lot coverage and building height requirements of the zoning district in which it is located.
  - C. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
  - D. Detached accessory buildings shall not be permitted in any front yard area.
- E. Accessory Uses - General
  - 1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district except as provided for in Article 16 above for the purposes of storage.
  - 2. An accessory use must be in the same zoning district as the main use on a lot.
  - 3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
  - 4. Accessory uses shall not be permitted in any required yard. If located on a riparian lot, accessory uses are also restricted from the entire front yard area.
- F. Accessory Uses - Home Occupations
  - 1. Only members of the family residing in the principal dwelling shall be engaged in the conduct of any home occupation with the exception of one (1) full time employee or (2) part time employees.
  - 2. There shall be no change in the outside appearance of the principal dwelling or any other visible evidence of the conduct of the home occupation except for one (1) sign not exceeding one (1) square foot in area. In the AP or R-1 District, the sign area may be increased up to a maximum of four (4) square feet. Any exterior change to the dwelling shall require a site plan illustrating such change and approved by the Zoning Administrator.
  - 3. The storage of vehicles and/or equipment and the operations of the home occupation may occur in an accessory building or structure provided it meets the standards set forth in Section 3.11 .A.
  - 4. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district.
  - 5. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, interference with radio or television reception or fluctuation in line voltage detectable off the premises greater than is associated by residential dwelling unit as determined by the Zoning Administrator.
- G. Accessory Uses - Private Boat Dock

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1. One (1) private boat dock per single and two family dwelling shall be permitted for each seventy-five (75) feet of riparian frontage.
  2. No more than one (1) boat slip per dwelling unit shall be permitted for multiple-family dwellings.
  3. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.
- H. Accessory Uses – Medical Marihuana
- I. The Medical Use of Marihuana, to the extent made lawful by the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended, but only as a use accessory to a Dwelling Unit subject to the following conditions:
1. No Marihuana plants shall be cultivated in any structure other than an Enclosed Locked Facility within a dwelling unit which is the legal and primary place of residence of the person cultivating those plants. An Enclosed Locked Facility means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a Qualifying Patient or Primary Caregiver, built and maintained in a manner consistent with applicable building and property maintenance codes;
  2. No more than 72 Marihuana plants shall be cultivated in any dwelling unit;
  3. Cultivation shall not be visible from the exterior of the dwelling unit;
  4. No transfer or delivery of Marihuana shall occur unless between Qualifying Patients residing in the same dwelling unit or between a Primary Caregiver and the Qualifying Patients to whom he or she is connected through the Department of Community Health’s registration process;
  5. No Marihuana plants shall be cultivated in any accessory structure, including but not limited to, a detached garage, shed, greenhouse, kennel, or barn; and
  6. Cultivation of Marihuana plants shall not exceed 35% of the gross floor area of a dwelling unit.

**Section 3.12 Fences**

- A. Installation of fences in all Zoning Districts require a Land Use Permit.
- B. Fences erected in any front yard in a residential district shall not exceed four (4) feet in height. Fences within any front yard shall be of a type which is not more than fifty (50) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.



Langworthy LeBlanc, Inc.

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- C. Six (6) foot privacy fences, the height of which is measured from the surface of the ground, to the uppermost portion of the fence.
- D. Fences may be located at the property line and along the road right-of-way.
- E. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless used in connection with a farm operation.
- F. Fences in nonresidential districts shall not exceed six (6) feet in height in any yard except as provided in 3.12.F, and shall not be more than fifty (50) percent solid in the front yard, unless otherwise provided in this Ordinance.
- G. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than eight (8) feet from the surface of the ground. Fences may be permitted in the rear yard only.
- H. Fences shall not be erected within any public right-of-way in any district.
- I. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area as outlined in Section 3.09, for corner lots. Further, clear vision shall be maintained at all driveways between the heights of three (3) feet and ten (10) feet above the ground surface, in a triangular area formed by the road right-of-way line, the outside edge of the driveway, and a line connecting them at points ten (10) feet from their intersection.
- J. Snow fences are considered temporary, and must be installed after November 1, and removed by the following May 1.
- K. Living fences, such as dense evergreen or other form of shrub, shall be at least forty-eight (48) inches from the inside of the lot line and comply with this ordinance.
- L. A Land Use Permit is required to install all fences including those for special uses. Special use fences include, but are not limited to pet enclosures and swimming pools.

### **Section 3.13 Temporary Dwellings, Structures, or Tents**

Temporary dwellings, structures, or tents for commercial use may not be permanently erected, and may only be temporarily erected upon approval from the Zoning Board of Appeals in accordance with Article 21.

### **Section 3.14 Reserved for Future Use**

### **Section 3.15 Flood Plain**

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Drain Commissioner, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

### **Section 3.16 Keeping of Animals**

- A. The keeping of dogs is permitted as an accessory use in any residential district as outlined below.
  - 1. Kennels may be permitted as indicated in Articles 5 through 14.
  - 2. Keeping of dogs for personal enjoyment or for working dogs without remuneration is permitted at a minimum of one (1) acre for the first two (2) dogs. For each additional dog, an additional one-half (0.5) acre of lot area shall be required. A maximum of five (5) dogs shall be permitted on any one (1) parcel.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, pigeons, and poultry is prohibited in the C, IND, R-3 and MHC districts. Keeping



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animals is permitted in all other districts with the following restrictions, with the exception of a bona fide farm in the AP or R-1 zoning district:

1. A minimum lot size of five (5) acres shall be required for the first animal unit and one (1) acre for each additional animal unit. One (1) animal unit shall include and be equal to the following:
    - a. Three (3) pigs;
    - b. Fifty (50) chickens; and
    - c. Seventy-five (75) rabbits.
  2. A minimum lot area of two (2) acres shall be required for the first animal unit and one (1) acre of fenced area for each additional animal unit shall include and be equal to the following:
    - a. Two (2) horses, donkeys, mules, or dairy or beef cows; and
    - b. Twenty (20) sheep, lamb, or goats.
  3. An accessory building used to house, feed or shelter the animals shall not be nearer than one hundred (100) feet to any property line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
  4. Any grazing or exercise area shall not be nearer than one hundred (100) feet to any dwelling adjacent to the subject parcel.
- C. The keeping of wild or exotic animals shall not be permitted in any district without a permit from the state and county agencies responsible for regulating such activities.

### **Section 3.17 Condominiums and Site Condominium Development Standards**

The intent of this section is to provide regulatory standards for condominiums and site condominiums pursuant to the authority conferred by Section 141, of the Condominium Act, Act 59 of 1978, as amended.

- A. **Submittal Requirements:** For all condominium projects within the Township, concurrently with notice required to be given to the Township pursuant to Section 71 of Michigan Public Act 59 of 1978, as amended (MCL 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Township Clerk the information required for site plan review as outlined in Article 15, a copy of the proposed master deed and bylaws and all information required by the Condominium Act.
- B. **Area, Height and Bulk Requirements:** The areas and setbacks required for condominium buildings shall be based on the density provisions contained in Table 4.1 Schedule of Regulations of this Ordinance.
- C. **Review and Approval:** All condominium plans shall be reviewed under the following procedure:
  1. **Preliminary Review:** A full site plan, meeting the requirements of Article 11, Site Plan Review, shall be submitted for preliminary condominium site plan approval by the Planning Commission. The Planning Commission shall review the site plan following the procedures of Article 15 and approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.

An application for final condominium site plan must be submitted within one (1) year after

## Sidney Township Zoning Ordinance

the date of preliminary condominium site plan approval by the Planning Commission, or such preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Planning Commission.

2. **Agency Reviews:** Upon receipt of preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local and state regulations.
  3. **Final Review:** The following information shall be submitted for final condominium site plan approval by the Planning Commission.
    - a. Full site plan meeting the requirements of Article 15. Within a phased project, the final site plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.
    - b. Necessary county and state permits.
    - c. Condominium master deed and bylaws.
- D. **Requirements for Roads and Easements:** Condominium projects with private roads shall comply with all street requirements found in the Township regulations pertaining to private roads and driveways and shall include all necessary easements granted to the Township for constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and filling ditches and trenches necessary for the location of said structures.
- E. **General Design Standards for Site Condominiums:** All site condominiums shall comply with the standards set forth in this section, in Article 15 Site Plan Review and the following general design standards:
1. Through lots (lots with frontage on two parallel streets) are prohibited, except in the case of a reverse frontage lot that abuts a major thoroughfare where access to such major thoroughfare is prohibited.
  2. No more than fifty percent (50%) of the perimeter of a lot shall front along a public street right-of-way or private road access easement.
  3. If the development extends into an adjacent community, boundaries for individual lots shall be within one community to the extent feasible. In no case shall a building envelope result in a situation where a home crosses a community or school district boundary.
  4. The lot size, width, depth and shape in any lot proposed for residential uses shall be appropriate for the location and the type of development contemplated.
  5. Comer lots shall be at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
  6. No lot shall exceed a depth-to-width ratio of 4 to 1.
  7. Every lot shall front on, and have direct access to, a public street approved by the Montcalm County Road Commission or private road approved by the Township. In addition, the driveways

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for all comer lots shall access the most interior, or less traveled, street within the site condominium development.

8. Side lot lines shall generally be at right angles or radial to the street centerlines. This requirement shall not apply where such lot lines would create irregularly shaped lots which would unreasonably limit construction, or where adjustments to the standard lot configuration would protect regulated wetlands or preserve other natural features, such as topography. Dogleg side lot lines shall be avoided.
9. Residential lots abutting major thoroughfares shall be arranged so that the driveways shall access the interior road network.
10. Lots shall have a front-to-front relationship across all streets where possible.
11. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, vistas, wildlife habitats, and similar irreplaceable assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
12. Any areas of land within the proposed site condominium development which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Act and its review by the Water Resources Commission of the MDEQ. The zoning administrator will give particular attention to projected flood plain when considering the adequacy of land for building sites.

**Section 3.18 Nonconforming Lots of Record, Uses, and Buildings and Structures**

**A. Intent**

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, uses, and buildings and structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Section that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

**B. Nonconforming Lots of Record**

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any use permitted by right in the zoning district in which the lot is located, subject to approval of water supply, and sanitary sewer or septic system by the County Health Department, or other proper agency having jurisdiction. Further, the yard requirements shall be met for the zoning district in which the lot is located.

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2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

### C. **Nonconforming Uses of Land**

The lawful use of any land not involving a building or structure, existing and lawful on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform with the provisions of this Ordinance or amendments, subject to the following provisions:

1. Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any nonconforming use shall be moved unless such movement eliminates the non-conformity.
3. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
  - b. The property, buildings, and grounds, have fallen into disrepair;
  - c. Signs or other indications of the existence of the nonconforming use have been removed;
  - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
  - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Zoning Board of Appeals:
  - a. The proposed nonconforming use shall be as compatible, or more compatible with the surrounding neighborhood than the previous use.
  - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building area than the previous use.
  - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

### D. **Nonconforming** Uses of Buildings and Structures

The lawful use of any structure existing and lawful on the effective date of this Ordinance or amendment thereto, may be continued, even though such use does not conform with the provisions of this Ordinance or amendment thereto, subject to the provisions of this section:

1. **Expansions:** Any nonconforming use may be expanded or extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this Ordinance or amendment thereto, but no such use shall be expanded or extended to occupy any land outside such building.

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2. **Structural Expansion:** No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, unless approved by the ZBA under Article 20.
  3. **Restoration of Damage:** If a structure which conforms with the provisions of this Ordinance, but which is occupied by a nonconforming use, is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one half (1/2) the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this Ordinance.
  4. **Repairs to Nonconforming Use:** On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or replacements, provided that the structure is not enlarged, extended, moved or structurally altered.
  5. **Safety Repairs:** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
  6. **Prohibition on Reestablishment if Replaced by Conforming Use:** If a nonconforming use of any structure is terminated and replaced by a permitted use, such nonconforming use shall not be later re-established.
  7. **Discontinuance or Termination of Nonconforming Use of Structure:** When a nonconforming use of a structure or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
  8. **Mobile Home:** Where nonconforming use status applies to a mobile home, trailer coach or manufactured housing unit presently located outside a licensed mobile home park, nonconforming use status shall be eliminated if the mobile home, trailer coach or manufactured housing unit is moved to a district where it is permitted.
- E. **Nonconforming Buildings and Structures**
1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
    - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by not more than one half ( $V_2$ ) the distance required by this Ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
    - b. Should a nonconforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only within its existing foundation, unless it is designed and rebuilt to become more conforming with the provisions of this Ordinance.

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2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

F. The Township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.

G. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Zoning Administrator.

### **Section 3.19 Soil Removal, Filling and Grading**

A. **Applicability:** No person shall do any grading, stripping, excavating or filling, or undertaken any earth change, unless a valid grading permit has been issued by the Zoning Administrator with the exception of the circumstances described below. Even though no permits are required for these instances, those operations and construction which are exempted from obtaining permits must still be in compliance with the rules and regulations concerning grading and erosion of this ordinance, unless otherwise specific below.

1. The activity is associated with an approved site plan, subdivision plat, site condominium plan or private road approval.
2. Plowing and tilling of land for purposes of crop production or harvesting.
3. The activity is associated with a residential use and involves a volume of soil less than 100 cubic yards.
4. The activity is associated with a non-residential use and involves a volume of soil less than 50 cubic yards.
5. The activity is associated with an operation specifically for the mining of natural resources which is regulated as a Special Land Use in Article 16 and, therefore, is not required to comply with the regulations contained in this section.
6. The activity is associated with grading or excavating for a building or structure that was authorized by another valid permit such as a basement, driveway or sidewalk.
7. If the Zoning Administrator certifies in writing that the planned work and the final structure or topographical changes will not result in or contribute to soil erosion or sedimentation of the water of the state; will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way, will not create any hazard to any persons or property; and will have no detrimental influence upon the public welfare or upon the total development of the watershed.

B. **Grading Permit Review and Approval Procedures:** A separate application shall be required for each grading permit. In order to obtain a grading permit as required by Section 3.19 (A) above, the following procedure shall apply:

1. Submission of a completed application as required in Section 3.19 (C) below and the required fee to the Zoning Administrator.
2. The Zoning Administrator shall review the application for conformance with Section 3.19 (C) and Section 3.19(D). A re-submittal or additional information maybe required by the Zoning Administrator. If the Zoning Administrator determines the application complies with the ordinance, the permit shall be issued.
3. The Zoning Administrator shall inspect the work upon completion to confirm compliance with the approved plan.

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- C. **Information Requirements:** The plans shall be prepared or approved by a person who is trained and experienced in soil erosion and sedimentation control methods and techniques. The plans and specifications accompanying the grading permit application and required fee shall be submitted to the Zoning Administrator and contain the required data listed below.
1. A vicinity sketch indicating the site location as well as the adjacent properties within 500 feet of the site boundaries.
  2. Scale and north arrow for the plan.
  3. Name, address and telephone number of the landowner, developer and petitioner.
  4. The location of existing and proposed utility structures, ditches, culverts.
  5. The location and distance of drainage structure to which the site will drain.
  6. The location of existing and proposed buildings and structures.
  7. A description and details of soil erosion control methods.
  8. Existing spot elevations for the site and existing topographic contours at 2-foot intervals.
  9. Proposed topographical contours at 2-foot intervals.
  10. A timing schedule indicating the anticipated starting time and completion dates for the project.
- D. **Review Standards:** All applications shall comply with the following standards:
1. New grades shall provide a sloping grade away from buildings and structures, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course.
  2. New grades shall not be established that would permit an increase in the run-off of surface water onto adjacent properties and public roadways except through established drainage courses.
  3. New grades shall not result in the creation of standing water; the erosion or filling of a roadside ditch and shall not result in the blockage of public water courses.
  4. Any land development, dredging, filling or other activity requiring a permit pursuant to the Inland Lakes and Streams Act of 1972 PA 346 shall be required to obtain said permit prior to the issuance of a grading permit. The Zoning Administrator may require the applicant to submit a letter from the MDNR to confirm non-jurisdiction.
  5. Any land development which disturbs the existing grade or more than one (1) acres of land or lies within five hundred (500) feet of a river, stream lake or open drain, shall require a Soil Erosion and Sedimentation Control permit pursuant to Public Act 347 of 1972, as amended, prior to issuance of a grading permit.
- E. **Bond, Cash Deposit or Instrument of Credit:** A grading permit shall not be issued unless the permittee shall first post with the Zoning Administrator a bond executed by the landowner. The bond shall be in a form approved by the Township Board, payable to the Township and in the amount stipulated below. The bond shall include penalty provisions for failure to complete the work on schedule as specific on the grading permit.
1. Residential: For activities associated with residential uses a bond of \$250.00 is required.
  2. Non-residential: For activities associated with non-residential uses a bond of \$1000.00 is required.
- F. **Extension of Time:** If the permittee is unable to complete work within the specified time, he may, at least ten days prior to the expiration of the permit, present in writing to the Zoning Administrator a request or extension of time setting forth the reasons for the requested extension. If such an extension is warranted, the Zoning Administrator may grant additional time for the completion of

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the work, but no such extension shall release the owner from the obligation of the required bond set forth in Section 3.19 (E) above.

**Section 3.20     Marihuana Facilities**

- A.     Marihuana Facility means any facility or building in which Marihuana is transferred, delivered, acquired, stored, located, cultivated, used or consumed. The term Marihuana Facility does not include those medical marihuana accessory uses conditionally permitted pursuant to Sec. 3.11.E.
- B.     Marihuana Facilities are prohibited in all zoning districts.



## Article IV

### ZONING DISTRICTS - GENERAL

#### Section 4.01 Districts Established

For the purposes of this Ordinance, Sidney Township is hereby divided into the following zoning Districts:

Zoning District Designation		Article
AP	Agricultural Preservation	5
R-1	Rural Residential	6
R-2	Medium Density Residential	7
R-3	Waterfront Residential	8
MHC	Manufactured Housing Community	9
PPRF	Public and Private Recreation Facilities	10
SBD	Sidney Business District	11
C	Commercial	12
I	Industrial	13
PD	Planned Development	14

#### Section 4.02 District Boundaries

- A. **Boundaries** - The boundaries of the districts listed in Section 4.01 are hereby established as shown on the Sidney Township Zoning Ordinance Map, which is part of this Ordinance.
- B. **Interpretation of District Boundaries** - Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
  1. Boundaries indicated as approximately following the center lines of streets, roads, highways, or alleys shall be construed to follow such center lines.
  2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.
  3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
  4. Boundaries indicated as parallel to or extensions of features indicated in Section 4.02, A, B, and C, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
  5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the district boundaries.
  6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.

#### Section 4.03 Zoning of Vacated Areas.

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between, unless the Township Board shall otherwise designate.

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**Section 4.04 Bulk and Area Requirements.**

Bulk and area requirements for all districts are set forth in the following Table 4.1 Schedule of Regulations.

<b>TABLE 4.1 SCHEDULE OF REGULATIONS - RESIDENTIAL DISTRICTS</b>									
<b>District</b>	<b>Minimum Lot Size (a,g)</b>		<b>Maximum Building Height (c)</b>		<b>Principal Structure Minimum Yard Setback (b,d,e,f,h)</b>			<b>Max Lot Coverage</b>	<b>Minimum Floor Area, Living Space</b>
	<b>Lot Area</b>	<b>Lot Width</b>	<b>Stories</b>	<b>Height</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>		
<b>AP Agricultural Preservation</b>	Please refer to Article 5 for Area, Yard and Height Requirements								
<b>R-1 Rural Residential</b>	1 acres	110'	2	35	40	25	35	N/A	1,000 sf
<b>R-2 Medium Density Residential</b>	21,780 s.f. (0.5 acres)	100	2	35	35	20	30	20%	1,000 sf
<b>R-3 Waterfront Residential</b>	20,000 sf w/o public sewer system 12,000 w/public sewer system	80	2	35	50*	5	30	N/A	1,000 sf
<b>Planned Development</b>	Minimum project size of 40 acres. Refer to Article 14 for the specific development standards for Planned Development Districts								
<b>Manufactured Housing Community</b>	Manufactured Housing Communities shall be developed in accordance with the Rules of the Manufactured Housing Commission								

\* Refer to Section 8.05 Setback Line

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<b>TABLE 4.2 SCHEDULE OF REGULATIONS - NON-RESIDENTIAL DISTRICTS</b>									
<b>District</b>	<b>Minimum Lot Size (a)</b>		<b>Maximum Building Height (c)</b>		<b>Principal Structure Minimum Yard Setback (d,e,f,g,h,i)</b>				<b>Max. Lot Coverage</b>
	<b>Lot Area</b>	<b>Lot Width</b>	<b>Stories</b>	<b>Height</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Parking</b>	
<b>SBD - Sidney Business District</b>	N/A	N/A	2	35	0 ft - no greater than 20 ft	0ft	25 ft	N/A	N/A
<b>C - Commercial</b>	1 acre	100	2	35	35 if no pkg in front 70 if pkg in front	10	40	10 side & rear 20 front	35%
<b>I - Industrial</b>	2 acres	200	2	30	50 if no pkg in front 75 if pkg in front	20 50 if adjacent to resid. district (g)	40 70 if adjacent to resid. district (g)	20 on all sides	40%
<b>PPRF</b>	Please refer to Article 7 for Area, Yard and Height Requirements								
<b>Planned Development</b>	Minimum project size of 40 acres. Refer to Article 14 for the specific development standards for Planned Development Districts								

**Section 4.05 Footnotes to the Schedule of Regulations - Table 4.1 and Table 4.2**

- (a) The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.
- (b) For all uses permitted other than single family residential (i.e. churches, schools, etc.) the setback shall equal the height of the main building or the setback required in Table 4.1, which ever is greater.
- (c) The following kinds of structural appurtenances may exceed the height limitation for authorized use:
  - 1) Schools, churches and other similar institutional buildings may be erected to a height not exceeding forty-eight (48) feet provided the front, side and rear yards shall not be less than the height of the building wall abutting such yard;
  - 2) The highest point of chimneys, church spires, cupolas, domes, towers and flag poles may be erected to a height not exceeding sixty (60) feet. Radio, television and personal shortwave radio antennae may be permitted up to a height of one hundred (100) feet provided the tower is setback from all property lines and buildings a distance equal to half the height of the structure tower; otherwise, they shall not exceed sixty (6) feet in height.
  - 3) Penthouse or roof top structures for the housing of elevators, stairways, tanks, heating and air conditioning equipment, and other similar apparatus may be erected above the height limits.
- (d) Permitted projections into required yards: fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. Architectural features and vertical projections, may extend or project into a required yard as shown in the following table:

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Projection	All Yards	Rear Yard	Side Yard
Air conditioning equipment shelters	—	x	x
Air conditioning units, window mounted	x	—	—
Access drives	x	—	—
Arbors and trellises	x	—	—
Architectural entrance features	x	—	—
Awnings and canopies	x	—	—
Bay windows	x	—	—
Decks, open or enclosed	x	—	—
Eaves, overhanging	x	—	—
Fences	x	—	—
Flagpoles	x	—	—
Gardens	x	—	—
Gutters	x	—	—
Hot tubs	—	x	x
Landscaping	x	—	—
Laundry drying equipment (clothes poles)	—	x	x
Light standard, ornamental	x	—	—
Paved terraces and open porches	x	—	—
Privacy walls	—	x	x
Sidewalks, bike paths and walkways	x	—	—
Signs	x	—	—
Stairways, open unroofed	x	—	—
Steps and stoops	x	—	—
Swimming pools	—	x	x
Reception towers/antennas	—	x	x
Walls	x	—	—
Waste receptacles	—	x	x

- (e) In accordance with the definition of front yard, the front yard setback for corner lots shall be measured from both roads and the front yard setback for riparian lots shall be measured from the water front
- (f) Setback requirements, where such setbacks are to be provided from abutting streets, shall be provided whether such right-of-way is public, private or an access easement.
- (g) Any submerged area of a lake, river, pond or stream, or regulated wetlands shall not count towards meeting the minimum lot area for single-family lots.
- (h) A natural, undisturbed setback of not less than 25 feet shall be provided from each side of all lakes, rivers, streams, drains and state regulated wetlands.
- (i) In the case where the definitions of front, side and rear lot lines are not sufficient to designate lot lines and establish setbacks, the Zoning Administrator shall designate the front, rear and side lot lines in

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consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block and natural features affecting site design.

## Article V

### AP - AGRICULTURAL PRESERVATION DISTRICT

#### Sec 5.01 Purpose

The purpose of this District is to preserve the agricultural and rural residential character of lands within this District, maintain the integrity of agricultural areas, minimize public service costs, limit areas of urban influence, preserve a maximum of open space, and lessen conflicts between farm and non-farm residents. Although it is recognized that not all land within this classification will necessarily be prime farmland, the integrity of the area will be maintained to ensure that larger parcels of land remain available for farming.

This District is intended primarily for agricultural uses and associated agricultural activities. A limited number of non-farm residences may be appropriate where land does not hold a great deal of agricultural value, will not conflict or interfere with existing agricultural operations, and where the property owner has found it desirable to sell a portion of his or her land for income or use by family members. Careful consideration will be given to environmental concerns related to groundwater quality and other related issues due to the limited ability of the community to provide public services. All uses permitted within this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act, as amended.

#### Sec 5.02 Permitted Uses

No land or buildings in the AP District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
- B. Essential public services.
- C. Roadside stands.
- D. Single family dwellings.
- E. Parks, playground areas and other passive open space areas.
- F. Co-location of wireless communication facilities on existing structures.
- G. State licensed residential child and adult care facilities as provided for in Section 3.10.
- H. Accessory home occupations in accordance with the requirements of Section 3.11.F.
- I. Accessory buildings, structures and uses customarily incidental to any of the uses allowed in the Agricultural Preservation District, in conformity with Section 3.11.

#### Sec 5.03 Special Land Uses

- A. Land and/or buildings in the AP District allowed under **Section 5.03.B.**, shall meet the following requirements:
  1. The proposed use shall be sited upon lands which are less suitable for agricultural operations than other agricultural lands within the District.
  2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.

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3. The proposed use shall be located in areas where groundwater quality and the general integrity of environmental resources; including but not limited to wetlands, floodplains, watersheds, and significant wildlife habitat and forest lands, will not be negatively affected.
- B. Land and/or buildings in the AP District may be used for the following purposes upon receiving approval by the Planning Commission as a Special Land Use, as regulated by Article 16:
1. Agricultural labor housing
  2. Airports.
  3. Bed and breakfast establishments.
  4. Wireless Communication Facilities.
  5. Mining of natural resources.
  6. Greenhouses, a residence may be located on the same property
  7. Boat launches.
  8. Churches.
  9. Cemeteries
  10. Private schools.
  11. Municipal buildings.
  12. Kennels, a residence may be located on the same property.
  13. Commercial riding stables.
  14. Storage buildings on a lot without a principal building.
  15. State licensed residential child and adult care facilities as provided for in Section 3.10.
  16. Similar uses as determined by the Planning Commission.

**Sec 5.04 District Regulations**

- A. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement.
- B. The maximum number of lots, in addition, to an existing principal dwelling that may be created, shall be based on the gross area of that tract which is to be subdivided, and which constitutes the lot of record as of the effective date of the original Ordinance, July 20, 2001, as follows:

**Schedule of Density Table**

<b>Maximum # of Additional Lots Permitted</b>	
<b>Area of Lot of Record</b>	<b>Number of Lots</b>
less than 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
over 160.1 acres	6

- C. Any lot created for residential, non-agricultural purposes shall be at least one (1) acre and no greater than two (2) acres in area and shall have a minimum of two-hundred and twenty (220) feet of public road frontage. A larger parcel up to a maximum of five (5) acres may be permitted under the following circumstances:
  1. The applicant can demonstrate the resultant parcel(s) do not contain land that is considered prime farmland.
  2. Sensitive natural features such as wetlands and woodlands are preserved on the resultant parcel or such features limit the available building area.

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- 3. A larger parcel is required by the Mid Michigan Health Department to accommodate a drainage field for a septic system or adequate separation between septic and well systems.
  
- D. All lots shall be contiguous unless the Zoning Administrator determines that for reasons of public health and safety it would be in the public interest to permit the creation of noncontiguous lots.
  
- E. Lots which are created shall be located on lands least suitable for agricultural production. In addition, lots shall be located in areas where groundwater quality and the general integrity of environmental resources; including but not limited to wetlands, floodplains, watersheds, and significant wildlife habitat and forest lands, will not be compromised. The following development standards shall be followed for all parcels, except in instances where differences have been noted.

<b>AP District Regulations</b>	
Front Yard Setback	50 feet
Side Yard Setback	Residential buildings - 25 feet
	Main buildings for non-residential uses - 60 feet
Rear Yard Setback	50 feet
Building Height	35 feet or 2 1/2 stories; farm buildings/structures and TV and radio towers shall be permitted at their usual and customary heights.
Minimum Floor Area	1,200 s.f
Maximum Lot Coverage	20%
Minimum Lot Area	Farms: 20 acres
	Nonfarm dwelling unit: 1 acre
	Special land use: 2 acres
Maximum Lot Area	Nonfarm dwelling unit: 2 acres

<b>AP District Regulations</b>	
Minimum Lot Width	330 feet (except as noted)
	Nonfarm dwelling unit: 220 feet

**Sec 5.05 Parcel and Density Bonus**

- A. On lots of record as defined by Section 5.04, B which are greater than forty (40) acres, existing as of the effective date of this original Ordinance, July 20, 2001, excluding any amendment thereto, an additional lot may be established for each additional forty (40) acres of the original or contiguous parcel, with all newly created lots having a minimum required frontage of one hundred (100) feet, provided:
  - 1. Driveway access to an existing public road for all parcels to be used for residential purposes is gained through a single access which meets township standards for private streets, or County Road Commission standards for the construction of a public street.
  - 2. Each parcel is determined to be accessible to emergency vehicles.
  
- B. Community System Bonus
  - 1. On parcels of record in accordance with Section 5.04, B. that are greater than forty (40) acres existing as of the effective date of this original Ordinance, July 20, 2001, excluding any



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amendment thereto, one (1) additional lot may be permitted for every three (3) parcels, including those created under Section 5.04, B. and the parent parcel. Lots which are created under this provision may have a minimum lot size of 21,780 square feet (.50 acres), provided:

- a. A community sanitary sewer system is used that has been approved by the Michigan Department of Environmental Quality and the Mid Michigan Health Department.
  - b. An area equal in size to that required for the community system is set aside and protected by permanent easement for the purposes of expansion or replacement.
  - c. Driveway access to an existing public road for all parcels is gained through a single access which meets township standards for private streets, or County Road Commission standards for the construction of a public streets.
  - d. The existing public road whereby access is to be gained is a paved surface.
  - e. Each parcel is determined to be accessible to emergency vehicles by local Police and Fire Departments.
2. If the above requirements are satisfied, then the following shall be permitted.

<b>Community System in AP District</b>	
Front Yard Setback	25 feet
Side Yard Setback	20 feet
Rear Yard Setback	25 feet
Lot Coverage	30%
Minimum Lot Width	75 feet

**Sec 5.06 Enforcement of Lot Splits**

The following procedures will be applied to ensure proper enforcement and administration of farmland protection measures.

- A. Concurrent with the adoption of this Ordinance an official map indicating existing lots and land ownership shall be established in conformance with Section 5.04 B.
- B. An allotment of non-farm dwelling units possible under this Ordinance shall be made for each parcel in the district.
- C. As allotments are used, the official map shall be updated to reflect these changes.
- D. The official map shall be maintained by the Clerk and copies made available for inspection by the public.

## Article VI

### R-1 RURAL RESIDENTIAL DISTRICT

#### Section 6.01 Purpose

The Rural Residential District is established to provide for existing and future low density single family dwellings in a manner which preserves the natural rural character of the township. Areas zoned for Rural Residential development are concentrated to land which are suitable for water and septic systems but at the same time, where possible, do not encroach into areas designated for prime farm operations. The district will promote responsible residential, and related, development that will protect the quality of life for residents within the district. This will be accomplished through regulations that discourages the continuance of existing, nonconforming uses which detract from the long term viability of residential properties and discourages use of land which may overburden public infrastructure and services, and the areas natural resources.

#### Section 6.02 Permitted Uses

No land or buildings in the R-1 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential child and adult care facilities as provided for in Section 3.10.
- C. Essential public services.
- D. Farming and storage, packaging and processing of farm product.
- E. Parks, playground areas and other passive open space areas.
- F. Accessory home occupations in accordance with Section 3.11.F.
- G. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Rural Residential District, in conformity with Section 3.11.

#### Section 6.03 Special Land Uses

No land or buildings in the R-1 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. Greenhouses and nurseries.
- B. Roadside stands.
- C. Bed and Breakfast establishments.
- D. Golf courses and country clubs.
- E. Boat launches.
- F. Cemeteries.
- G. Churches.
- H. Private schools.
- I. Municipal buildings.
- J. Riding stables.
- K. Kennels.
- L. Storage buildings on a lot without a principal building.
- M. State licensed residential child and adult care facilities as provided for in Section 3.10.

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**Section 6.04 Site Development Requirements**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as outlined in Table 4.1 Schedule of Regulations, Article 4.
- C. Site Plan Review as may be required in accordance with Article 15.
- D. Off-Street Parking as may required in accordance with Article 17.
- E. Access Management and Private Road Standards in accordance with Article 18.
- F. Signs are permitted in accordance with the requirements of Article 19.

## Article VII

### R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

#### Section 7.01 Purpose

The Medium Density Residential District is established to provide for existing and future medium density single family dwellings. The intent of the district is to allow for a cluster of smaller lot sizes that will serve as a transition between rural residential areas and higher intensity activity areas such as commercial nodes and the state trunkline. These areas will permit a density that allows a greater mixture of housing and increase opportunities for community facilities. It is intended that this be accomplished while being to the natural resources of the township; while responsibly accommodating water and septic systems; and ensuring not to overburden the public infrastructure of the community.

#### Section 7.02 Permitted Uses

No land or buildings in the R-2 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential child and adult care facilities as provided for in Section 3.10.
- C. Essential public services.
- D. Parks, playground areas and other passive open space areas.
- E. Accessory home occupations in accordance with Section 3.11.F.
- F. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Medium Density Residential District, in conformity with Section 3.11.

#### Section 7.03 Special Land Uses

No land or buildings in the R-2 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. Bed and Breakfast establishments.
- B. Boat launches.
- C. Churches.
- D. Cemeteries
- E. Private schools.
- F. Municipal buildings.
- G. Kennels.
- H. Attached residential dwellings up to four (4) units per acre.
- I. State licensed residential child and adult care facilities as provided for in Section 3.10.

#### Section 7.04 Site Development Requirements

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as outlined in Table 4.1 Schedule of Regulations, Article 4.
- C. Site Plan Review as may be required in accordance with Article 15.
- D. Off-Street Parking as may required in accordance with Article 17.
- E. Access Management and Private Road Standards in accordance with Article 18.
- F. Signs are permitted in accordance with the requirements of Article 19.

## Article VIII

### R-3 WATERFRONT RESIDENTIAL DISTRICT

#### Section 8.01 Purpose

The Waterfront Residential District is established to provide for responsible development along the valuable lake shores of Sidney Township. The regulations and standards of this district recognize the unique characteristics and sensitive environmental conditions of waterfront property through requirements for larger lots and special measurements of setbacks to preserve views and open space.

#### Section 8.02 Permitted Uses

No land or buildings in the R-3 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. State licensed residential child and adult care facilities as provided for in Section 3.10.
- C. Essential public services.
- D. Parks, playground areas and other passive open space areas.
- E. Accessory home occupations in accordance with Section 3.11.F.
- F. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Waterfront Residential District, in conformity with Section 3.11.

#### Section 8.03 Special Land Uses

No land or buildings in the R-3 District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. Bed and Breakfast establishments.
- B. Golf courses and country clubs.
- C. Boat launches.
- D. Cemeteries.
- E. Churches.
- F. Private schools.
- G. Municipal buildings.
- H. Attached residential dwellings up to four (4) units per acre.
- I. State licensed residential child and adult care facilities as provided for in Section 3.10.

#### Section 8.04 Site Development Requirements

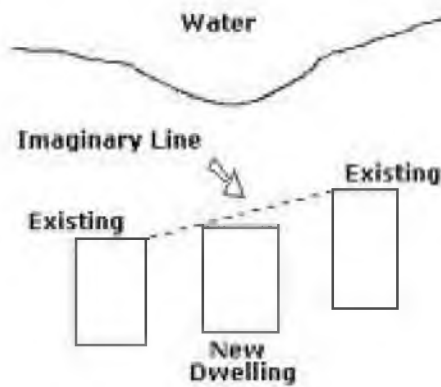
All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Lot dimension, setbacks, height, and lot coverage requirements for all buildings, shall be met as outlined in Table 4.1 Schedule of Regulations, Article 4.
- C. Site Plan Review as may be required in accordance with Article 15.
- D. Off-Street Parking as may required in accordance with Article 17.
- E. Access Management and Private Road Standards in accordance with Article 18.
- F. Signs are permitted in accordance with the requirements of Article 19.

**Section 8.05 Lake Front Setback**

Principal Structure Minimum Yard Setback (front) Table 4.1 Schedule Regulations.

- A. Setback from (Front) water 50 feet or,
- B. An Imaginary Line drawn from both pre-existing dwellings, so the proposed dwelling is behind the imaginary line.



## Article IX

### MHC - MANUFACTURED HOUSING COMMUNITY DISTRICT

#### Section 9.01 Purpose

Consistent with the Township's goal to provide a mixture of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Housing Community District is intended to provide regulations for manufactured home developments to permit additional variety in housing opportunities and choices.

#### Section 9.02 Permitted Uses

No land or buildings in the MHC District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family attached dwellings.
- B. State licensed manufactured housing developments.
- C. State licensed residential child and adult care facilities in accordance with Section 3.10.
- D. Essential public services.
- E. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Manufactured Housing Community District, in conformity with Section 3.11.
- F. Accessory home occupations in accordance with Section 3.11.F.
- G. Parks, playground areas and other passive open space areas.

#### Section 9.03 Special Land Uses

No land or buildings in the MHC District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. State licensed residential child and adult care facilities in accordance with Section 3.10.
- B. Bed and Breakfast establishments.
- C. Golf courses and country clubs.
- D. Boat launches.
- E. Churches.
- F. Cemeteries.
- G. Private schools.
- H. Municipal buildings.
- I. Community Centers.

#### Section 9.04 Manufactured Housing Community Review Process

A full site plan, meeting the requirements of Article 15, Site Plan Review, shall be submitted for approval by the Township Planning Commission. The Planning Commission shall review the site plan following the procedures of Article 15 and approve, approve with conditions or deny the application. If a site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.

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**Section 9.05 General Requirements**

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Sidney Township, irrespective of the requirements of any other ordinance of Sidney Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured housing community under the provisions of this Article.
- C. The Planning Commission and Township Board shall consider the conformance of the manufactured housing community with the adopted rules of the Manufactured Housing Commission of the State of Michigan and in accordance with Article 15 Site Plan Review.

**Section 9.06 Manufactured Home Sales**

- A. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
- B. The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development, provided the development permits the sale.

**Section 9.07 Site Development Requirements**

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Site Plan Review as may be required in accordance with Article 15.
- C. Off-Street Parking as may required in accordance with Article 17.
- D. Access Management and Private Road Standards in accordance with Article 18.
- E. Signs are permitted in accordance with the requirements of Article 19.
- F. All uses shall be served by public sewer and water facilities, or by an approved community system.



## Article X

### PPRF - PUBLIC AND PRIVATE RECREATION FACILITIES DISTRICT

#### Section 10.01 Statement of Purpose

This district provides an exclusive area for specified government, civic, private for-profit recreation facilities where a separate zoning district is deemed appropriate. This District is intended to protect public, quasi-public and private facilities, land and institutions within this district from the encroachment of conflicting land uses, protect the fragile natural resources within this district, and to insure compatibility with existing and planned uses adjacent to this district. Thus, the uses allowed in this district are intended to be compatible with the established character of the area, protect the investments made by nearby land owners and limit the need for extensive public services such as public water, sanitary sewer, and additional schools.

#### Section 10.02 Permitted Uses

No land or buildings in the PPRF District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwellings.
- B. Caretaker/camp administrator quarters, accessory to any permitted or special land use.
- C. Co-location of wireless communication facilities to existing structures.
- D. State licensed residential child and adult care facilities in accordance with Section 3.10.
- E. Roadside stands.
- F. Parks, playground areas and other passive open space areas; excluding campgrounds, off-road vehicle courses and trails, gun and archery ranges, and other similar more intense recreational uses as classified by the Planning Commission.
- G. Municipal buildings
- H. Colleges, universities, public and private schools
- I. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Public and Private Recreation Facilities District, in conformity with Section 3.11.
- J. Essential public services

#### Section 10.03 Special Land Uses

No land or buildings in the PPRF District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. General outdoor recreation and entertainment facilities
- B. General indoor recreation and entertainment facilities
- C. Campgrounds and lodges
- D. Community center
- E. Golf courses and country clubs
- F. Golf driving ranges, miniature golf courses
- G. Off road vehicle courses and trails
- H. Boat launches
- I. Clubs, lodges, and fraternities, including but not limited to gun and shooting clubs, for the exclusive use of members.
- J. Animal shelters
- K. Kennels
- L. Places of assembly

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- M. Riding stables
- N. Ski facilities, including lodges and accessory structures.
- O. Cemeteries
- P. Churches
- Q. State licensed residential child and adult care facilities in accordance with Section 3.10.
- R. Wireless communication towers and radio and television broadcast towers.

**Section 10.04 Area, Yard and Height Regulations**

A. **Residential Uses Area, Yard and Height Regulations.** Single family detached dwellings shall comply with the bulk and area regulations for the R-1 Rural Residential District as outlined in Table 4.1 Schedule of Regulations.

B. **Non Residential Uses Minimum Lot Area.** Unless otherwise regulated by state or federal statutes, the area or parcel of land for a permitted public facility shall be not less than required to provide adequate space for the principal and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood, as determined by the Planning Commission.

C. **Natural Features Setbacks.** Consistent with the footnote for Table 4.1, a twenty-five (25) foot undisturbed natural features setback is required along all lakes, rivers, streams, drains and state regulated wetlands.

D. **Minimum front yard setbacks.** The minimum front yard setback shall equal that of the minimum front yard setback for the most restrictive adjacent zoning district.

E. **Minimum side and rear yard setbacks.** The minimum side and rear yards shall be the minimum setbacks required by the adjacent zoning district along each property line, except that where adjacent to a residential district, the following setbacks shall apply:

	Use	Side and Rear Yards
<b>Civic</b>	Non-Assembly buildings Assembly buildings Churches	50 feet 75 feet 50 feet
<b>Educational</b>	Public or Private Schools Colleges and Universities	75 feet
<b>Recreational</b>	Buildings Trails, tracks, fields, ranges	75 feet 50 feet
<b>Governmental</b>	Buildings	75 feet
<b>Public Utility</b>	Buildings	100 feet

F. **Parking area setbacks.** All parking areas shall be set back a minimum of twenty (20) feet from any adjacent right-of-way and ten (10) feet from any property line.

G. **Lighting.** Flood lighting or other lighting of playfields, buildings; bulletin boards and parking areas shall be located and designed to shield the light source from adjoining residences; and except for general lighting, shall be extinguished between the hours of 11:00 PM and 7:00 AM unless a longer lighting period is approved by the Planning Commission.

**Section 10.05 Site Development Requirements**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.

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- B. Site Plan Review as may be required in accordance with Article 15.
- C. Off-Street Parking as may required in accordance with Article 17.
- D. Access Management and Private Road Standards in accordance with Article 18.
- E. Signs are permitted in accordance with the requirements of Article 19.

## Article XI

### SBD SIDNEY BUSINESS DISTRICT

#### Section 11.01 Statement of Purpose

The SBD Sidney Business District is intended to provide for a small scale, traditional mixture of retail, service, office, municipal, entertainment and park uses and related activities that are mutually supporting. The area of the SBD is limited within the vicinity of the existing Sidney hamlet at the intersection of Sidney Road and Derby Road as illustrated in the Township's Future Land Use Map. Among the purposes of this district is to encourage a lively social environment and economically viable community center with various uses in a pedestrian-oriented, unified setting. The district makes special provision for vertical zoning, allowing the upper floors to be used as offices, storage or for residential dwellings.

#### Section 11.02 Permitted Uses

No land or buildings in the R-3 District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Single family detached dwelling units that were in existence at the time of the effective date of the ordinance.
- B. Residential dwellings on upper stores, provided that each unit meets the appropriate minimum size requirements listed in table 4.1 Dimensional Standards and that required parking is provided on a private parking lot within 500 feet of the structure.
- C. Home occupations in accordance with the standards of Section 3.11.F.
- D. Multiple family dwelling units, not exceeding a density of four (4) units per acre.
- E. Housing for the elderly, not exceeding a density of four (4) units per acre.
- F. Bed & breakfast establishments.
- G. Retail sales where no assembly, treatment, or manufacturing takes place on site and with no drive-through facilities.
- H. Personal service uses with no drive-through facilities.
- I. Office buildings (including professional, administrative, and medical).
- J. Banks, credit unions, and other financial institutions with or without drive-through facilities.
- K. Restaurants, taverns and other places serving food and/or beverages including those providing dancing, live entertainment restaurants, with no drive-through or drive-in facilities.
- L. Churches.
- M. Public parks and municipal buildings such as a library, post office, community center, fire station, Township offices and museum.
- N. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Sidney Business District, in conformity with Section 3.11.
- O. Essential public services.

#### Section 11.03 Special Land Uses

No land or buildings in the SBD District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. Commercial schools and dance studios, provided off-street parking is provided or determined to be available by the Planning Commission.
- B. Funeral homes.
- C. Medical clinics and dental offices.

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- D. Veterinary clinics.
- E. Open front restaurant windows, provided that on-site trash collection is provided and provided that trash is recycled.

**Section 11.04 Site Development Requirements**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Lot dimension, setbacks and height requirements for all buildings, shall be met as outlined in Table 4.1 Schedule of District Regulations, Article 4.
- C. Site Plan Review as may be required in accordance with Article 15.
- D. Off-Street Parking as may required in accordance with Article 17.
- E. Access Management and Private Road Standards in accordance with Article 18.
- F. Signs are permitted in accordance with the requirements of Article 19.

## Article XII

### C - COMMERCIAL DISTRICT

#### Section 12.01 Statement of Purpose

This District is intended to provide areas for the establishment of retail sales and personal service uses, catering to the general public, as well as the residents of Sidney Township. The uses in the District will provide a wide range of commercial and business services and possess appropriate traffic safety components which will limit potential negative impacts to surrounding development. Development in this district should not be of such a scale as to overwhelm the rural characteristics of the Township.

#### Section 12.02 Permitted Uses

No land or buildings in the C - District shall be used, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Retail sales where no assembly, treatment, or manufacturing takes place on site and with no drive-through facilities.
- B. Personal service uses with no drive-through facilities.
- C. Office buildings (including professional, administrative, and medical).
- D. Banks, credit unions, and other financial institutions with no drive-through facilities.
- E. Restaurants, taverns and other places serving food and/or beverages including those providing dancing, live entertainment restaurants, but excluding restaurants with drive-through or drive-in facilities.
- F. Municipal buildings
- G. Co-location of wireless communication facilities on existing structures.
- H. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Commercial District, in conformity with Section 3.11.
- I. Essential public services.

#### Sec 12.03 Special Land Uses

No land or buildings in the C - District may be used, erected, altered, or converted except for the following purposes when approved in accordance with the requirements of Article 16:

- A. Auto sales, new and used (specific special land use standards apply to the automobile service and outdoor display operations in Sec 16.08.B and Sec 16.08.H).
- B. Automobile service stations and maintenance establishment (major and minor).
- C. Automobile wash, automatic or self serve.
- D. Hotels and motels.
- E. Commercial outdoor display, sales and storage of building/lumber supplies and similar materials
- F. Indoor recreational and entertainment facilities, including but not limited to, banquet halls, theaters, bowling lanes, billiard parlors and skating rinks.
- G. Commercial outdoor recreation facility
- H. Golf driving range and miniature golf courses
- I. Commercial schools including, but not limited to, dance, music, trade, and martial arts.
- J. State licensed residential child and adult care facilities in accordance with Section 3.10.
- K. Salvage yard or junkyards
- L. Health and physical fitness clubs.
- M. Mini or self storage warehouses.
- N. Funeral homes and mortuaries.

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- O. Veterinary hospitals and clinics.
- P. Wireless communication towers and radio and television broadcast towers.
- Q. Drive-through facilities for uses including, but not limited to, restaurants, banks and other financial institutions, and personal service establishments like dry-cleaning pick-up stations and pharmacies.
- R. Laundromats.
- S. Billboards.

**Section 12.04 Site Development Requirements**

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Lot dimension, setbacks and height requirements for all buildings, shall be met as outlined in Table 4.1 Schedule of District Regulations, Article 4.
- C. Site Plan Review as may be required in accordance with Article 15.
- D. Off-Street Parking as may required in accordance with Article 17.
- E. Access Management and Private Road Standards in accordance with Article 18.
- F. Signs are permitted in accordance with the requirements of Article 19.

## Article XIII

### I - INDUSTRIAL DISTRICT

#### Section 13.01 Statement of Purpose

The Industrial district is intended to exclusively accommodate research, wholesale and warehouse activities and light industrial operations. Uses shall be developed such that external, physical effects will in no manner affect in a detrimental way any of the surrounding districts. The Industrial District is intended for the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted, except as provided for as Special Land Uses.

#### Section 13.02 Principal Uses Permitted

In the IND Industrial District, no land or building shall be used and no building shall be erected or used except for one or more of the following specified uses and not involving wet processes or the use of water in processing:

- A. Composting centers;
- B. Contractors offices and buildings with only indoor storage of equipment and machinery;
- C. Indoor commercial storage (including boat storage);
- D. Manufacturing, fabricating, processing, packaging and/or assembling of products indoors from previously prepared materials.
- E. Print shops and book publishing;
- F. Professional or corporate offices;
- G. Radio and television studios;
- H. Co-location of wireless communication facilities on existing structures.
- I. Research and development facilities, testing laboratories;
- J. Tool and die machinery shops;
- K. Warehousing establishments;
- L. Business services (mailing, copying, data processing, etc.);
- M. Essential public services, public service buildings and public service storage yards;
- N. Public parks/open spaces;
- O. Vocational/technical training facilities;
- P. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Industrial District, in conformity with Section 3.11.

#### Section 13.03 Special Land Uses

The following uses may be permitted by the Planning Commission based on the standards of Article 16 and receipt of a Special Land Use Permit.

- A. Any permitted use involving wet processes or the use of water in processing;
- B. Animal Shelters
- C. Bottling and packaging except canning;
- D. Urgent care, medical centers/clinics;
- E. Commercial outdoor display, sales and storage of building/lumber supplies, equipment and similar materials;



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- F. Billboards
- G. Breweries and distilleries;
- H. Electric power stations and heating plants;
- I. Food processing including canning, meats, etc.;
- J. Forest connected industries;
- K. Manufacturing (indoors) of products such as prepared foods, cosmetics, pharmaceutical, toiletries, hardware, pottery, ceramics, electronics;
- L. State licensed residential child and adult care facilities in accordance with Section 3.10;
- M. Salvage yard or junk yard;
- N. Mining of natural resources;
- O. Accessory uses, buildings and structures customarily incidental to any of the above uses, as defined in Article 3.
- P. Veterinary hospitals/clinics
- Q. Wireless communication towers and radio and television broadcast towers.
- R. Any other similar uses as determined by the Planning Commission

### **Section 13.04 Additional Site Development Standards**

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. General Provisions outlined in Article 3.
- B. Lot dimension, setbacks and height for all buildings, shall be met as outlined in Table 4.1 Schedule of Regulations, Article 4.
- C. Site Plan Review as may be required in accordance with Article 15.
- D. Off-Street Parking as may required in accordance with Article 17.
- E. Access Management and Private Road Standards in accordance with Article 18.
- F. Signs are permitted in accordance with the requirements of Article 19.

## Article XIV

### PD - PLANNED DEVELOPMENT DISTRICT

#### Section 14.01 Intent

The intent of this Article is to offer an alternative to traditional development by permitting flexibility in the regulations for development. The standards contained herein are intended to promote and encourage development on parcels of land which are suitable in size, location and character for the uses proposed while ensuring compatibility with adjacent land uses.

The PD Zoning District standards are provided as a design option to encourage innovation in land use in terms of variety, design, layout, and type of structures constructed; to preserve and protect significant natural features and open space; to ensure that new developments are consistent with the rural character of the community; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites.

#### Section 14.02 Objectives

The objectives, principles and standards are intended to guide the applicant in the preparation of their land use and development plan and they shall be used as the basis for the evaluation of the plan by the Planning Commission and Township Board. The following objectives shall be considered in reviewing an application for PD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of such PD.

- A. To provide more desirable living by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- B. To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- D. To provide more efficient and aesthetic use of open areas.
- E. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.

#### Section 14.03 Qualifying Conditions

The following conditions shall apply to all Planned Development (PD) Districts:

- A. **Unified Control.** The Planned Development District shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- B. **Size.** A minimum size of forty (40) acres of contiguous land.
- C. **Recognizable Benefits.** The benefits of a PD District can be provided through site design elements in excess of the requirements of this Ordinance and shall offer at least one (1) of the following:
  - a. **Significant Natural Assets.** For sites that contain significant natural assets there shall be extensive, creative and effective preservation efforts demonstrated. Significant natural assets include features such as: active farmland, woodlands, rolling topography with grades

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- exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats.
- b. **Recreation Facilities.** If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
  - c. **Mixed Use.** A site can qualify if the development will provide a complementary and integrated mixture of uses, residential densities and/or housing types. A mixed use project shall be considered a project which proposes a combination of single family detached and multiple family housing or a mixture of compatible residential, commercial and industrial uses.
  - d. **Land Reclamation:** Sites which require extensive reclamation in order to be suitable for development should be offered the incentives of the PD District. Extensive land reclamation includes conditions such as environmental contamination clean-up and redevelopment of abandoned natural resource extraction sites. Work must involve complete clean-up, grading and restoration of the site to offer a viable development area.

**Section 14.04 Approval Procedure**

- A. Process for rezoning to appropriate PD designation and approval of Conceptual PD Plan.
  - 1. The applicant shall prepare and submit to the Zoning Administrator a request for rezoning to the PD designation, including seven (7) copies of all Conceptual Submittal items listed in Section 14.05. Materials shall be submitted at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; fourteen (14) days for an applicant who has had a pre-application workshop session on the proposal within one-hundred twenty (120) days of the Conceptual PD Site Plan submittal.
  - 3. The Planning Commission shall review the rezoning request and the Conceptual PD Site Plan, conduct a public hearing, and make a recommendation to the Township Board based on the review standards of Section 14.06.
  - 4. The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit seven (7) copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
  - 5. The Township Board may conduct an additional public hearing on the requested PD rezoning and Conceptual PD Site Plan and shall either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the Zoning Administrator. Upon approval by the Township Board and written acceptance of the conditions, if any, the property shall be zoned PD.
- B. Expiration: Approval of the PD zoning and Conceptual PD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed one (1) year from date of approval. If application for Final PD Site Plan approval is not requested within this time period, resubmittal of the application shall be required. The Township Board may extend the period up to an additional one (1) year, if requested in writing by the applicant prior to the expiration date.
- C. Process for Final PD Site Plan(s)
  - 1. The applicant shall submit seven (7) copies of all necessary information meeting the requirements of Section 14.07 of this ordinance to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request. For projects over one hundred (100) acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space and general landscaping; with more detailed site plans submitted at a later date for each project phase in accordance with Article 15, Site Plan Review. If the PD involves a platted subdivision, the Final PD Site Plan may be processed concurrently as a Preliminary Plat.

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2. Upon submission of all required materials and fees, the Planning Commission shall review the Final PD Site Plan, conduct a public hearing (if necessary), and make a recommendation to the Township Board based on Section 14.07.
3. The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit seven (7) copies to the Zoning Administrator to provide sufficient time for review prior to the Township Board meeting.
4. The Township Board shall review the Final PD Site Plan and either approve, deny or approve with a list of conditions made part of the approval.
5. If the Final PD Site Plan was approved with conditions, the applicant shall submit a revised site plan along with written acceptance of the conditions to the Zoning Administrator for approval prior to the issuance of any building permits.

**Section 14.05 Conceptual Submittal Requirements**

The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. Seven (7) copies of each of the following items shall be submitted by the applicant or as required by the Township:

- A. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- B. A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative charges to review the PD submittal.
- C. A written statement which includes the following information:
  1. An explanation of the character of the PD, the manner in which it has been planned to take advantage of the PD regulations, and the manner in which it reflects the Objectives of the PD as stated in this Article.
  2. A statement of ownership of all land within the proposed PD.
  3. A general indication of the expected schedule of development.
  4. A general indication of the expected public interest to be served by the PD and conformance of the PD to the Township Master Plan.
  5. A general statement regarding conformance to the Qualifying Conditions for the PD as stated in this Article.
  6. The estimated population and density distribution.
  7. An indication of any contemplated private deed restrictions or covenants.
  8. A description of how the PD meets the standards of conceptual approval outlined in Section 14.06.
- D. Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineers scale.
- E. Cover Sheet providing:
  1. the applicant's name;
  2. the name of the development;
  3. the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
  4. date of preparation and any revisions;
  5. north arrow;
  6. property lines and dimensions;
  7. complete and current legal description and size of property in acres;
  8. small location sketch of the subject site and area within one-half; and scale;
  9. zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the PD site;
  10. lot lines and all structures on the property and within one-hundred (100) feet of the PD property lines;
  11. location of any access points on both sides of the street within one-hundred (100) feet of the PD site along streets where access to the PD is proposed.
- F. A Plan Sheet(s) labeled Existing Site Conditions, including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing

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- drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands over two acres in size and the limits of major stands of trees. This sheet shall also illustrate existing topography of the entire site at two (2) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet may be included in the packet.
- G. For projects with a residential component, a concept plan that illustrates how the site could be practically developed under current zoning standards. This drawing may be used to determine the base density of the project.
- H. A Conceptual PD Site Plan Sheet including:
1. Conceptual layout of proposed land use, acreage allotted to each use, residential density overall (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs. Calculations of the size of uses to confirm compliance with Section 14.09.B Bulk and Area Requirements.

Note: Useable area is total area less public road rights-of-way, year-round surface water bodies, and MDEQ regulated wetlands.

2. Building setbacks and spacing.
3. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PD.
4. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed.
5. Calculations to demonstrate compliance with minimum open space requirements shall be provided.
6. If a multi-phase Planned Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
7. Preliminary architectural design information shall be provided to the satisfaction of the Township, describing building materials, style and intended character.
8. A Utility Master Plan shall be required based on guidelines provided by the Zoning Administrator.

**Section 14.06 Standards for Approval of Conceptual PD Site Plan**

- A. Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Township Board may deny, approve, or approve with conditions the proposed planned unit development.
1. The planned development meets the qualification requirements.
  2. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
  3. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
  4. Adequate water and sewer facilities are provided by the developer as part of the site development.
  5. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
  6. Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site and surrounding lands. The common open space may either be centrally located along the road frontage of the development, located to preserve

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significant natural features, or located to connect open spaces throughout the development. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Township. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.

7. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.

B. The Township Board may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Development will be capable of accommodating increased service and facility loads caused by the Planned Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) promote the use of land in a socially and economically desirable manner.

### **Section 14.07 Final PD Site Plan Submittal Requirements and Approval Standards**

The purpose of the PD final review is to consider the Final PD Site Plan for the entire PD that is consistent with the approved Conceptual PD Site Plan. Receipt of a building permit shall require a recommendation from the Township Planning Commission and final approval by the Township Board. This Section also addresses special circumstances for review of PD projects.

A. **Final PD Site Plan Submittal Requirements.** The final submittal shall include seven (7) copies of each of the following items:

- 1 All materials required by Article 15, Site Plan Review.
- 2 Any other additional information deemed appropriate by the Township.

B. **Standards for Approval of Final PD Site Plan.** Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or approval with conditions, and the Township Board may deny, approve with conditions the proposed planned development.

- 1 The Final PD Plan and associated documents shall be reviewed for consistency with the approved Conceptual PD Plan and associated documents and any conditions required by the Township.
2. The Final PD Plan and associated documents shall be reviewed in accordance with Article 15 Site Plan Review and any other applicable regulatory document.
3. The Township may impose additional reasonable conditions to: 1) insure that public services and facilities affected by a Planned Development will be capable of accommodating increased service and facility loads caused by the Planned Development, 2) protect the natural environment and conserve natural resources and energy, 3) insure compatibility with adjacent uses of land, and 4) to promote the use of land in a socially and economically desirable manner.

C. For projects over one hundred (100) acres: the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space and general landscaping; with more detailed site plans submitted for the first building or project phase. Each detailed site plan and Impact Statement shall be reviewed according to the procedures and standards of Article 15, Site Plan Review.

D. The final site plan and PD Agreement and other required submittal items shall be reviewed by the Planning Commission according to the procedures outlined in Article 15, Site Plan Review.

E. Condominium Projects: For any condominium section of a PD, the applicant shall provide a copy of the Master Deed and Condominium Association Bylaws for approval by the Planning Commission. The condominium documents shall provide limits on use of common areas or open space for accessory structures such as swimming pools, decks, playground equipment and

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buildings. A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

**Section 14.08 Permitted Uses**

- A. The following uses of land and structures may be permitted within a PD.
1. Single-family detached dwellings.
  2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PD.
  3. Multiple family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PD.
  4. Golf courses, indoor tennis clubs, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants (excluding drive-through facilities), and similar uses open only to members and their guests.
  5. Any "Permitted Use" within the Commercial District, provided that:
    - a. the total site of the PD is at least eighty (80) contiguous acres;
    - b. the gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PD;
    - c. all such uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.;
    - d. such uses shall not materially alter the residential character of the neighborhood and/or the PD;
    - e. buildings designed for nonresidential uses are constructed according to the following schedule:
      - (1) If the entire PD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
      - (2) If the PD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
    - f. No commercial uses shall be established without the construction and occupancy of at least twenty (20) residential dwelling units.
  6. Accessory buildings and structures and uses customarily incidental to any of the above uses allowed in the Planned Development District, in conformity with Section 3.11.

**Section 14.09 Development Regulations**

- A. **Density:** The maximum permitted density for any residential development shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zoning district.
- B. **Bulk and Area Requirements.** The following minimum lot and yard requirements shall be met:

<b>PD District Regulations</b>	
Front Yard Setback	30 feet
Side Yard Setback	Single and Two Family Dwellings -10 feet
	Multiple Family Dwellings and Non-Residential Buildings - 30 feet
Rear Yard Setback	30 feet
Building Height	25 feet or 2 1/2 stories
Required Open Space	30%
Lot Coverage (required open space not included)	30%

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Average Minimum Lot Area	Single and Two Family Dwellings - 20,000 square feet if no public sewer 12,000 square feet if public sewer
	Multiple Family Dwellings - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre
Average Minimum Lot Width	100 feet
Minimum Floor Area	Single and Two Family Dwellings -1,000 square feet GFA on ground floor
	Multiple Family Dwellings - 800 square – UFA per unit-

**C. Open Space Requirements:**

- 1. Common Open Space.** All land within a PD that is not devoted to a residential or non-residential building, an accessory structure or use, a roadway or access drive, vehicle parking, or an approved land improvement, shall be set aside as common land for recreation or conservation. Grading in the open space shall be minimal, with the intent to preserve existing topography.
- 2. Amount of Open Space.** A PD, which is not being developed as a cluster development per Section 14.10, shall maintain a minimum of thirty percent (30%) of the gross area of the site as dedicated open space held in common ownership. Except as noted in 14.09.C.3 below, any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifteen percent (15%) of the overall site (50% of the minimum required open space) shall be accessible upland area.
- 3. Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of this Article:
  - a. Area proposed as single family residential lots or site condominiums.
  - b. Area proposed to be occupied by multiple family dwellings.
  - c. Any portion of the project used for commercial, office, institutional or industrial purposes including buildings, structures, parking and loading areas. Parking used exclusively for public recreational facilities shall be permitted as open space.
  - d. The area of any street right-of-way, private road easement or access drive.
  - e. Any submerged land area of a pond, lake, river or stream.
- 4. Protection of Open Space.**
  - a. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as: recorded deed restrictions, covenants that run perpetually with the land, or conservation easements.
  - b. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  - c. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
- 5. Allowable Structures.** Any structure(s) or building(s) accessory to a recreation use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1 %) of the required open space area.

**D. Natural Features.** The development shall be designed to promote the preservation of natural features. Compliance with this requirement shall be determined by the Planning Commission after review of a Site Analysis Plan, prepared by the applicant, that inventories these features.

**E. Access and Circulation.**

- 1. Access.** Access shall be limited to one (1) major entrance along any major thoroughfare. Additional access points may be considered if spaced at least five hundred (500) feet apart.
- 2. Internal Roads.** All roads within the PD shall meet the minimum requirement of the Road Commission for public roads and the Township for private roads.



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- 3. **Pedestrian Circulation.** Pedestrian and/or bike trails shall be provided within the open space. They may be constructed of asphalt, gravel or other similar material.

**F. Lighting.**

- 1. Exterior lighting shall be restrained and excessive brightness avoided to help ensure compatibility with adjacent land uses.
- 2. All lighting shall be limited to 20 feet in height.
- 3. The intensity of light fixtures shall be limited to 250 watts.
- 4. Any lighting other than ornamental street lights shall be down directed cut-off type fixtures.
- 5. Floodlight type fixtures shall not be permitted except for building accent and sign lighting approved by the Planning Commission.
- 6. The Planning Commission may require a consistent type of pedestrian scale ornamental lighting along all streets, and sidewalks and within any off street parking lots.

**Section 14.10 Residential Cluster Development Regulations**

The PD may be approved as a residential cluster development in accordance with the following regulations. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed. Residential cluster development shall meet the qualifying conditions outlined in Section 14.03.

**A. Design Standards**

- 1. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission and Township Board, but in no case shall be less than the following:

<b>Cluster Regulations</b>	
Lot size	20.000 s.f. if no public sewer 12.000 s.f. if public sewer
Front yard	25 feet
Side yard	20 feet total/10 feet minimum
Rear yard	20 feet
Lot coverage	25%
Lot width	150 feet

- 2. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of this Article.
- 3. Minimum floor area and height regulations for dwelling units shall conform to the MDR Medium Density Residential District requirements.
- 4. No two-family, multiple family, or commercial uses shall be permitted as part of the residential cluster development.

**B. Review Standards**

The following review standards will be used by the Planning Commission and Township Board in their consideration of a residential cluster development. Before such developments may be approved the Township Board shall find:

- 1. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
- 2. That the location of the buildings of the residential cluster development do not unduly impact other single family uses in the vicinity of the proposed development;

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3. That the residential cluster development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
4. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
  - a. The Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval from the Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
  - b. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PD. Such additional studies may be required by the Planning Commission and/or Township Board where one (1) or more of the following conditions are present:
    - (1) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PD is to be placed, or on lots or parcels within a one (1) mile radius of the PD site;
    - (2) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PD site;
    - (3) Existing licensed landfills (active or inactive) within a three (3) mile radius of the PD site.
    - (4) Industrially used or zoned sites within a one (1) mile radius of the PD site
    - (5) Existing residential development within a one (1) mile radius of the PD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.
    - (6) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PD site.

**Section 14.11 Amendments and Deviations from Approved PD Plans:**

An amendment to an approved PD plan may occur only under the following circumstances:

- A. The holder of a valid PD Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan.
- B. **Minor changes.** Minor changes requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
  1. Reduction of the size of any building or sign.
  2. Movement of buildings or signs less than ten (10) feet.
  3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
  5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Changes required or requested by the Township, Montcalm County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Article.

**Section 14.12    Limitation on Variances from the Zoning Board of Appeals**

The decision to grant PD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PD may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PD, provided such variance does not involve alterations to open space areas as shown on the approved PD Plan.

**Section 14.13    Fees**

Fees for review of plans shall be established by resolution of the Township Board. Costs for the review of plans, studies, etc. as required by the Township Board shall be the responsibility of the applicant and shall be paid in advance of any review.

## Article XV

### SITE PLAN REVIEW

#### Section 15.01 Statement of Purpose

The purpose of this Chapter is to provide for consultation and cooperation between the Land Developer and the Township Planning Commission in order that the developer may accomplish their objectives in the utilization of the land within the regulations of this Zoning Ordinance, and with minimum adverse effect on the use of adjacent streets, highways, and existing uses in the immediate vicinity.

#### Section 15.02 Uses Subject to Site Plan Review.

A Land Use Permit for any proposed use or building or any other improvement shall not be issued until a Site Plan has been reviewed and approved by either the Planning Commission, or Zoning Administrator, under the following procedure:

A. The following uses shall be subject to Site Plan Review by the Planning Commission in accordance with the provisions of this Section.

1. All land uses, new construction, new uses established, or additions to existing buildings in excess of twenty five (25) percent of the gross floor area of the main building in all Zoning Districts, except the following:
  - a. Single family dwellings
  - b. Temporary buildings and uses
  - c. Accessory uses or structures
2. Special land uses in any zoning district.
3. Condominium projects or Site Condominiums.
4. Planned Developments.

B. All uses for which Site Plan Review by the Planning Commission is not required under Section 15.02, A, 1, shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

#### Section 15.03 Site Plan Review Procedures

A. (Optional) A preliminary sketch plan may be submitted for review to the Planning Commission for all projects which Site Plan Review by the Planning Commission is required. The purpose of accommodating such procedure is to cause discussion between the developer and the Planning Commission to better inform the developer of the acceptability of the proposed plans prior to incurring extensive engineering and other costs, which might be necessary for site plan approval. Further, the preliminary sketch plan provides an opportunity for the developer to explain their plans for site development, and the Planning Commission to share the township goals. Such sketch plans shall include at least the following information:

1. The name and address of the applicant, including the name, address, and phone number of a contact person.
2. The legal description and Zoning of the property.
3. Drawings showing tentative site development.
4. The Planning Commission shall not be bound by any tentative approval given at the preliminary sketch plan review.

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- B. An application for Site Plan Review shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 15.04, and 15.05, are met, then transmit the application and materials to the Planning Commission. If the plan does not meet the requirements of 15.04 and 15.05, then the plan shall be returned to the applicant without further action, and the application fee shall be forfeited by the developer. If the plan meets the requirements of the above subsections, then the plan, application, and materials shall be transmitted to the Planning Commission for review.
- C. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.
- D. The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance.
  - 1. To this end, the Planning Commission may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan.
  - 2. Such material may include, but is not limited to:
    - a. aerial photography, photographs;
    - b. traffic impacts;
    - c. impact on significant natural features and drainage;
    - d. soil tests;
    - e. environmental impacts;
    - f. and other pertinent information.
- E. The Planning Commission shall approve, deny, or approve with conditions any site plan it reviews based on the requirements of this Ordinance.
- F. No petition submitted for Site Plan Review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Planning Commission after learning of new and significant changes or information.
- G. Upon approval of the Site Plan, the Planning Commission secretary shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Township's files; one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Compliance Permit; and one (1) copy shall be returned to the applicant.

**Section 15.04 Site Plan Application Requirements.** The required site plan application shall include the following information:

- A. A completed and signed application form
- B. Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.
- C. A minimum of three (3), up to ten (10) copies of a neat and orderly site plan, drawn to scale, containing the following required information. The amount of copies required is at the discretion of the Zoning Administrator.
  - 1. The date, North arrow, and scale. The scale shall not be less than 1" = 20' for sites under three (3) acres, and at least 1" = 100' for those sites of three (3) acres or more.
  - 2. Legal description of the property.

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3. Small sketch of properties, streets and zoning classifications within one quarter (1/4) mile of the subject property.
4. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
5. All lot lines with dimensions
6. Parking lots and access points
7. Proposed buffer strips, greenbelts, or screening
8. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
9. Location of any signs
10. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property. If no buildings are within one-hundred (100) feet the property lines, the use of the adjacent property shall be indicated.
11. General topographical features including existing contours at intervals no greater than five (5) feet.
12. Number of acres allocated to each proposed use and gross area in building, structures, parking, public or private streets and drives, and open space.
13. Dwelling unit densities by type, if applicable.
14. Proposed method of providing sewer and water service, as well as other public and private utilities.
15. Proposed method of providing storm drainage.
16. Written description of the computation for required parking.
17. Name, address, and phone number of applicant.
18. Name, address, phone number, of the individual responsible for preparing the plan

**Section 15.05 Site Plan Review Standards**

All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:

- A. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. Provision of quality planting material and ground treatment which: enhances the design and aesthetic value of the site; buffers and screens conflicting noises, structures and uses; creates a transition between land uses; stabilizes soils; and, improves the views of development sites and residential areas along Township roadways.
- D. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Sidney Township.
- E. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

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- F. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of Sidney Township will be met.
- G. The general purposes and spirit of this Ordinance shall be maintained.

**Section 15.06 Validity of Approved Plans**

- A. Each development shall be under construction within one (1) year after the date of approval of the Site Plan, except as noted in this Section.
- B. The Planning Commission may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the Site Plan and provided that:
  - 1. the applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
  - 2. the site plan requirements and standards, including those of the Zoning Ordinance, that are reasonably related to said development have not changed.
- C. Should neither of the provisions of Section 15.06 B be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.

**Section 15.07 Amendments to an Approved Site Plan.**

Amendment to an approved site plan may occur only under the following circumstances:

- A. The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
  - 1. Reduction of the size of any building or sign.
  - 2. Movement of buildings or signs less than ten (10) feet.
  - 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
  - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - 6. Changes required or requested by the Township, Montcalm County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

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**Section 15.08 Site Plan Required for Reuse of an Existing Site**

Reuse of a site which meets all zoning ordinance standards may be permitted without requiring the applicant to prepare a site plan only if the Zoning Administrator determines the new use is similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts. The Zoning administrator may require submittal of a sketch plan or documentation to assist in making such determination.

**Section 15.09 Appeals of Site Plan**

- A. Any person aggrieved by the decision of the Planning Commission in granting or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals. The appeal shall be filed with the Township Clerk within five business days of the final decision by the Planning Commission. The appeal shall state the aggrieved parties' grounds for appeal.
- B. The filing of an appeal of a decision of the Planning Commission concerning a site plan shall act to stay any building permit issued for improvements on the property which is the subject of the appeal.
- C. On hearing such appeal, the Zoning Board of Appeals shall review the record before the Planning Commission and shall determine whether or not there was support on the record for the original decision. The appellants shall not have the right to present new evidence. The Zoning Board of

Appeals shall approve the site plan if the requirements of this zoning ordinance, other applicable Township ordinances and applicable state and federal statutes are met, and prepare written findings on its decision on the appeal.

- D. An appeal of a Zoning Board of Appeals decision concerning a site plan shall be to the Circuit Court of Montcalm County.



## Article XVI

### SPECIAL LAND USES

#### Section 16.01 Statement of Purpose

In order to make this ordinance a flexible zoning device, and still afford protection of property values and orderly and compatible development, the Planning Commission, in addition to its other functions and duties, is authorized to approve the establishment of certain uses designated as Special Land Uses. This Article provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow practical latitude for the applicant, at the same time maintain adequate provisions for the protection of the health, safety, convenience, and general welfare of Sidney Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Article. In addition, the following uses shall conform to the specific standards cited in Section 16.08, as applicable.

#### Section 16.02 Application and Review Procedures

- A. Application for a Special Land Use permit shall be made to the Zoning Administrator and shall include the following:
1. A minimum of three (3) up to ten (10) copies of a site plan containing the information that meets the requirements of Article 15 Site Plan Review. The amount of copies required is at the discretion of the Zoning Administrator.
  2. An application form supplied by the Township, completed by the applicant, or their authorized agent.
  3. Payment of a non-re fundable application fee, as established from time to time by resolution of the Township Board.
- B. The application shall be reviewed by the Zoning Administrator for completeness and compliance with appropriate sections of this Ordinance.
1. Planning Commission receives application for a Special Land Uses from Zoning Administrator.
  2. Planning Commission Chair forwards a copy of application to the Township Board for discussion at next regularly scheduled Township Board Meeting.
  3. Planning Commission and Township Board meets and confers on the application.
  4. Planning Commission hold public meeting and makes the final decision.
- C. The request for special land use shall be reviewed as follows:
1. The special land use request and appropriate document shall be forwarded to the Planning Commission.
  2. The Planning Commission shall review the Special Land Use application and the Site Plan in terms of the requirements of the Special Land Use General and Specific Standards of this Article and the standards of Article 15 Site Plan Review.
  3. After completing initial review of the application, the Planning Commission shall hold a public hearing on the special land use application in accordance with Act 184 of the Public Acts of 1943, as amended. One (1) notice of the hearing shall be published in a newspaper of

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general circulation in the township and sent by mail or personal delivery to the property owners and the occupants of all structures within three hundred (300) feet of the boundary of the property in question. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the hearing. The notice shall describe the nature of the special land use request, indicate the property in question, state the time and location of the hearing, and shall indicate the time and place where written comments will be received.

NOTE: If the list of owners boarding the property in question does not equal fifteen (15). The radius needs to be expanded to meet fifteen (15) property owners.

4. The Planning Commission shall approve, approve with conditions or deny the Special Land Use and Site Plan.

If the application is determined to be incomplete or more information is required, then the Planning Commission may either: 1) table the request and direct the applicant to prepare additional information or revise the plan; 2) return the request for additional review or analysis; or 3) deny the request. If the revised plans are determined to be significant by the Planning Commission, may elect to conduct another public hearing.

5. Upon approval of an application for a special land use permit the Zoning Administrator shall issue a special use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the approval of the special land use permit are adhered to.
6. Records of the reasons for the Planning Commission actions, and any conditions attached to the approvals, shall be kept and made a part of the minutes of the Planning Commission. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use permit is approved by the body which approved the original special land use permit.
7. No request for Special Land Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal

### **Section 16.03    General Standards For Approval**

The Planning Commission shall review each Special Land Use permit request, and approve said request only upon a finding that all of the following general standards are met:

- A. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
- D. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
- E. The site plan proposed for such use demonstrates compliance with the specific design standards for the special land use as contained in Section 16.08.

**Section 16.04 Conditions of Approval**

The Planning Commission may impose reasonable conditions in conjunction with approval of a Special Land Use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 16.03 and the Specific Design Standards of Section 16.08.

The applicant shall submit information and plans which demonstrate compliance with the conditions for administrative approval by the Zoning Administrator within sixty (60) days of the date of conditional approval and prior to issuance of a special land use or land use permit, or the submission shall be considered null and void. The Zoning Administrator may submit the revised site plan to the Planning Commission for comments or approval.

Upon approval of an application for a special land use permit the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the approval of the special land use permit are adhered to.

**Section 16.05 Approval Term and Expiration**

A Special Land Use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The Special Land Use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the Special Land Use may be imposed as a condition of approval, if such use is intended to be of a temporary nature.

**Section 16.06 Variances**

The Zoning Board of Appeals shall not have the authority to grant a variance to allow a special land use which was denied by the Planning Commission. If dimensional or site design variances are requested for a special land use, the request shall first be reviewed by the Planning Commission which shall provide a recommendation to the Zoning Board of Appeals. Any variances shall be approved by the Zoning Board of Appeals prior to Planning Commission action on the site plan or special land use, as applicable. The Zoning Board of Appeals may deny a variance upon a finding, with a recommendation from the Planning Commission, that the variance could be contrary to the Special Land Use standards of this Article.

**Section 16.07 Amendments, Expansions or Change in Use**

- A. The holder of a valid Special Land Use Permit shall notify the Zoning Administrator of any proposed amendment to such permit.
  
- B. **Minor Amendment:** Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
  - 1. Reduction of the size of any building or sign.
  - 2. Movement of buildings or signs less than ten (10) feet.
  - 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.

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5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
6. Changes required or requested by the Township, Montcalm County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. **Major Amendment:** Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.
- D. **Change in Use:** Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article.
- E. A separate Special Land Use Permit shall be required for each use which requires Special Land Use review on a lot.

**Section 16.08 Special Land Use Specific Design Standards**

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Animal shelters.
- B. Automobile service stations and maintenance establishments (major and minor)
- C. Automobile wash, automatic or self serve.
- D. Bed and Breakfast establishments
- E. Billboards.
- F. Cemeteries.
- G. Churches.
- H. Commercial outdoor display, sales and storage of building/lumber supplies , equipment and other similar materials.
- I. Drive-through facilities for uses including but not limited to financial institutions, restaurants and pharmacies.
- J. Forest connected industries
- K. Funeral homes and mortuaries.
- L. Greenhouses and nurseries.
- M. Hotels and motels.
- N. Kennels.
- O. Mining of natural resources.
- P. Mini or self storage facilities.
- Q. Municipal buildings.
- R. Private schools.
- S. Recreation, public or private: Boat launches
- T. Recreation, public or private: Campgrounds
- U. Recreation, public or private: Clubs, lodges, and fraternities
- V. Recreation, public or private: Community center
- W. Recreation, public or private: General outdoor recreation and entertainment facility
- X. Recreation, public or private: General indoor recreation and entertainment facility
- Y. Recreation, public or private: Golf courses and country clubs
- Z. Recreation, public or private: Golf driving ranges and miniature golf courses
- AA. Recreation, public or private: Off-road vehicle courses and trails
- BB. Recreation, public or private: Places of assembly
- CC. Recreation, public or private: Ski facilities and resorts
- DD. Recreation, public or private: Riding stables
- EE. Roadside stands.
- FF. Storage buildings on a lot without a principal building.

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- GG. Salvage yard and junkyards
- HH. Laundromats (self-serve).
- II. Two-family attached dwellings.
- JJ. Veterinary hospitals and clinics.
- KK. Wireless communication towers and radio and television broadcast towers.

A. **Animal Shelters.**

1. The site shall have a minimum lot size of five (5) acres.
2. Building wherein animals are kept, dog runs, cat cages, and/or exercise areas shall not be located nearer than one hundred (150) feet from any lot line and two hundred (200) feet from the road right-of-way and any residential zoning district.
3. An operations/management plan must be submitted for review.
4. All shelters shall be operated in conformance with all applicable county and state regulations and operated by a licensed operator.
5. The application shall include a floor plan for the facility that indicates noise insulation measures.
6. Animals shall be kept indoors and enclosures shall be hard surfaced and provided proper drains for washing with water pressure.
7. Each dog run and/or exercise area shall be located in the rear yard and separately fenced from the adjoining dog run and/or exercise area.
8. There shall be a fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet.

B. **Automobile service stations and maintenance establishments (major and minor).**

1. There shall be a minimum lot area of one (1) acre and minimum lot frontage of two hundred fifty (250) feet.
2. Shall have direct frontage and access to M-66.
3. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line, and at least forty (40) feet from any residential district line.
4. Where adjoining residentially zoned or used property, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may approve a landscaped berm as an alternative.
5. All repair work shall be conducted completely within an enclosed building.
6. Outdoor storage or display of vehicle components and parts requires a separate special land use permit.
7. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days in any thirty (30) day period.
8. Storage of gasoline shall be at least four hundred (400) feet from churches, schools or similar public/quasi-public places of assembly.
9. Below ground fuel storage tanks shall be at least two thousand (2000) feet from any drinking water well serving two or more residential units.
10. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises.

C. **Automobile washes, automatic or self-service**

1. Only one (1) ingress/egress driveway shall be permitted on any single street.
2. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good conditions. The Planning Commission may require landscaping, including a berm, as an alternative.

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3. All washing facilities shall be within a completely enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
5. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which do not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required Article 17, Parking and Loading-Unloading Standards.

**D. Bed and breakfast establishments.**

1. The establishment shall be serviced by adequate on-site utilities and resources.
2. The establishment shall be located on property with direct access to a public road.
3. No such use shall be permitted on any property where there exists another bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single family dwelling.
5. Off-street parking shall be in the rear yard, and one (1) space per sleeping room shall be required. If it is impracticable to locate the parking in the rear, the Planning Commission may permit the required off-street parking to be located in an area that best minimizes negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

**E. Billboards.**

1. Two (2) signs may be counted as a single billboard, if the signs are placed back-to-back.
2. Shall comply with the Highway Advertising Act.
3. The billboard may be illuminated, however, such illumination shall be so arranged as to not cause a hazard to drivers on the adjacent roadway.
4. No animation or moving parts may be permitted, nor any flashing lights, or intermittent lights that may simulate movement.

**F. Cemeteries.**

1. Minimum lot size of three (3) acres is required.
2. Plan must show any interior roads, and plot areas.
3. A five (5) foot tall fence is required along any property line not adjacent to a road right-of-way.
4. One (1) sign is permitted that must conform with the district restrictions for signs.

**G. Churches.**

1. The property location shall be such that at least one (1) side of the property abuts and has access to a paved county road.
2. The parking lot shall be screened with a proper greenbelt

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H. **Commercial outdoor display, sales and storage.**(as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, garden/landscape supplies, nurseries, greenhouses, stone, farm implements, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment).

1. Minimum lot area shall be one (1) acre.
2. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
3. All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property. The Township Board, following a recommendation of the Planning Commission, may approve a gravel surface for all or part of the display or storage area for low intensity activities, upon a finding that neighboring properties and the environment will not be negatively impacted.
4. No outdoor storage shall be permitted in any required yard (setback) of buildings for the district in which the commercial outdoor display, sales or storage use is located. Any approved outdoor sales or display with a parking lot shall meet the required parking lot setback; provided the Planning Commission may require additional landscaping screening or ornamental fencing.
5. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the use.
6. All outdoor storage area property lines adjacent to a residential district shall provide a landscape greenbelt as approved by the Planning Commission or a six (6) foot high screen wall or fence, or a four (4) foot high landscaped berm as an alternative.
7. The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence.

I. **Drive-through facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as to not interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall be set back at least one-half the required front yard setback for the district in which the use is located, and at least twenty (20) feet from the side and rear lot lines.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
7. A proper buffer or greenbelt to screen the use from any adjacent residential uses is required.

J. **Forest connected industries.**

1. All buildings and structures associated with the use shall be set back at least two hundred (200) feet from all property lines, however if the use is adjacent to a residential use, the setback shall be live hundred (500) feet.

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2. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.
3. Outdoor storage of raw material shall be limited to the side and rear yards of the property, and not within twenty (20) feet of such property lines.
4. Outdoor storage areas shall be within a fenced area, such fence shall be completely opaque, and at least six (6) feet in height, but no higher than ten (10) feet.
5. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.

**K. Funeral homes and mortuaries.**

1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
3. No waiting lines of vehicles shall extend off-site or onto any public street.
4. Access driveways shall be located at least seventy-five (75) feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

**L. Greenhouses and nurseries.**

1. All buildings and structures associated with the use shall be setback at least one hundred fifty (150) feet from all property lines.
2. Outdoor display areas shall be setback at least fifty (50) feet from all property lines, and shall be limited to an area equal to one-half (1/2) the square footage all buildings on the lot associated with the use.
3. A designated outdoor storage area shall be permitted for storage of machinery, pallets, and other items necessary for the use, provided such area is in the rear yard, and located no closer than fifty (50) feet to the rear and side lot lines.
4. All interior drives and parking areas shall be graded and drained to prevent ponding on site, and to prohibit storm water from running onto adjacent property. Further such areas shall be paved, or so treated to minimize air pollution in the form of dust.

**M. Hotels and motels.**

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
2. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

**N. Kennels.**

1. Buildings wherein dogs are kept, dog runs, and/or exercise area shall not be located nearer than one hundred (100) feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
2. Animals shall be kept indoors and enclosures shall be hard surfaced and provided proper drains for washing with water pressure.
3. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run and/or exercise area and located in the rear yard.



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4. There shall be a fence around the outside perimeter of the dog runs and/or exercise areas, with a height of not less than six (6) feet.
5. Parcel shall be five (5) acres or more in size.
6. Such facilities shall be under the jurisdiction of the Sidney Township Planning Commission/Montcalm Animal Control, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, additional fencing, soundproofing, and sanitary requirements.

**O. Mining of natural resources.**

Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; and the mining of coal. The incidental excavation of sand and gravel for on-site use only is excluded from the regulations of this Ordinance, except that the setback and yard requirements for the district shall be met.

1. A minimum setback for the mining operation of fifty (50) feet from any property line, and seventy-five (75) feet from any public road.
2. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public road.
3. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Storage piles of processed material and overburden stripped mining areas shall not be located closer than fifty (50) feet from any property line, and one hundred (100) feet from any public road.
5. A minimum of twenty (20) acres is required for the use.
6. With application for the Special Land Use, an Operational Plan must be submitted for review by the Planning Commission. If the Operational Plan meets the intent and purpose of this Ordinance, the goals and objectives of the Township Master Plan, and is consistent with sound planning principles, the Planning Commission may approve the plan. The plan should provide at least the following information, but not limited to: the areas to be mined, the location of permanent structures, locations for storage piles, the points of access upon public roads, screening, and reclamation plans. The Operational Plan must be approved prior to issuance of a Zoning Permit.
7. Upon commencement of mining operations, the mining area shall be enclosed within a five (5) foot high fence, and "No Trespassing" signs shall be posted at most one hundred (100) feet apart.
8. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one (1) or more of the following:
  - a. Earth berms which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public road adjacent to the mining property. The berm shall have a slope not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.
  - b. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than ten (10) feet, and spacing of trees within rows no greater than ten (10) feet apart.
  - c. Masonry walls or solid fences which shall be constructed to a height at least five (5) feet.
9. Noise and vibration shall not be nuisance to the general health, safety, and welfare of the residents in Sidney Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings.
10. Air pollution in the form of dust and dirt shall be kept at a minimum.
11. All equipment used for the mining operation shall be operated in such a manner as to minimize, insofar as is practicable, dust, noise and vibration conditions which are injurious or substantially annoying to persons living in the vicinity.

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12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
13. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
14. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
15. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one (1) year after all extraction has been completed.
  - a. The excavated area shall not retain stagnant water
  - b. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area
  - c. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal
  - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four (4) inches deep.
  - e. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
  - f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
16. The mining company shall post a minimum financial guarantee in the amount of \$10,000 for the first five (5) operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$2,000 per each additional operation acre which exceeds the first five. The guarantee shall be provided in one (1) of the following forms:
  - a. Cash
  - b. Certified check
  - c. Irrevocable bank letter of credit
  - d. Surety bond acceptable to the Planning Commission.

Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

17. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the Zoning Administrator. Failure to correct a reported violation shall be reason for revocation of the special land use permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company.

**P. Mini and Self Storage Facilities.**

1. No more than eighty five percent (85%) of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
2. Parking and circulation:
  - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
  - b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or treated so as to prevent dust.
3. A six (6) foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of an acceptable material, such as but not limited to, redwood, cinder block, or chain

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link with slats. The fence, with gate, must be setback at least forty (40) feet from the road right-of-way.

4. The use shall be fully screened from adjacent residential uses with a proper buffer.
5. The facility shall be fully lighted to insure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
6. An office may be permitted on site, but the office area shall be included in calculating the lot coverage.
7. In addition to any standards in this section, outside storage shall also comply with the following:
  - a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard,
  - b. A decorative and aesthetically pleasing fence shall be required surrounding the designated outside storage area, with a minimum height of eight (8) feet.
8. No toxic, hazardous, flammable, or explosive materials may be stored in such a unit.

**Q. Municipal buildings.**

1. The proposed site shall front upon a paved public road. All ingress and egress shall be from said road.
2. Buildings and structures shall be setback at least one hundred (100) feet from all property lines and street rights-of-way.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.

**R. Private schools.**

1. Minimum lot size:
  - a. For Elementary schools a minimum of five (5) acres.
  - b. For Secondary schools a minimum of ten (10) acres.
2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
4. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
5. The main school building shall be one hundred (100) feet from any property line.
6. Practice and playing fields, tracks, and ball diamonds shall be setback at least fifty (50) feet from any property line.

**S. Recreation, public or private: Boat Launches.**

1. Twenty (20) off-street parking spaces shall be required per each fifty (50) feet, or fraction thereof, of water frontage the ramp area occupies. Off-street queuing space for two (2) vehicles with trailers, per each twenty (20) parking spaces shall be required. The parking area shall be configured in a manner to comply with the following table:

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Boat Launching Areas					
Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces and Maneuvering Lane	Total Width of Two (2) Tiers of Spaces and Maneuvering Lane
30-53 deg.	25 feet	10 feet	45 feet	70 feet	115 feet
54-90 deg.	45 feet	10 feet	45 feet	90 feet	135 feet

2. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles. Such parking areas shall be set back at least twenty-five (25) feet from any residential lot line.
3. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the lot.
4. No building, structure, or dock which is part of the boat launch area shall be located closer than fifty (50) feet to any residential lot line.

**T. Recreation, public or private: Campgrounds.**

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of fifty (50) campsites.
3. The setback of a campsite, building, or facility from the property line must be at least one hundred (100) feet.
4. Minimum lot size of twenty (20) acres is required for the first fifty (50) sites, and one (1) acre for each additional ten (10) sites, or fraction thereof.
5. A camp-store and self-serve laundry facilities may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store shall be one-half (1/2) the required amount for retail outlets, as outlined in this ordinance

**U. Recreation, public or private: Clubs, lodges, and fraternities.**

1. The main building shall be setback at least two hundred fifty (250) feet from all property lines.
2. Hours of operation for outdoor activities: 9:00 a.m. to 9:00 p.m.
3. The use shall not be located any closer than one-quarter (1/4) mile from any church or school.
4. Outdoor rifle, pistol, and archery ranges shall have adequate backstops and shall have a minimum lot size of 8 acres.

**V. Recreation, public or private: Community centers.**

1. Off-street parking shall be required as outlined for “Assembly areas, auditoriums, and gymnasiums” in Article 17.
2. The parcel on which the use is located shall front on at least one (1) side, on a paved road.
3. Any outdoor playground equipment shall be enclosed by a fence at least four (4) feet in height. Such play area shall be setback from any property line at least fifty (50) feet.

**W. Recreation, public or private: General outdoor recreation and entertainment facility.**

1. Minimum lot size of three (3) acres.
2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
3. All adjacent parcels shall be screened with a proper buffer or greenbelt, to afford adjacent property owners protection from noise, light, dust, or other nuisances.

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**X. Recreation, public or private: General indoor recreation and entertainment facility.**

1. The principal and accessory buildings and structures shall not be located within one-hundred feet of any residential district.
2. All uses shall be conducted completely within fully enclosed buildings.

**Y. Recreation, public or private: Golf courses and country clubs.**

1. Minimum lot size of one hundred twenty (120) acres is required for a regulation eighteen (18) hole golf course, or forty (40) acres for each nine (9) holes of a par-3 style course.
2. The site shall be so planned to provide all access directly onto or from a major paved road.
3. All structures associated with the use shall be at least one hundred (100) feet from any property line abutting residentially zoned land.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
5. The off-street parking area shall be at least fifty (50) feet from any property line abutting residentially zoned land.
6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted.

**Z. Recreation, public or private: Golf driving ranges and miniature golf courses.**

1. All traffic ingress and egress shall be from a Primary Road, as classified by the Montcalm County Road Commission.
2. Any lot line abutting a residential district shall provide a landscaped screening buffer approved by the Planning Commission.
3. Site size shall be adequate to retain all golf balls within the site by means of a fence no more than six (6) feet high.
4. The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.

**AA. Recreation, public or private: Off-road vehicle courses and trails.**

Courses and/or trails for off-road vehicles and snowmobiles, and similar uses which may be operated for profit, subject to the following conditions:

1. Any such site shall be located in a predominantly undeveloped area so as to minimize any adverse effects on the adjacent properties due to reasons of dust, odor and noise. The hours of operation shall also be so regulated as to minimize any adverse affects on adjacent properties. Any such site shall have a minimum area of at least one-hundred (100) acres.
2. The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare.
3. Development features shall be so located and arranged as to encourage pedestrian, vehicular, user and neighborhood safety.

**BB. Recreation, public or private: Places of assembly.**

1. Off-street parking shall be required as outlined for "Assembly areas, auditoriums, and gymnasiums" in Article 17.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
3. The use shall meet the general standards for special land uses outlined in section 16.04, the general provisions for all uses, and the requirements for the district in which the use is located.

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**CC. Recreation, public or private: Ski facilities and resorts.**

1. Minimum area shall be forty (40) acres.
2. All principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residential districts, provided the Planning Commission may reduce this standard based on existing topographic or woodlands.
3. All access shall be via a County Primary Road or a roadway with a minimum eighty six (86) foot wide right-of-way.
4. Development features including the principal and accessory buildings and structures shall be located to minimize adverse affects upon adjacent property.
5. The Planning Commission may restrict the hours of operation in consideration of nearby residential uses and districts.
6. Any lodging or dwelling units requires the ski resort to be zoned as a Planned Development, according to the procedures and standards of Article 14.

**DD. Recreation, public or private: Riding stables.**

1. The minimum fenced area shall be ten (10) acres.
2. The maximum horse population shall be limited to two (2) horses per one (1) acre of fenced area.
3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
6. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
7. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
8. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
9. The riding trail shall not unreasonably affect adjoining property.
10. Additional standards may be imposed by the Planning Commission to maintain the health safety, and welfare of the Township.

**EE. Roadside stands.**

1. The use may be permitted for up to seven (7) months in any one (1) calendar year.
2. Off-street parking must be provided as outlined in this Ordinance.

**FF. Storage buildings on a lot without a principal building.**

1. The structure shall meet the setback requirements of the zone district in which it is located and be compatible with the setbacks and size of structures on adjacent properties.
2. The structure may not be used as a residence or sleeping quarters of any kind.
3. The site plan must designate an acceptable location for a permitted, principal structure.

**GG. Salvage yard or junkyards.**

1. The property shall include at least six (6) acres.
2. The salvage yard shall be enclosed on all sides by a solid wall or fence at least six (6) feet in height, maintained in good repair and free of handbills or other advertising except for

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approved signs. Non-transparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.

3. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
4. Vehicle parts shall not be stored, loaded, unloaded or dismantled outside the fence enclosing the salvage yard.
5. No vehicle, vehicle bodies or other stored materials shall be visible from any residential use or district, business, or street, from a height at or below the top of the fence enclosing the yard.
6. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
7. The front obscuring fence shall be setback the same distance as a building in the industrial zoning district, and all such fences shall be setback a minimum of five-hundred (500) feet from any residential use or district.
8. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized holidays.
9. The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations.
10. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Sidney Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

**HH. Laundromats.**

1. Off-street parking shall be provided at a ratio of one (1) parking space for each three (3) washing machines.
2. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

**II. Two-family dwellings, and other Attached Dwelling Units up to 4 units per Acre.**

1. Minimum lot area for each two-family dwelling, shall equal one and one-half (1 ~~V~~) times the minimum lot area for the zoning district in which the use is located.
2. A minimum lot width for each two-family dwelling shall be equal to one and one-half (1 ~~'A~~) times the minimum lot area for the zoning district in which the use is located, or one hundred (100) feet, whichever is greater.
3. The building shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood.

**JJ. Veterinary hospitals and clinics.**

Kennels, runs and exercise areas, related to the keeping of animals shall meet the requirements for Kennels, as outlined in subsection 16.08.(N) above.

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**KK. Wireless communication towers and radio and television broadcast towers.**

The applicant must demonstrate that construction of a new tower is necessary to best suit their, rather than placing an antennae on an existing tower, spire, or municipal structure. If the Planning Commission is convinced no other method is applicable, the following standards must be met:

1. Such uses may be accessory to an existing use on the site.
2. The tower and any other related appurtenances, shall be fenced with a six (6) foot high fence.
3. The tower base must be at least one hundred (100) feet from any lot line.
4. The maximum height of the tower shall be three hundred (300) feet.
5. To encourage co-location, the tower shall be equipped to accommodate three (3) antennae.



## Article XVII

### OFF-STREET PARKING AND LOADING PROVISIONS

#### Section 17.01 Statement of Purpose

The purpose of this Section is to reduce or prevent traffic congestion and a shortage of parking facilities in the Township at the time of erection, enlargement or change in use, of any principal building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts.

#### Section 17.02 General Requirements

A. **Review of New Parking Lots:** Parking areas other than for single family detached homes or duplexes on individual lots shall be approved as part of a site plan in accordance with Article 15 Site Plan Review.

B. **Review of Changes to Existing Parking Lots:** A permit shall be required for improvements and changes to existing parking lots in accordance with the following:

1. **Major Changes:** Major changes require site plan approval from the Planning Commission in accordance with Article 15 and shall comply with the requirements of this Ordinance. A major change consists of one or more of the following:
  - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
  - b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
  - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
  - d. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.
2. **Minor Changes:** Those changes not classified as the above, as determined by the Zoning Administrator, shall require submittal of a parking plan, or sketch plan for review and approval by the Zoning Administrator. Such plan must include the following information: property lines, existing and proposed ground elevations at five (5) foot intervals, the number of spaces, calculations for meeting the minimum space requirements of this Article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.

C. Off-street parking for all nonresidential zone districts and uses shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, as measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.

D. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.

E. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than forty percent (40%) of the required front yard.

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F. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.

G. No building shall be permitted to change use, be enlarged, or expanded until the required number of spaces have been constructed, or waived under subsection 17.02.K below.

H. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.

I. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to twenty percent (20%) if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at different periods of the day.

J. All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of this Article, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.

K. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:

1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
2. Evidence shall be presented by the applicant in support of a lower requirement.
3. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

J. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding a two and one-half (1/2) ton load capacity shall be prohibited in the R-3 and MHC zoning district.

**Section 17.03 Parking Lot Design Standards**

A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking pattern	Two-way aisle width	One-way aisle width	Parking space width	Parking space length
Parallel Parking	18 feet	12 feet	10 feet	25 feet
30-75 degree angle	24 feet	12 feet	9.5 feet	21 feet
76-90 degree angle	24 feet	15 feet	9.5 feet	20 feet

B. Required stacking spaces shall be a minimum nine (9) feet wide and twenty-five (25) feet in length.

C. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.

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- D. All parking lots shall be constructed with a durable and dustless surface resistant to erosion, and properly maintained at all times.
- E. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Sidney Township and the Montcalm County Drain Commission.
- F. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent properties.
- G. All parking spaces, driveways and maneuvering lanes shall be designed to provide clear and defined access and shall not require use of the street for maneuvering in and out of parking stall and between parking rows.
- H. Parking lots and associated driveways and maneuvering lanes shall have a minimum setback of 10 feet from any property line or street right-of-way except to allow access to the site. The Planning Commission may waive this requirement where a shared access driveway or parking situation exists.

**Section 17.04 Off-Street Parking Requirements**

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. Where the floor area measurement is specified as useable floor area, parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, other areas nor intended for use by the general public. Where these area are not yet defined, leasable floor area shall be considered to be eighty-five percent (85%) of the gross floor area.
- D. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- E. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Housing for the Elderly	1 space for each 2 dwelling units or beds, plus 1 space for each 5 dwelling units or beds to be marked as visitor spaces
Single and two family dwellings	2 spaces for each dwelling unit

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Use	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Institutional</b>	
Assembly areas, auditoriums, and gymnasiums	2 spaces for: each 5 seats, or each 8 feet of pew length; or, 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Churches	1 space for each 3 seats in the main unit of worship; or 1 space for each 6 feet of pew length, whichever is less.
State licensed child and adult care facilities	1 space for each 4 clients (child or adult)
Schools, elementary and middle	1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	1 space for each 8 students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
<b>Recreation/Entertainment</b>	
Batting Cages	3 spaces per cage
Bowling Alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Golf courses, driving range	2 spaces per each 3 tees
Golf courses, miniature	1 space per each course hole
Golf courses, par three	3 spaces per each course hole
Golf courses/country clubs	6 spaces per each course hole
Golf course banquet hall/lounges	.5 spaces per 1,000 sf useable floor area
Ice/Roller skating rink	6 spaces per 1,000 sf useable floor area
Swimming pools	1 space per each three person of capacity authorized by building code
Theaters, cinemas	1 space for each 4 seats; plus 4 space per screen or stage
Racquetball/tennis	1 space per 1,000 sq ft useable floor area; or 6 spaces per court whichever is greater
Video Arcades	1 space per 50 sq ft useable floor area; with a minimum of 6 spaces
<b>Commercial</b>	
Automobile Service (gas ) Stations and maintenance establishments	2 spaces per bay; plus 1 space per tow truck; plus 1 space per five hundred (500) square feet of useable floor area devoted to sales of automotive goods, convenience and/or fast food restaurants
Beauty/barber shop	3 spaces for each chair
Funeral homes and mortuary establishments	1 space for each fifty (50) square feet of usable floor area
Furniture, appliance and household goods retail sales	1 space for each five-hundred (500) square feet of usable floor area
Hotels and motels	1.5 spaces for each guest room, plus required spaces for any accessory uses
Open air businesses and roadside stands	1 space for each two-hundred (200) square feet of indoor usable area, plus 1 space for each 1,000 square feet of outdoor display area

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Use	PARKING SPACE PER UNIT OF MEASUREMENT
Personal service establishments	1 space for each fifty (50) square feet of usable floor area
Restaurants - without drive-through facilities	1 space for each one-hundred (100) square feet of usable floor area; or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each eighty (80) square feet of usable floor area; or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	1 space for each two-hundred (200) square feet of usable floor area
Vehicle wash (self service)	1 space for each 5 stalls; plus 2 stacking spaces for each bay
Vehicle wash (automatic)	3 spaces for each stall; plus 5 stacking spaces for each bay
Video rental stores	1 space for each one-hundred (100) square feet of usable floor area
<b>Offices</b>	
Banks, credit unions, and other similar uses (with or without drive-through)	1 space for each one-hundred fifty (150) square feet of usable floor area, plus 2 spaces for each non-drive through automatic teller machine; plus 4 stacking spaces per window
Medical and dental offices and clinics	3 spaces for each examining room, dental chair, or similar use area.
Other offices not specified	1 space for each three hundred (300) square feet of useable floor area.
<b>Industrial</b>	
Manufacturing, processing, and research establishments	1 space for each seven hundred fifty (750) square feet of gross floor area, plus the area required for offices or other accessory uses located on the premises.
Warehouses and wholesale	1 space for each two thousand (2,000) square feet of gross floor area, plus those spaces required for offices located on the premises

**Section 17.05 Barrier Free Parking Requirements**

- A. Within each parking lot, signed and marked barrier free spaces measuring eight (8) feet wide with a five (5) foot wide striped access aisle shall be provided at a convenient location. Two parking spaces may share the same aisle, in which case the aisle must be a minimum eight (8) feet wide.
- B. Barrier Free Parking Space Requirements shall be in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.
- C. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

**17.06 Off-Street Loading Requirements**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.

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- B. Loading/Unloading areas and docks shall not be provided in the front yard or on any building site facing and directly visible to a public street.
- C. Required loading areas shall not be included in calculations for off-street parking space requirements.
- D. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete so as to provide a permanent, durable and dustless service.
- F. The size of all loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five-hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.

## Article XVIII

### ACCESS MANAGEMENT AND PRIVATE ROAD STANDARDS

#### Section 18.01 Statement of Purpose

The intent of this Section is to establish standards for driveway spacing and the number of driveways for application during the site plan review process. The procedures standards of this Section are intended to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always the most direct access.

The standards of this Article apply to areas outside the right-of-way, which are under Township jurisdiction through site plan review. The driveway standards herein may be more restrictive than the standards of the Montcalm County Road Commission and Michigan Department of Transportation, which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Montcalm County must also meet the permit requirements of the County. Where any conflicts arise, the more stringent standard shall apply.

Sidney Township generally discourages the establishment of private roads. However, standards for private roads are provided for instances where severe topography or important natural features, such as wetlands and woodlands, would be compromised by construction of streets to public standards. The owners accessing private roads assume full liability and maintenance responsibilities for private roads.

#### Section 18.02 Definitions

- A. **Commercial Driveway:** For the purposes of this Section, a commercial driveway is defined as any vehicular access except those serving one (1) or two (2) dwelling units, or serving just an essential public service structure.
- B. **Private Road:** A road owned and maintained by the owners of the property it serves and provides access to three (3) or more dwelling units or parcels, or two (2) or more non-residential principal buildings. A private road does not include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

#### Section 18.03 Private Road Standards.

- A. The following shall be submitted to the Township Planning Commission, either separately or in conjunction with a site plan according to Article 15.
  - 1. Applicable site plan information in accordance with Section 15.04.
  - 2. Parcel number and name of owner for all properties having legal interest in the private road.
  - 3. Plans designed by a registered engineer showing location, dimension and design of the private road. The plan shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road.
  - 4. A copy of the private road agreement that includes the terms of responsibility, maintenance provisions and any restriction on use of the road. This document must specifically state that Sidney Township and the Montcalm Road Commission is not responsible for maintenance of the private road.

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5. Location of all public or private utilities located within the private road right-of-way or easement, or within twenty (20) feet including, but not limited to: water, sewer, telephone, gas, electricity, and television cable.
6. Location of any lakes, streams, drainage ways, MDNR regulated wetlands, or trees with a caliper of eight (8) inches or greater, within 100 feet of the proposed private road right-of-way or easement;

B. **Design Standards:** Private roads which the Township has determined do not need to comply with all of the standards of the Montcalm County Road Commission as noted above shall be constructed to the following standards:

1. **Access easement width:** The site plan shall provide an easement or easements sixty-six (66) feet in width. The Planning Commission may reduce the required width to not less than fifty (50) feet when all of the following criteria are met:
  - a. the width is determined to be adequate for the necessary pavement and utilities;
  - b. adequate clear sight distance can be maintained;
  - c. there is no desire or reasonable expectation that the road, as shown could become a public street or potentially extended in the future;
  - d. is not expected to accommodate over three hundred (300) vehicle trips per average weekday based on accepted traffic generation figures.
  - e. if, in addition to the above, the easement will only provide access to a maximum of four (4) single family lots or dwelling units, the width may be reduced to forty (40) feet.
2. **Road design:** All private roads shall meet the public street base, pavement width, surface, slope and drainage system standards of the Montcalm County Road Commission. The design of private roads shall be approved by the County Engineer. A private road serving no more than eight (8) lots or dwelling units in a single family residential district may be constructed of eight (8) inches of compacted MDOT 23AA gravel instead of asphalt or concrete.
3. **Reduced width for private roads:** The minimum pavement width may be reduced to not less than twenty-two (22) feet wide where the Planning Commission and Township Board determine the reduced width will preserve significant natural features.
4. **Maximum length, cul-de-sac turnarounds:** Maximum length of a private road units shall be one thousand (1000) feet and shall serve a maximum of twenty-four (24) lots or dwelling units served by a single means of access. Any single means of access serving more than five (5) lots or dwelling units shall include a turn-around with a forty-five (45) foot radius, fifty-five (55) foot radius if a center landscaped island is included, a hammerhead "T" turn or a continuous loop layout. A larger turnaround may be required for commercial and industrial private roads. These standards may be adjusted by the Planning Commission in particular cases, with input from the fire department and township staff or consultants, provided there is a finding that traffic impacts are adequately mitigated and a second means of emergency access can be required by the Planning Commission.
5. **Grade:** Grades shall not exceed ten-percent (10%), with a maximum grade of two-percent (2%) for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private road.
6. **Compliance with AASHTO standards:** Where no specific standard is provided in this Section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets," provided the minimum horizontal curve shall be two-hundred-thirty (230) feet in radius. The Planning Commission may reduce this radius to not less than 150 feet if the design would accommodate expected vehicle speeds and truck/bus traffic, as determined by the Township Engineer and Planner, in cases where rolling terrain or a significant number of mature trees would be preserved, or where the width of the parcel would not accommodate wider radii.
7. **Intersection design standards:** Private roads which intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety degree (90) angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy degrees (70).



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8. **Intersection offsets from public streets:** Proposed private roads or entrances to a development shall align directly across from, or be offset at least two-hundred-fifty (250) feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Montcalm County Road Commission.
9. **Minimum offsets along private roads:** Private roads and driveways (excluding driveways serving one or two dwelling units) within a development shall align directly across from other private roads or driveways or be offset at least one-hundred-fifty (150) feet measured centerline to centerline.
10. **Vertical Clearance:** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the gravel or pavement.
11. **Street names:** may be required by the Planning Commission to assist public emergency services.
12. **Signs:** All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections. These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private.

**Section 18.04 Existing Nonconforming Private Roads And Access Easements.**

- A. The Township recognizes there exist private roads and access easements which were lawful prior to the adoption of this Section that do not fully conform with the standards herein. Such roads are declared by this Section to be legal nonconforming roads or easements. The intent of this Section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Zoning Administrator. This Section is also intended to allow new construction to occur on existing lots which front along such a road on the effective date of this Section, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles as determined by the Township. It shall be the responsibility of the land owner to maintain this access.

However, this Section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land or site condominium projects existing on the effective date of this Section, unless provisions are made to upgrade such road to comply with the standards herein. Any reconstruction, widening or extension of a non-conforming private road or access easement shall be in conformity with this Section.

- B. For purposes of determining whether a lot along a private road or access easement qualifies as an "existing lot" as used in this Section, at least one of the following conditions must have existed at the time this Section was adopted.
1. The lot consists of a "condominium unit" for which a master deed had been recorded with the Montcalm County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
  2. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Montcalm County Register of Deeds.
  3. The lot had been assigned a unique parcel number by the Montcalm County Register of Deeds and was individually assessed and taxed on that basis.

**Section 18.05 Number of Commercial Driveways.**

- A. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway.
- B. Access shall be provided for each separately owned parcel. Additional driveways may be permitted for property only as follows:
  - 1. One (1) additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway for each additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
  - 2. Two one-way driveways may be permitted where the frontage is at least one-hundred-twenty-five (125) feet.

**Section 18.06 Commercial Driveway Spacing Standards.**

A. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

<b>Minimum Commercial Driveway Spacing From Street Intersections</b>	
Location of Driveway	Minimum Spacing from Intersection
Along M-66	200 feet
Along other Roads	100 feet

B. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline.

<b>Posted Speed Limit</b>	<b>Minimum Driveway Spacing (in feet)</b>
25	125
30	155
35	185
40	225
45	300
50 and higher	330

C. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of two-hundred-fifty (250) feet along M-66 and one-hundred-fifty (150) feet along all other roads from those on the opposite side of the roadway. These standards may be reduced by the Planning Commission.

## Article XIX

### SIGN STANDARDS

#### Section 19.01 Statement of Purpose

This section is intended to protect and further the health, safety, and welfare of the residents of Sidney Township; to maintain and improve the appearance of Sidney Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

#### Section 19.02 Definitions

Definition of terms found in this Section related to signs.

- A. **Awning:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. **Awning sign:** A sign affixed flat against the surface of an awning.
- C. **Banner sign:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- D. **Billboard:** A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located, regulated by the Highway Advertising Act, Public Act 106 of 1972.
- E. **Construction Sign:** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- F. **Directional Sign:** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- G. **Freestanding Sign:** A sign supported on poles not attached to a building or wall.
- H. **Government Sign:** A temporary or permanent sign erected by Sidney Township, Montcalm County, or the state or federal government.
- I. **Ground Sign:** A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- J. **Marquee:** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- K. **Marquee Sign:** A sign affixed flat against the surface of a marquee.
- L. **Mural:** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

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- M. **Off-Premise Sign:** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located. These signs are exclusive of billboard signs regulated by the Highway Advertising Act, Public Act 106 of 1972.
- N. **Placard:** A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
- O. **Political Sign:** A temporary sign used in connection with a noncommercial message or an official Sidney Township, school district, county, state, or federal election or referendum.
- P. **Portable sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- Q. **Reader Board:** A portion of a sign on which copy is changed manually.
- R. **Real Estate Sign:** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- S. **Roof Line:** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- T. **Roof Sign:** A sign erected above the roof line of a building.
- U. **Sign:** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- V. **Special Event Sign:** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
- W. **Temporary Signs:** Portable and removable signs displayed by businesses to announce a special event or sale.
- X. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Y. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

**Section 19.03 General Sign Provisions.**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a Sign Permit, providing the following signs shall not require any permit:
  - 1. Directional signs of six (6) square feet in size or less
  - 2. Government signs
  - 3. Placards
  - 4. Temporary sale signs of four (4) square feet in size or less
  - 5. Window signs
  - 6. Political signs
- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.

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- C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- F. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- I. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature and scrolling digital message signs may be permitted.
- J. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- K. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.

### **Section 19.04 Exempted Signs.**

The following signs shall be exempt from the provisions of the Sidney Township Zoning Ordinance, except for the provisions of Section 19.03:

- A. Government signs
- B. Historical markers
- C. Window signs
- D. Memorial signs or tablets
- E. Murals
- F. Signs not visible from any street
- G. Signs for essential services
- H. Placards not exceeding two (2) square feet
- I. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall

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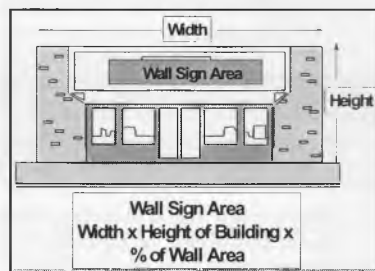
- J. Flags or insignia of any nation, state, Township, community organization, or educational institution

**Section 19.05 Non-Conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses.**

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Section, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Land Use Administrator.
- F. A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

**Section 19.06 Units of Measurement.**

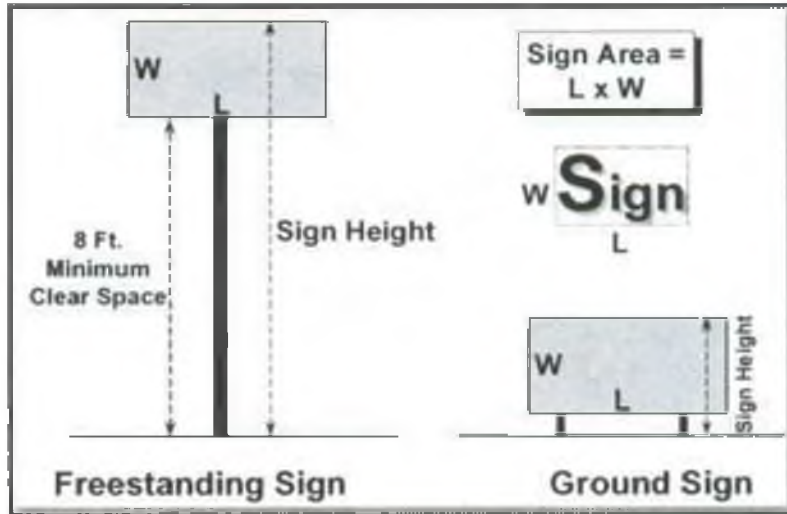
- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.



- B. The area of a freestanding or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the sign shall be the area of one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the sign area.

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- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.



- D. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

**Section 19.07 Sign Regulations Applicable to All Zoning Districts.**

- A. All ground, wall and freestanding signs may include reader boards, which shall be considered part of such sign and shall not increase the permitted area.
- B. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- C. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property and political signs shall be removed within forty-eight (48) hours of the final election results.
- D. Construction signs are permitted within any zone district, subject to the following restrictions:
1. One (1) sign is permitted to be placed on the lot where the construction is taking place to identify contractors, design professionals, lending institutions, etc.
  2. The sign shall be no larger than sixteen (16) square feet in area, and not exceed eight (8) feet in height. In a case where two (2) or more firms utilize a sign, the sign shall be no larger than thirty-two (32) square feet in area, and not exceed eight (8) feet in height.
  3. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
  4. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.

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- E. Special event signs, including banner signs, are permitted in conjunction with any permitted nonresidential use, or agricultural use in a residential zone district, subject to the following restrictions:
1. No more than four (4) such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
  2. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
  3. Such signs shall have a maximum size of twenty-four (24) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
  4. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
  5. Signs shall not cause a vision hazard at any road intersection, or driveway.
- F. Directional signs are permitted subject to the following restrictions:
1. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  2. No such sign shall exceed six (6) square feet in area or three (3) feet in height.
  3. Directional signs shall be limited to traffic control functions only.
  4. Signs shall not cause a vision hazard at any road intersection, or driveway.
- G. Garage sale signs are permitted subject to the following restrictions:
1. One (1) sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of fifteen (15) feet from any side or rear property line.
  2. Such sign shall not exceed six (6) square feet in area.
  3. Such sign shall be erected no more than ten (10) days prior to the first day of the sale and shall be removed within one (1) day after the completion of the sale.



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**Section 19.08 Signs in each Zoning District shall be subject to the following regulations:**

<b>AP, R-1, R-2, R-3 and MHC Zoning Districts - Permitted Signs</b>	
<b>Ground signs for residential subdivisions, manufactured housing communities, condominiums, and multiple family developments</b>	
Number	One (1) per major entrance
Size	No greater than twenty-four (24) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than four (4) feet
<b>Signs for principal nonresidential uses</b>	
Number	One (1) per lot or parcel, either a wall sign, or a ground sign
Size	For Wall Signs: No greater than five (5) percent of the wall area to which the sign is affixed, not to exceed fifty (50) square feet.
	For Ground Signs: No greater than twenty-four (24) square feet and no taller than four (4) feet in height.
Location	For Wall Signs: On wall of building facing street
	For Ground Signs: No closer than twenty-five (25) feet from any property line
<b>Political signs</b>	
Number	One (1) per issue or candidate
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than three (3) feet
<b>Home Occupation Signs</b>	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet in the Rural Preservation District No greater than one (1) square foot in all other districts
Location	For Wall Signs: On wall of building facing street
	For Ground Signs: No closer than fifteen (15) feet from any property line
<b>Real Estate signs</b>	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for developed properties or lots; sixteen (16) square feet for vacant lots or parcels
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than four (4) feet
<b>SBD, Commercial, Industrial and PPRF Districts - Permitted Signs</b>	
<b>Ground signs</b>	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet
<b>Freestanding signs</b>	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel

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Size	No greater than sixty (60) square feet	
Location	Minimum of fifteen (15) feet from any property line	
Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.	
<b>Wall signs</b>		
Number	One (1) per street frontage	
Size	No greater than ten (10) percent of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of one hundred (100) square feet.	
Location	On wall of building facing street	
<b>Political signs</b>		
Number	One (1) per issue or candidate	
Size	No greater than six (6) square feet	
Location	Minimum of fifteen (15) feet from any side or rear property line	
Height	No higher than six (6) feet	
<b>Business Centers</b>		
Number	One (1) ground or pole sign per street frontage of center One (1) wall sign per business in center	
Size	Wall Signs: No greater than fifteen (15) square feet Ground Signs: No greater than forty (40) square feet Freestanding Signs: No greater than sixty (60) square feet	
Location	Wall: On wall of building facing street Ground and Freestanding signs: Setback twenty (20) feet from any property line.	
Height	Ground Sign: No higher than six (6) feet Freestanding Sign: No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.	
<b>Real Estate signs</b>		
Number	One (1) per lot or parcel	
Size	No greater than sixteen (16) square feet	
Location	Minimum of fifteen (15) feet from any side or rear property line	
Height	No higher than six (6) feet	
<b>Gasoline stations</b>		
Ground signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than fifty (50) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than six (6) feet
Freestanding signs	Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
	Size	No greater than seventy-two (72) square feet
	Location	Minimum of fifteen (15) feet from any side or rear property line
	Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.

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	Additional Sign	One (1) additional sign may be attached to the support column(s) of the freestanding sign. Such sign shall not exceed three (3) square feet, and shall have at least ten (10) feet of ground clearance
Temporary Signs	Number	Two (2)
	Size	No greater than nine (9) square feet each
	Location	Minimum of five (5) feet from front lot line, and fifteen (15) feet from any side or rear lot line
	Height	No higher than four (4) feet
Other permitted signs for gasoline stations	Directional signs or lettering over entrance doors or service bays may only display the type of service taking place in such bay.	
	Customary lettering on or other insignia which are a structural part of a gasoline pump, and any other insignia required by law. If illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard.	
	One (1) non-illuminated credit card sign not exceeding two (2) square feet in area which may be placed on or near each gasoline pump.	
<b>Billboards</b>		
Billboards shall be permitted as a principal or accessory use with Special Land Use approval (see Section 12.08.05) in the Commercial and Industrial Districts, and only as provided for in the Highway Advertising Act, being Act 106 of 1972, as amended.		

## **Article XX**

### **ZONING BOARD OF APPEALS**

#### **Section 20.01    Creation and Membership**

- A.     **Continuation of Present Zoning Board of Appeals.** The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in Section 20 of the Township Zoning Act.
  
- B.     **Composition and Terms.** The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board for a three (3) year term. One (1) member shall be from the Planning Commission. The Chairman of the Zoning Board of Appeals shall not be an elected official.
  
- C.     **Alternate Members.** Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
  
- D.     **Vacancies.** Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
  
- E.     **Officers.** The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

#### **Section 20.02    Organization and Procedures**

- A.     **Meetings.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary to the Board or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Two (2) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
  
- B.     **Public Hearings.** The Zoning Board of Appeals shall make no decisions except after a public hearing is conducted by the Zoning Board of Appeals. The Zoning Board of Appeals shall select a reasonable time and place for a hearing without unreasonable delay. The Zoning Board of Appeals shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property and the occupants of all single-family and two-family dwellings within three hundred (300) feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given in the last

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assessment roll. If the tenant's name is not known, the term occupant may be used. The Zoning Board of Appeals may give such notice to other interested parties as it shall prescribe.

- C. **Representative at hearing.** Any person may appear and testify at the hearing, either in person or by duly authorized agent or representative.
- D. **Majority Vote.** The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance.
- E. **Record of Actions.** For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
  - 1. Description of the applicant's request.
  - 2. The Zoning Board of Appeal's motion and vote.
  - 3. A summary or transcription of all relevant material and evidence presented at hearing; and,
  - 4. Any conditions attached to an affirmative decision.
- F. **Decisions on appeals.** The Zoning Board of Appeals may reverse, affirm or modify the order or requirement, decision or determination appealed, in whole or in part. Decisions involving a variance from a standard of this Ordinance shall be in accordance with Section 20.05 and decisions involving temporary uses, buildings and structures in accordance with Section 20.07. The Zoning Board of Appeals shall also make determinations on Ordinance interpretation requests. In reaching such decisions, the Zoning Board of Appeals shall have all powers of the Land Use Administrator or other administrative body from whom the appeal is taken.
- G. **Final Decision.** All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights. Decisions of the Zoning Board of Appeals shall be final. Appeals of a Zoning Board of Appeals decision shall be to the Circuit Court.

**Section 20.03 Zoning Board of Appeals Authority.**

- A. **Authority.** The Zoning Board of Appeals shall have the power to act on those matters listed in the following sections including appeals of administrative decisions, interpretation of the zoning ordinance or map, special land use permits and to authorize dimensional variances as permitted under the Township Zoning Act. Any approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance and the Township Master Plan.
- B. **Limits on authority.** The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, approve a use variance, approve a variance within a Planned Development, approve a Special Land Use, consider appeals on conditions of a Planned Development, nor make any change in the terms of this Ordinance. The Zoning Board of Appeals may grant a variance to the specific design standards for a Special Land Use as specified in Section 16.06, provided such variance shall be approved prior to any decision by the Planning Commission on the Special Land Use.

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Article and the laws of the State of Michigan.

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**Section 20.04 Appeals of Administrative Decisions**

- A. **Eligibility to file an appeal:** An appeal, within the limits of authority described in Section 21.03 above, may be taken to the Zoning Board of Appeals by any person, firm, corporation, department or other party affected by a decision, permit, requirement, possible error or refusal to act by the Township Building Department, other administrative officials or the Planning Commission.
- B. **Filing an appeal.** All applications for appeal shall be filed with the Zoning Administrator. The application shall include the grounds for such appeal and any required administrative fee to cover the necessary notification and investigation expenses incurred by the township. The Zoning Board of Appeals shall consider appeals filed within twenty-one (21) business days of the applicants receipt of official notice of the decision which is being appealed.
- C. **Stay of proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals that, for reasons stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceeding shall not be stayed other than by a retaining order, which may be granted by the Zoning Board of Appeals or a court of record.
- D. **Processing the appeal materials.** The Zoning Administrator shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The Board shall render a decision using the materials which were part of the record available to the administrative person or body when the decision being appealed was made; no new information shall be provided by the applicant.
- E. **Organization and procedures.** The request shall be reviewed and acted upon in accordance with the organization and procedures described in Section 20.02.

**Section 20.05 Variances**

- A. **Eligibility to file an appeal:** A variance from the provisions of this Ordinance, within the limits of authority described in Section 20.03 above, may be requested of the Zoning Board of Appeals by any person, firm, corporation, department or other party affected by said ordinance provision.
- B. **Filing a variance request.** All applications for a variance shall be filed with the Zoning Administrator. The application shall include a complete description of the requested variance (referencing section numbers and text), written evidence that the request meets the variance criteria described in Section 20.05.D and any required administrative fee to cover the necessary notification and investigation expenses incurred by the township. The Zoning Administrator shall transmit this information to the Zoning Board of Appeals and the Board shall consider the request within twenty-one (21) business days of filing by the applicant.
- C. **Organization and procedures.** The request shall be reviewed and acted upon in accordance with the organization and procedures described in Section 20.02.
- D. **Decisions on non-use variances.** The Zoning Board of Appeals, after the public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proven by the applicant that all of the following criteria:
  - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
  - 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective

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- date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
  5. The variance will not impair the intent and purpose of this Ordinance.
  6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

### **Section 20.06 Ordinance interpretation**

The Zoning Board of Appeals shall be responsible to interpret the provisions or meaning of standards of this Ordinance in such a way as to carry out the stated intent and the goals of the Township Master Plan; and to interpret boundaries of the Zoning Map where the actual alignment of streets or natural features used to separate zoning districts varies from the alignment shown on the Zoning Map, or where the zoning district boundary does not follow exact property lines. Ordinance interpretation requests shall be reviewed and acted upon in accordance with Section 20.02.

### **Section 20.07 Temporary Uses, Buildings and Structures**

- A. **Filing a temporary use, building or structure.** All applications for a temporary use, building or structure shall be filed with the Zoning Administrator. The Zoning Administrator shall transmit this information to the Zoning Board of Appeals and the Board shall consider the request within twenty-one (21) business days of filing by the applicant. Each application shall include the required application form, information required as outlined in Section 15.04, for Site Plan Review and the required fee as determined by the Township Board. The Zoning Board of Appeals may waive certain application requirements.
- B. **Organization and procedures.** The request shall be reviewed and acted upon in accordance with the organization and procedures described in Section 20.02 and the applicable standards contained in the following subsections.
- C. **Temporary buildings and structures specific standards.** The Zoning Board of Appeals may permit temporary buildings and structures, including trailers incidental to construction work on a lot for periods not to exceed one (1) year in undeveloped areas of the Township and for a period not to exceed six (6) months in developed areas, subject to the restrictions below:
  1. Temporary buildings and structures may only be used for storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot. No temporary building or structure shall be used as a dwelling unit, unless specifically approved by the Zoning Board of Appeals.
  2. A building permit for such building or structure shall be issued by the Building Inspector prior to installation.
  3. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Zoning Administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
  4. The determination of "undeveloped" and "developed" shall be made by the Zoning Board of Appeals in consideration of the uses on adjacent properties, the amount of vacant land in the general area, and the expected rate of development.

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D. **Temporary uses without buildings or structures specific standards.** The Zoning Board of Appeals may permit temporary uses which do not require the erection of any capital improvement of a structural nature, and not otherwise permitted in any district (excluding garage sales, moving sales, estate sales and auctions for less than seven calendar days during any year), for up to twelve (12) months with the granting of twelve (12) month extension up to a maximum of three (3) total years being permissible, under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The use shall be in harmony with the general character of the district.
3. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit. A performance bond may be required by the Land Use Administrator to cover costs of site clean-up upon termination of use.
4. All setbacks, land coverage, off-street parking, lighting, signs and other requirements of this Ordinance shall be met, unless the Zoning Board of Appeals specifically modifies a requirement in consideration of protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township.
5. In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either de-mountable structures related to the permitted use of the land; or structures which do not require foundations, heating systems or sanitary connections.
6. Notice shall be given to owners of adjacent property, within three (300) hundred feet, of the time and place of a public hearing to be held as further provided for in this Ordinance prior to approval of any temporary use permit.

E. **Temporary Permit Requirements.**

1. Each permit shall specify the location and use for such temporary dwelling or structure, and shall be valid for up to twelve (12) calendar months, unless otherwise provided for herein.
2. Permits may be renewed by the Zoning Board of Appeals for one (1) additional successive period of six (6) calendar months, or less, at the same location and for the same purpose.

F. **Performance Guarantee.** A performance guarantee may be required to ensure the proper removal of the temporary dwelling or structure, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

**Section 20.08 Resubmission.**

No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered.
- B. That new conditions or circumstances exist which change the nature of the original request.

**Section 20.09 Conditions of Approval.**

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Township Zoning Act, and related to the standards by which the decision is reached.



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**Section 20.10 Fees**

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.

## Article XXI

### ADMINISTRATION

#### Section 21.01 Zoning Administrator

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the power to:

- A. Issue Zoning Permits;
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
- C. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense;
- D. Conduct any necessary coordination with the County on their issuance of Building Permits and Certificates of Occupancy; and
- E. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

#### Section 21.02 Zoning Permits

- A. No building, structure, or sign shall be erected, altered, or moved unless a Zoning Permit shall have been first issued for such work.
- B. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- C. A record of all Zoning Permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
- D. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.
- E. Fees for the inspection and issuance of Zoning Permits, or copies required or issued under the provisions of this Ordinance, may be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

#### Section 21.03 Enforcement and Violations

- A. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition is in violation of this Ordinance exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than a written warning nor more than five hundred (500) dollars for the first offense and not less than five hundred (500) dollars nor more than one thousand

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(1,000) dollars for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

- B. Any building which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance, and is in violation of any of the provisions herein, is hereby declared to be a public nuisance per se.
- C. Each day the violation occurs or continues shall be deemed a separate offense.
- D. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Section 21.04 Performance Guarantees**

- A. As a condition of approval of a site plan review, special use, or planned development, the Township Board may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:
  - 1. Prior to the issuance of a Land Use Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, but shall not exceed one hundred twenty-five (125%) percent of the estimated cost of materials and labor.
  - 2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
  - 3. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a Land Use Permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
  - 4. The Township Treasurer will refund to the obliger portions of the performance guarantee, only after written notice from the Building Inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
  - 5. When all of the required improvements have been completed, the obliger shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

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6. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

**Section 21.05 Amendments**

The Township Board is authorized and empowered to cause this Ordinance and the official zoning map to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one (1) or more owners of property in Sidney Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

**A. Amendment Procedure**

1. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk to set a hearing date and publish notices.
2. The Planning Commission shall conduct a public hearing, the notice of which shall be given by at least two (2) publication notices in a newspaper of general local circulation, the first not less than twenty (20) nor more than thirty (30) days prior to the date of said hearing and the second not more than eight (8) days prior.
3. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board for review, as provided in Section 10, of the Township Zoning Act.
4. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be given by at least one (1) notice in a newspaper of general circulation not more than fifteen (15) or less than five (5) days prior to such hearing.
5. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

**B. Criteria for Amendment of the Official Zoning Map**

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered;
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;
6. The apparent demand in the Township for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned to accommodate the demand;
7. Where a rezoning is reasonable given the above criteria, a determination should be made that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within the existing district.

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8. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

**Section 21.06 Validity and Severability**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings 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 21.07 Repealer Clause**

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

**Section 21.08 Savings Clause**

This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

**Section 21.09 Effective Date**

This Ordinance shall be effective seven (7) days after its publication or upon such later date as may be required under Section 402 of the Michigan Zoning Enabling Act (MCL 125.3402) after filing of a notice of intent to file a petition for a referendum.