

**ZONING ORDINANCE
CHARTER TOWNSHIP OF LARKIN**

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ORDINANCE NO. 116 ZONING ORDINANCE

An ordinance to establish zoning districts within the unincorporated portion of the Township of Larkin, Midland County, Act No. 184, of the Public Acts of the State of Michigan for the year 1943, as amended, and to regulate and encourage and prohibit certain uses of the land therein and regulate and limit the location, size, area and height of buildings thereon and to provide for the administration and enforcement thereof.

The Township of Larkin, Midland County, Michigan, pursuant to the authority vested in it by Act 184 of the Public Acts of the State of Michigan of 1943, as amended, ordains:

Article 1. Title.

This Ordinance shall be known and may be cited and referred to as the "Larkin Township Zoning Ordinance."

Article 2. Definitions.

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, words used in the plural number include the singular number.

Abandonment - the inability to complete construction or continue operation, for any reason other than decommissioning, of a Utility Grid Wind Energy System.

Accessory Building - any subordinate building such as private garages and farm buildings located on the same lot with the main buildings, or any portion of the main building if said portion is occupied or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a roof or wall, such accessory building shall be considered part of the main building for the purpose of determining the required dimensions of yards.

Accessory Solar Energy System - A Solar Energy System accessory to the main use of the premises and which supplies electrical or thermal power primarily for on-site use.

Accessory use - any use customarily incidental to the main use of the premises.

Agriculture - the use of land for tilling of the soil, the raising of tree and field crops and animal husbandry.

Alley - a public thoroughfare or way, which affords only a secondary means of access to abutting property.

Alteration - any change in usage, or location, or square footage, or height of building, or any change in the supporting members of a building or structure as outlined by the building and electrical or plumbing permits.

Ambient - ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ANSI - American National Standards Institute.

Automobile or Trailer Sales Area - any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

A-Weighted Sound Level: the sound pressure level in decibels as measured on a sound level meter using the A-weighting network method for weighting the frequency spectrum to mimic the human ear. Expressed in db(A) or dbA.

Awning - A shelter extending from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Background Sound - the all-encompassing sound associated with a given environment without contribution from the source or sources of interest, as defined by ANSI S12.9, Part 3.

Basement - that portion, of a building partly below grade, but so located that the vertical distance from grade to the floor is greater than the vertical distance from grade to ceiling.

Bed and Breakfast - a residence occupied by the owner or owner's representative which has guest room units available for short term overnight occupancy and breakfast, not exceeding thirty consecutive days per guest.

Brooding - means the period of poultry growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

Building - an independent structure with or without a roof supported by columns or walls resting on its own foundation.

Building Envelope - the three dimensional space within which a structure is permitted to be built and that is defined by the dimensional regulations of this Ordinance.

Canopy - A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

Condominium Act - means Act 59 of 1978, as amended.

Condominium Plan - the drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements. For the purpose of this Ordinance, a condominium plan shall be equivalent to the term "condominium subdivision plan" as defined by MCL 559.104.

Condominium Project - a plan or project consisting of not less than two condominium units established in conformance with the provisions of the Condominium Act, Public Act 59 of 1978, as amended.

Condominium, Site or Site Condominium - a condominium project wherein the condominium units are unimproved building sites or building envelopes for construction thereon by the co-owner

Condominium Unit - that portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit, or any other type of use. In a site condominium, the term "condominium unit" shall be the equivalent to the term "lot", for the purposes of determining compliance with the provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

Continuous Background Sound - background sound measured during a measurement period, after excluding the contribution of transient background sounds, as defined by ANSI S12.9, Part 3.

Coop - means the structure for the keeping or housing of poultry permitted by the article.

db(A) - the sound pressure level in decibels on the A Weighted Scale as defined by ANSI.

Decibel - the unit of measure used to express the magnitude of sound pressure and sound intensity.

Decommission - to remove or retire from active service.

Decorative Fence - A fence or outdoor structure constructed for aesthetic purposes only constructed of material such as wood pickets, lattice work, decorative metal, masonry or stone, meeting the requirements of this section.

Development - the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

Dwelling - any building or portion thereof, which is occupied wholly as the residence or sleeping place of any family. It may be erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, designed primarily for the shelter, support or enclosure of persons.

Electrical Fence - An outdoor structure that contains an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.

Equivalent A - Weighted Continuous Sound Level - the level of a steady sound which, in a stated time period and at a stated location, has the same A-Weighted sound energy as the time varying sound, denoted as $L_{eq} A$, and expressed as dBA.

Exercise yard - means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

Family - Any number of persons living together in a single housekeeping unit, and related by blood, marriage, adoption, or guardianship, including live-in domestic employees thereof; or, up to five persons who need not be related, living together in a dwelling unit.

Farm - any parcel of land that is used for the commercial production of field and/or tree crops, livestock, poultry, and/or dairy products.

Farm Buildings - any detached accessory building or a portion of a main building used for the storage or housing of farm implements, produce or farm animals.

Farm Premises - land used for agricultural purposes operated as a unit. Property need not be contiguous.

Fence - An outdoor structure of masonry, wood, chain link, wire, plaster or other durable building material, serving to enclose, divide or protect an area.

Fence Viewer - A township appointed resident as defined by Public Act 34 of 1978, being MCL 43.51, et seq.

Frequency - the number of oscillations or cycles per unit of time, expressed as Hertz (Hz).

Garage (private) - a structure for the storage principally of noncommercial vehicles, having no public shop or service in connection therewith, the private noncommercial use solely of the owner or occupant of the principal building on a lot or of his family or domestic employees.

Garage (public) - any garage other than a private garage, available to the public, operated for gain and/or, which is used for storage, rental, greasing, washing, servicing, adjusting or repairing of machinery, motor vehicles and trailers.

Gasoline Station - a building or structure designed for or used for the retail sale or supply of fuels, lubricants, air, water, tires and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space or facilities for the storage, repair, refinishing or other service thereof.

Grade - The level of the site at the property line at the closest distance to the sign.

Hertz - the frequency of sound expressed by cycles per second.

Height of Turbine - the distance from the ground level base of the structure to the highest point on the tip of a fully vertical rotor blade.

Holiday Decorations - Signs or displays including lighting which are a nonpermanent installation celebrating national, state, local holidays or holiday seasons.

Home Occupation - it is intended that home occupation be practiced in such a way as to not change the residential character of a neighborhood. A home occupation is conducted within a dwelling by its occupants in accord with section 15.15.

Hub Height - the distance from the ground level base of the structure to the center of the turbine hub or horizontal rotor shaft.

IEC - International Electrotechnical Commission.

Industrial Hemp is defined as that term is defined by the Industrial Hemp Research and Development Act, Public Act 547 of 2014, as amended, MCL 286.841, et seq.

Inhabited Structure - any existing structure usable for living or non-agricultural commercial purposes, which includes, but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the zoning administrator shall make a determination of any structure regarding whether or not it is inhabited.

ISO - International Organization for Standardization.

Junk Yard - an establishment or premises where more than one (1) inoperable, dismantled, or partially dismantled vehicle, appliance, or machine, or parts therefrom, or any metal or other material that is damaged, deteriorated or is in a condition such that it cannot be used for its original purposes is bought, sold, and/or stored out of doors for more than thirty (30) days. A vehicle, appliance or machine is inoperable if incapable of being used for its intended purposes; or, in the case of vehicles, lacking a current license or registration or failing to meet the regulations for use on public roads as detailed in Michigan Vehicle Code, being Act 300 of 1949 as amended.

Kennel - Any lot or premises on which five (5) or more dogs of more than six (6) months of age are confined and kept, temporarily or permanently, for any purpose, including boarding, sale, treatment or training.

Line: Building Line - a line across the width of a lot behind which all buildings must be located. The building line will be parallel to a straight front lot line or parallel to a line that joins the two (2) corners of a non-straight lot front line.

Line: Front Building Line - an imaginary line running from one side lot line to the opposite side lot line, parallel to the front lot line which coincides with the face of the principle building nearest the front lot line. The front building line will be parallel to a straight front lot line or parallel to a line that joins the two (2) corners of a non-straight front lot line.

Line: Front Lot Line - a line dividing the lot from an approved road. On a corner lot the shorter road line shall be deemed the front lot line.

Line: Rear Lot Line - the lot line opposite the front lot line.

Line: Road Lot Line - any line separating a lot from a road.

Line: Side Lot Line - any line other than front or rear lot lines.

Logo, Logogram, or Logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Lot - a parcel of land on which one principal building and its accessories are placed or are intended to be placed, together with the required open spaces.

Lot: Corner Lot - a lot of which at least two adjacent sides abut for their full length upon a road, provided that such two sides intersect at an angle of not more than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner 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 road line, intersect at an interior angle of not over 135 degrees. In the case of a corner lot with a curved road line the corner shall be considered to be that point on the road lot line nearest to the point of intersection of the tangents here described.

Lot: Lot Area - that area back of the right of way line and bound by side and rear lot lines.

Lot: Interior Lot - a lot other than a corner lot.

Lot: Lot of Record - a lot, of which the dimensions are shown on a document or map on file with the Register of Deeds of the County.

Marihuana Facility is defined to include a Marihuana Facility as that term is defined by the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of the Public Acts of 2016, as amended (MCL 333.27101 et. seq.), and to include a "Marihuana Establishment" as that term is defined by the Michigan Regulation and Taxation of Marihuana Act, as amended (MCL 333.27951, et seq.).

Marihuana Grower - one of the following:

- (a) A Primary Caregiver as that term is defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26421, et seq., who grows Marihuana Plants for one or more Qualifying Patients.
- (b) A Qualifying Patient as that term is defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, as amended, MCL 333.26421, et seq., who grows Marihuana Plants for their own use.
- (c) Any person growing Marihuana Plants for personal use on real property they own.

Marihuana Plant means all plants from the genus Cannabis.

Master Deed - the condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by MCL 559.108.

MET Tower - Meteorological Tower, or Anemometer Tower: a temporary or permanent tower used to measure wind speed and direction, may also measure other weather parameters as well. The weather instruments are typically connected to a SCADA system for analysis.

Mobile Home - a detached single-family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy.
2. Containing sleeping accommodations, a flush toilet, a tub, or shower bath, and kitchen facilities, with plumbing and electrical connections provided for and attached to outside systems in accordance with the Larkin Building Code.
3. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.
4. Arriving at site to be occupied as a dwelling unit complete, and ready for occupancy except for minor and incidental location operations.

Noise Sensitive Facility - an inhabited structure, school, hospital, church, library, or other area designated by the Planning Commission.

Non-Conforming Building - any building or portion thereof lawfully existing at the time this Ordinance becomes effective and which now does not comply with its regulations.

Non-Conforming Use - any property use that was lawful at the time this Ordinance becomes effective and which now does not comply with its regulations.

Non-Participating Parcel - a parcel of land that is not a participating parcel.

Nuisance - in general, those uses which have been declared a nuisance in any court of record or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

Nursing or Convalescent Home - a building with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Octave Band - the frequency interval where the upper frequency is twice the lower frequency.

One-Third Octave Band - the frequency interval where the upper frequency is the lower frequency times the cube root of two.

On Site Use Wind Energy Systems - is a wind energy system intended primarily to serve the needs of the parcel upon which the wind energy system is located.

Parcel - a lot described by metes and bounds, on a condominium subdivision plan as a lot or unit or on a recorded plat.

Participating Parcel - a parcel of land that participates by ownership, a lease or easement agreement or other contractual agreement, with a person or entity constructing, operating or submitting a Special Land Use Permit application for a wind energy system. A participating parcel shall also include the parcel on which a wind energy conversion facility is located.

Poultry - means domesticated birds in the order of Galliformes (excluding the genus Meleagris) that serve as a source of eggs or meat.

Private Road - a way or means of approach which provides access to two or more principal buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads. See Sections 15.8.3 and 15.8.4.

Public Road - a way or means of approach which provides access and which is constructed to the Midland County Road Standards and is dedicated for general public use and maintained by the Midland County Road Commission.

Public Utility - any person, firm or corporation duly authorized to furnish and furnishing under State or Township regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water or sewer.

Removal of Gravel, Sand, Topsoil or Earth - premises from which rock, gravel, sand, topsoil or earth in excess of thirty (30) cubic yards is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway right-of-way.

Retreat Center - a facility for short term stays, hospitality, educational activities, training activities, conferences, contemplative activities, and other short term functions. It strives to preserve natural features and the open space character of its setting.

Right of Way - a public or private thoroughfare or easement of access for vehicle travel, which has an exit onto a road or street.

Right of Way Line - shall be the established right-of-way line, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be thirty-three (33) feet from the center of the road.

Rooming or Boarding House - a dwelling in which not more than two persons are lodged for rent, with or without meals.

Rooster - means a male domesticated bird in the order of Galliformes.

Rotor - an element of a wind energy system that acts as a bladed airfoil assembly extracting through radiation, through rotation, kinetic energy directly from the wind.

Run - means a fully enclosed and covered area attached to a coop where the poultry can roam unsupervised.

Sanitary Land Fill - the disposal of waste materials by burying said materials and providing a level cover of soil harmonious with existing drainage and sufficient to control odors, rodents, insect nuisances and other hazards, provided that such material shall neither be disposed of nor prepared for disposal by burning on the site.

SCADA - a Supervisory Control and Data Acquisition system. Collects weather instrumentation measurements for analysis.

Screening- A method of visually shielding or obscuring one abutting or nearby structure area or use from another using landscaping, berm, live vegetation, or hard screening materials such as wood, brick or an equivalent building material.

Shall - the word "shall" is always mandatory and not merely directive.

Shadow Flicker - alternating changes in light intensity caused by a moving blade or rotor of a wind energy system casting shadows on the ground or stationary objects, such as a window at an inhabited structure.

Sign - Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device similar in nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

Sign-Abandoned - A sign which no longer advertises or identifies a legal business establishment, product, or activity.

Sign-Alteration - Any change in copy, color, size, or shape, which changes the appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

Sign-Animated - A sign which has any visible moving part, flashing or oscillating light, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates or visibly alters in appearance in a manner that is not permitted by these regulations.

Sign-Announcement - Any sign having changeable copy for the purpose of advertising events, sales, services, or products provided on the site.

Sign Area - the face area enclosed by an outline, which defines the extreme points or edges of a sign; excluding the supporting structure.

Sign-Awning - A sign displayed on or attached flat against the surface of an awning.

Sign-Canopy - A sign affixed to the visible surface(s) of an attached or freestanding canopy.

Sign-Changeable Copy - A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through the placement of letters or symbols on a panel mounted in or on a track system.

Sign-Construction - A nonpermanent sign identifying the persons, firms, or businesses directly connected with a construction project.

Sign-Directional - A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

Sign-Directory - a sign containing only the names of the businesses or establishments located within a single structure designed for multiple uses or within a platted commercial or industrial subdivision.

Sign, Entrance - A sign identifying a residential subdivision or business park.

Sign Face - An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

Sign-Freestanding - Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with an air space between the ground and the sign face.

Sign-Governmental - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Sign-Ground - a sign supported by one or more uprights, poles, or braces placed in or upon the ground surface, and not attached to any building.

Sign-Hand Held - Any sign that is held by or otherwise mounted on a person.

Sign-Home Occupation - A sign located on a residential dwelling or property identifying the occupation or business transacted at this location.

Sign-Illegal - Any sign placed without proper approval or permits as required by this code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this code.

Sign-Illuminated - Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Sign-Instructional - A sign clearly intended for instructional or way finding purposes, as determined by the Zoning Enforcement Officer. A sign intended to safely direct traffic to intended destination, all on the same parcel.

Sign-Name - A sign that identifies the name of occupant of the public or semi-public building or institution.

Sign, Nonconforming - A sign which validly installed under the laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this code.

Sign Off Premise Advertising - a sign that contains a message unrelated to any business, profession, commodity, service or entertainment conducted, sold, or offered upon the premises where such sign is located.

Sign-On-Premises - Any sign used for promoting a business, individual, product, or service available on the premises where the sign is located.

Sign-Permanent - any outdoor display, advertising device, figure, painting, drawing, message, placard, poster, billboard, logo or other thing which is (1) designed or intended to advertise or inform; (2) direct attention to an object, product, place, activity, person, institution, organization or business, and (3) be utilized for greater than sixty (60) days. Any sign not meeting this criteria and other conditions outlined in Section 15.14 (Signs: General Provisions) shall be a maximum of eight (8) square feet in size.

Sign-Political and Noncommercial - Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

Sign-Projecting - A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

Sign-Real Estate - Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Sign-Roof - Any sign erected upon a pitched roof and not extending above highest point of the building or structure roof.

Sign-Special Event - Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

Sign-Temporary - a sign of less than eight (8) square feet in size that is not permanent. Examples of temporary signs shall include but are not limited to seasonal produce sales signs, special events signs, and campaign signs.

Sign-Wall - A sign affixed directly to or painted on, or otherwise inscribed on, an exterior wall of any building, confined within the limits thereof.

Site - All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

Solar Farm - An application of Solar Energy Systems or solar photovoltaic (PV) panels to generate electricity on a scale to feed into the utility electrical grid for off-site use.

Solar Energy System - A device or system designed or used to capture and utilize the energy of the sun to generate electrical or thermal power. A Solar Energy System shall include the mechanism used to collect solar rays and all associated ancillary and structural devices needed to support, convert or transmit the energy collected.

Sound Power - the rate per unit time at which sound energy is radiated, expressed as watts (W).

Sound Power Level - ten times the logarithm to the base 10, of the ratio of a given sound power to the reference sound power of 1 picowatt, expressed as decibels (dB).

Sound Pressure - the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed at pascals (Pa).

Sound Pressure Level - twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an un-weighted measurement.

Spite Fence - A "spite fence" is one built with malicious intent and solely to obstruct a neighbor's light, air, view, or use of property.

Temporary Structure - that which is built or constructed, an edifice or building of any kind, which is not more than one hundred (100) square feet in size and which remains fully constructed for not more than forty five (45) successive days.

Utility Grid Wind Energy Systems - a utility grid wind energy system that is designed and built to provide electricity to the electric utility grid.

Utility Trailer - a trailer intended for the use of hauling material.

Variance - a modification of the specific regulations of this Ordinance granted by resolution of the Zoning Board of Appeals in accordance with the terms of this Ordinance.

Vehicle - a machine that is, has been, or must be licensed to operate on the roads and highways of the State of Michigan.

Vehicle-Recreational – a vehicle, motor home, boat, trailer, truck camper, off-road riding machine, or other device intended for recreational use, whether or not licensed or registered with a government authority.

Wall - An outdoor area enclosure of masonry, wood, plaster or other approved building material serving to enclose, divide or protect an area.

Wind Energy System - a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, rotor, and tower, as well as related electrical equipment. The does not include the wiring to connect the wind energy system to the electric utility grid.

Wind Site Assessment - an assessment to determine the wind speeds at a specific site and the feasibility of using that site for the construction of a wind energy system.

Wireless Communication Facility – A structure, skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, electronic, wave or any other form of telecommunication signals, including all accessory or incidental structures, buildings and improvements. Not included within this definition are radio, telephone, cellar telephone, television, electronic, wave or satellite structures or dishes maintained as an accessory use to properly zoned residential or commercial buildings existing on the same parcel and which are of a height of 85 feet or less above grade level. Radio, telephone, cellar telephone television, electronic, wave or satellite dishes or structures maintained as an accessory use to residential or commercial buildings located on the same parcel and which are of a height of greater than 85 feet above grade level are wireless communication facilities. All radio, telephone, cellar telephone, television, electronic, wave or satellite dishes or structures, together with their supporting structures and equipment, which are the principal use of a parcel, regardless of height, are wireless communication facilities.

Yard - a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted under this Ordinance, on the same lot with a building or structure. Yard measurements should be the minimum horizontal distance.

Yard - Front - a yard extending across the full width of a lot between the front lot line and the nearest line of the main building.

Yard - Rear - a yard extending across the full width of a lot between the rear lot line and the nearest line of the main building.

Yard - Side - a yard between the side lot line and the nearest line of the main building or of an accessory building attached hereto.

Article 3. Establishment of Zones and Zoning Map.

3.1 Zones - For the purpose of this Ordinance, all of the area in the Township of Larkin is hereby divided into the following types of zones, to be known as, and having the following symbols:

| | | |
|------|------|---------------------------------|
| Zone | I | Residential "A" |
| Zone | II | Residential "B" |
| Zone | III | Residential "C" |
| Zone | IV | Residential "D" |
| Zone | V | Agricultural |
| Zone | VI | Professional Office and Service |
| Zone | VII | Commercial "A" |
| Zone | VIII | Commercial "B" |
| Zone | IX | Industrial "A" |
| Zone | X | Industrial "B" |

The areas assigned to these zoning districts, the designation of same and the boundaries of said zoning districts shown on the map hereto attached and made part of this Ordinance are hereby established. Said map being designated as the "Map Showing Zoning Districts in Larkin Township, Midland County, Michigan," and said map and the proper notations, references and other information shown thereon, shall be a part of this Ordinance.

3.2 Boundaries, Districts - Unless otherwise shown, the lines of zoning districts shall follow along the lines indicated on the United States land Survey Maps, or the lines of customary legal subdivisions of sections of land or the center line of roads or waterways, shorelines or water bodies or the boundary lines of legal record on the date of enactment of this Ordinance, or the extension of any such lines.

Article 4. Zone I (Residential "A")

4.1 Uses Permitted - Within a Residential "A" Zone, no buildings or structures or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise and no building, structure, land, premises or part thereof shall be used for a purpose other than as permitted by the provisions of this article as follows:

1. Principal uses and buildings.

A. Single family dwellings complying with the following minimum criteria:

1. Not more than two (2) roomers or boarders may be housed by a resident family.
2. They must be firmly attached to a permanent foundation constructed on site in accordance with the Larkin Building Code.
3. They shall contain no additions or rooms or other areas, which are not constructed with similar quality standards as the original structure.
4. They shall meet all specifications enumerated in any Federal, State or County standards, rules, or codes.
5. Dwellings built off site shall be installed pursuant to manufacturers set up instructions.
6. Mobile home dwellings shall be installed with the wheels removed, and in addition, they shall have no exposed towing mechanism, undercarriage or chassis.

B. Farming.

C. Churches, public and parochial schools non-profit or co-op day nursery schools when operated in a public or semi public building.

D. Parks, golf courses, tennis courts and similar recreational uses, all of non-commercial nature.

E. Private swimming pools: pool area to be fenced with a four (4) foot minimum height fence and a lockable gate. Said fence shall be constructed in a manner so as to keep children from entering the pool area.

F. Civic, cultural, recreational and municipal buildings and water towers when authorized by the Zoning Board of Appeals.

G. Home occupation in accordance with the provisions and regulations of Article 15.15 of this Ordinance.

H. Municipal Buildings.

I. Bed & Breakfast establishments.

1. Two guest room units are allowed for a residence meeting the minimum lot area for the zone. One additional guest room unit is allowed for each one acre by which the residential parcel exceeds the minimum, up to a maximum of six (6) total guest units for any Bed & Breakfast.

2. Bed & Breakfast establishments shall meet any other requirements specified in any Federal, State of Michigan or Midland County standards, rules, or codes.

3. Bed & Breakfast establishments shall be subject to and comply with the Site Plan Review provisions of Article 17. In its review of site plans for Bed & Breakfast establishments, the approving officials shall prioritize ensuring compliance with the guest room limitations and minimum lot area herein and to maintaining the residential character of the establishment and surrounding area. If relief from application detail or any specific site plan requirements of Article 17, e.g., driveway or lighting, are necessary to that end they may be waived by the approving officials. Parking for Bed & Breakfast establishment guests shall be as provided in Article 14.

2. Accessory uses and buildings.

A. Private garages.

B. Farm buildings.

C. Farm animals and poultry on a non-commercial basis.

D. A temporary structure for the sale of farm produce grown on the immediate premises.

E. Storage buildings.

F. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

G. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

3. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

4.2 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

4.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities
2. Onsite Use Wind Energy Systems

Article 5. Zone II (Residential "B")

5.1 Uses Permitted - Within any Residential "B" Zone, no buildings or structures or part thereof, shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise and no buildings, structure, land, premise or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance.

1. Principal uses and buildings.
 - A. Residential "A" uses except as herein modified.
 - B. Two family dwellings.
 - C. Apartment buildings.
 - D. Non-profit private schools and colleges having a curriculum equivalent to public schools, licensed day care nursery schools, and convalescent homes when authorized by the Zoning Board of Appeals.
2. Accessory uses and buildings.

A. Residential "A" accessory uses and buildings except as herein modified.

B. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

C. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

5.2 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

5.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

2. Onsite Use Wind Energy Systems

Article 6. Zone III (Residential "C")

6.1 Uses Permitted - Within any Residential "C" Zone, no buildings or structures or part thereof, shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise and no buildings, structure, land, premise or part thereof, shall be used for a purpose other than is permitted by the provisions of this Ordinance.

1. Principal uses and buildings.

A. All uses permitted in Residential "A" and Residential "B" Zones shall be permitted in Residential "C" Zone, and in addition thereto trailer parks shall be permitted.

2. Accessory Uses.

A. Residential "A" and "B" accessory uses except as herein modified.

B. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

C. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

6.2 Building Height, Area, Yard and other Regulations.

1. All building and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

6.3 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities
2. Onsite Use Wind Energy Systems

Article 7 Zone IV (Residential "D")

7.1 Intent - The intent of the Residential D Zone is to provide areas within the Township for very low-density single-family use within which moderate flexibility is provided for rural type activities such as the non-commercial raising and housing of farm animals.

7.2 Uses Permitted - Within any Residential "D" Zone, no buildings or structures or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon premises and no building, structure, land, premises or part thereof shall be used for a purpose other than as permitted by the provisions of this Ordinance.

1. Principal uses and buildings
 - A. Residential "A" uses except as herein modified.
 - B. Ponds.
 - C. Farming.
2. Accessory uses and buildings
 - A. Residential "A" accessory uses and buildings except as herein modified.
 - B. Accessory buildings customarily incidental to the above permitted uses.
 - C. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

- D. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.
- E. Private stables, private kennels and other similar types of shelter for animals.

7.3. Building Height, Area, Yard and Other Regulations.

- 1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

7.4. Uses Allowed by Special Use Permit.

- 1. Wireless Communication Facilities
- 2. Onsite Use Wind Energy Systems

Article 8. Zone V (Agricultural)

8.1 Uses Permitted - Within any agricultural zone, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, altered, or moved upon a premise and no building, structure, land premise or part thereof shall be used for a purpose other than is permitted by the provisions of this Ordinance.

- 1. Principal uses and building.
 - A. Residential "A", "B", "C", and "D" uses except for trailer parks as allowed in Residential "C".
 - B. General farming, truck farming, fruit farms, orchards, nurseries and experimental farms.
 - C. Livestock and poultry farms.
 - E. Kennels, animal hospitals and riding stables, provided the operator and/or owners reside on the same parcel.
- 2. Accessory uses and building.
 - A. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

- B. The sale only of such items as are produced on the premises shall be conducted within the dwelling or an accessory building that is not one primarily of retail sale character or use.
- C. The killing or dressing of poultry raised on the premises for the occupant's own use shall be permitted in an accessory building.
- D. The slaughtering and dressing of farm animals raised on the premises for the occupant's own use shall be permitted in an accessory building.

8.2 Building Heights, Areas, Yards and Other Regulations

- 1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

8.3 Uses Allowed by Special Use Permit.

- 1. Wireless Communication Facilities.
- 2. Golf courses of nine (9) or more holes.
- 3. Retreat Centers.
- 4. Onsite Use Wind Energy Systems.
- 5. Meteorological Tower.
- 6. Utility Grid Wind Energy Systems.
- 7. Photovoltaic Solar Farms shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Article 9. Zone VI (Professional Office and Service)

- 9.1 Statement of Purpose - It is the purpose of this zone to accommodate professional office and personal service uses in addition to residential and agricultural uses, which conform to the criteria herein set forth. It is also the intent of this zone to have criteria established to provide effective buffering of residential zoning districts when this zone abuts such residential districts.

9.2 Uses Permitted - Within any Professional Office and Service zone, no building, structure or part thereof shall be erected, altered or moved upon a premise which is intended or designed to be used in whole or in part for any other than one or more of the following purposes:

1. Personal service establishments, which perform services on the premises, such as barber and beauty shops, tanning salons and health clubs, childcare, and nursing homes. Veterinary and other such services dealing with live animals are specifically excluded.
2. Professional offices in which personnel are engaged in one or more of the following activities: Medicine, dentistry, administration, legal, accounting, writing, clerical, insurance and similar professional enterprises, including both public and private.
3. Residential "A", "B", and "C" uses except trailer parks as allowed in Residential "C".
4. Essential services with the exception that water towers, telephone exchange and/or repeater buildings, gas regulator stations and regulator buildings, electric substations and substation buildings shall be specifically prohibited.
5. One (1) single-family residence as an integral part of the principal use building.
6. A complex or development including a multiple number of permitted uses within a principal structure where the structure complies with all aspects of the ordinance, and where each individual use is permitted within the Professional Office and Service zone.
7. No accessory uses and buildings are permitted in the Professional Office and Service district.

Uses listed in the previous subsections have not been intended to be regarded as neither all-inclusive nor all exclusive and are specifically cited as examples only.

9.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

9.4 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.
2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.
3. Open air, outdoor storage shall not be permitted in this zone.

9.5 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities
2. Onsite Use Wind Energy Systems.
3. Meteorological Tower.
4. Utility Grid Wind Energy Systems.
5. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Article 10. Zone VII (Commercial "A")

10.1 Statement of Purpose - It is the purpose of this zone to accommodate retail sales and commercial service uses in addition to residential and agricultural uses which conform to the criteria herein set forth. Allowable retail sales and commercial service uses will primarily offer goods and services that are regularly required by persons residing in adjacent residential areas.

10.2 Uses Permitted - Within any Commercial "A" zone, no building, structure or part thereof shall be erected, altered or moved upon a premise which is intended or designed to be used in whole or in part for any other than one or more of the following purposes:

1. Retail food establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises.
2. Other retail business such as drug, variety, dry goods, clothing, notions, hardware or music stores which supply commodities on the premises.

3. Maintenance and other service establishments that perform services on the premises, such as repair shops for shoes, radio, television, self-service laundries and photographic studios.
4. Banks and other financial offices including financial drive-in facilities.
5. Assembly buildings including fraternal organizations, auditoriums, private clubs and retreat centers.
6. Residential "A", "B", "C" and Professional Office and Service uses, except trailer parks as allowed in Residential "C".
7. Essential services with the exception that watertowers, telephone exchange and/or repeater buildings, gas regulator stations and regulator buildings, electric substations and substation buildings shall be specifically prohibited.
8. One (1) single-family residence as an integral part of the principal use building.
9. A complex or development including a multiple number of permitted uses within a principal structure where the structure complies with all aspects of the ordinance and where each individual use is permitted within the Commercial "A" zone.
10. Accessory buildings and uses customarily incidental to any of the aforementioned uses, but not including assembly, manufacturing or treatment activities.

Uses listed in the previous subsections have not been intended to be regarded as neither all-inclusive nor all exclusive and are specifically cited as examples only.

10.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

10.4 Building Height, Area, Yard and Other Regulations.

1. All building and uses must comply with the building height, area, yard and other regulations of Article 15.8 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

3. Open air, outdoor storage shall not be permitted in this Zone.

10.5 Uses Allowed by Special Use Permit.

1. Uses permitted by Special Use Permit in the Professional Office Service district.

2. Onsite Use Wind Energy Systems.

3. Meteorological Tower.

4. Utility Grid Wind Energy Systems.

Article 11. Zone VIII (Commercial "B")

11.1 Statement of Purpose - It is the purpose of this zone to provide sites for commercial uses more extensive than the retail sales and commercial service variety. Allowable uses will generally cater to business and industrial customers as well as the general public. These uses may employ assembly, treatment and manufacturing operations, which are specifically incidental to the principal use, conducted within the principal structure on the site.

11.2 Uses Permitted - Within any Commercial "B" zone no buildings or structures or parts thereof shall be hereafter erected, constructed, reconstructed, altered, or moved upon a premise and no building, structure, land, premise or part thereof shall be used for a purpose other than is permitted by the provisions of this Article.

1. Any uses permitted in the Commercial "A" zone other than Residential "A", "B", "C", and "D", and any Professional Office and Service uses which include residences.

2. Contractor's offices with associated work areas strictly complying with the following criteria.

A. Work areas shall be contained within the principal structure that shall be wholly enclosed.

B. Assembly or fabrication operations shall be strictly limited to those that are specifically incidental to the primary use conducted in the principal structure on the site.

3. Essential services.
4. Funeral parlors and mortuaries.
5. Motels or motel-hotels.
6. Wholesale businesses.
7. Service establishments including printing, publishing, photographic reproduction and related trades or arts.
8. Commercial recreation facilities, such as indoor theaters, bowling alleys, skating rinks or other similar uses with the exception of outdoor theaters, which are specifically prohibited.
9. Servicing or repair of motor vehicles, trailers and boats when conducted within a wholly enclosed building.
10. Open air businesses such as the retail sales of plant materials, sales of nursery stocks and lawn and garden supplies.
11. Enclosed warehousing or mini storage establishments.
12. Restaurants, taverns and other eating or, drinking establishments, which provide food or drink and/or entertainment on the premises.
13. Automobile showrooms for new and used automobiles.
14. A complex or development including a multiple number of permitted uses within a principal structure where the structure complies with all aspects of the ordinance and where each individual use is permitted within the Commercial "B" zone.
15. Accessory buildings and uses customarily incidental to any of the aforementioned uses.
16. Outdoor storage shall be permitted in accordance with the regulations of Article 15.8 of this Ordinance.

17. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Uses listed in the previous subsections have not been intended to be regarded as neither all-inclusive nor all exclusive and are specifically cited as examples.

11.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

11.4 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building, height, area, year and other regulations of Article 15.8 of this Ordinance.

2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.

3. Screening is required according to the regulations of Article 15.8 of this Ordinance.

11.5 Uses Allowed by Special Use Permit

1. Uses permitted by Special Use Permit in the Commercial A district.

2. Onsite Use Wind Energy Systems.

3. Meteorological Tower.

4. Utility Grid Wind Energy Systems.

Article 12. Zone IX (Industrial "A")

12.1 Statement of Purpose - This zone is designed to provide sites for manufacturing, assembly and fabrication operations more extensive than the types deemed to be purely incidental in nature. The types of uses allowable in this district will cause a minimum of adverse affects beyond the boundaries of the site upon which they are located.

12.2 Uses Permitted - Within any Industrial "A" Zone, no buildings, structure or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise or part thereof shall be used for any purpose other than is permitted by the provisions of this Ordinance.

1. Production, processing, assembling, packaging or treatment of such products as: bakery goods, candy, cosmetics, food products, hardware and cutlery, tool, die, garage and machine products.
2. Production, processing, assembling, packaging or treatment of articles or products from the following previously prepared or semi finished materials: bone, hair fur, leather, feathers, fibers, plastics, glass, wood paper, cork, sheet metal or wire, tobacco and similar articles or products which are previously prepared or semi finished.
3. Manufacturing of pottery and ceramics.
4. Manufacturing and assembly of electronic instruments and equipment and electrical appliances and devices.
5. Laboratories including experimental and testing
6. Warehouses, storage buildings, and wholesale firms.
7. Accessory uses and buildings customarily incidental to any of the aforementioned uses.
8. Outdoor storage shall be permitted in accordance with the regulations of Article 15.8 of this Ordinance.
9. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Uses listed in the previous subsections have not been intended to be regarded as either all-inclusive or all exclusive and are specifically cited as examples.

12.3 General Use Regulations

1. Allowable uses shall not emanate noise, smoke, odors, dust, dirt, noxious gasses, glare, heat, or vibration which would be a nuisance or annoyance to others or occupants of surrounding premises. Permitted uses shall be wholly contained within fully enclosed buildings except for permitted outdoor storage according to Article 15.8 of this Ordinance.

12.4 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

12.5 Building Height, Area, Yard and Other Regulations.

1. All buildings and uses must comply with the building, height, area, yard and other regulations of Article 15.8 of this Ordinance.
2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.
3. Screening is required according to the regulations of Article 15.8.2 of this Ordinance.

12.6 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities.
2. Onsite Use Wind Energy Systems.
3. Meteorological Tower.
3. Utility Grid Wind Energy Systems.

Article 13. Zone X (Industrial "B")

13.1 Statement of Purpose - It shall be the purpose of this zone to provide sites for industrial activities, which by their nature may not be completely compatible with other surrounding land, uses and thereof, need to be buffered. This district is designed to permit the manufacturing, processing or assembly of semi finished or finished products from new materials as well as previously prepared materials. It is also designed to specifically prohibit residential uses and retail enterprises as being incompatible with the primary industrial and related uses that are permitted.

13.2 Uses Permitted - Within any Industrial "B" Zone, no buildings or structures or part thereof shall hereafter be erected, constructed, reconstructed, altered or moved upon a premise, and no building, structure, land, premise or part thereof shall be used for any purpose other than is permitted by the provisions of this Ordinance.

1. Junk yards.
2. Gasoline and petroleum storage.
3. Redi-mix concrete and asphalt plants.
4. Stock yards and slaughterhouses.
5. Structural steel fabrication yards.
6. Storage yards for machinery, trucks, or equipment in operating condition.
7. Grain elevators.
8. Mining and incidental gravel processing operations.
9. Foundries.
10. Scrap metals reduction operations.
11. Power plants.
12. Animal food manufacturing operations.
13. Accessory uses and buildings customarily incidental to any of the aforementioned uses.
14. Outdoor storage shall be permitted in accordance with the regulations of Article 15.8 of this Ordinance.
15. Accessory Solar Energy System shall be permitted in accordance with the provisions and regulations of Article 16.15 of this ordinance.

Uses listed in the previous subsections have not been intended to be regarded as either all-inclusive or all exclusive and are specifically cited as examples.

13.3 Signs

1. Signs shall be permitted in accordance with the provisions and regulations of Article 15.14 of this Ordinance.

13.4 General Use Regulations

1. All activities in this zone shall be carried on in completely enclosed buildings, or within completely and effectively screened outdoor area.
2. Uses in this zone shall conform to the following standards:
 - A. Emit no obnoxious, toxic or corrosive fumes or gases that are harmful to the public health, safety or general welfare; except those produced by internal combustion engines.
 - B. Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond the lot boundaries.
 - C. Produce no heat or glare to such an extent as to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - D. Produce no physical vibrations to such an extent as to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - E. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive or in the use of any such material in production.
 - F. Shall conform to all local, state and applicable federal pollution control standards, including noise, air and water quality regulations.

13.5 Building Heights, Areas, Yards, and Other Regulations.

1. All buildings and uses must comply with the building, height, area, yard and other regulations of Article 15.8 of this Ordinance.
2. Parking shall be provided in accordance with the regulations of Article 14 of this Ordinance.
3. Screening is required according to the regulations of Article 15.8 of this Ordinance.

13.6 Uses Allowed by Special Use Permit.

1. Wireless Communication Facilities

2. Onsite Use Wind Energy Systems.
3. Meteorological Tower.
4. Utility Grid Wind Energy Systems.

Article 14. Required Off Street Parking and Access

14.1 Off Street Parking and Access - For each dwelling, business, commercial, industrial or other similar building hereafter erected or altered, and located on a public right of way in the Township and including buildings or structures used principally as a place of Public Assembly, there shall be provided and maintained suitable space off the right of way that is in general adequate for the parking or loading of vehicles in proportions shown in section 14.2 below, and such space shall be provided with safe exit to and safe entrance from a public thoroughfare.

14.2 Parking Spaces Required

1. Auto sales and service garages 1 space for each five-hundred (500) square feet of building area.
2. Barber shops and beauty shops - 3 spaces for each chair or booth.
3. Churches and places of Public Assembly - 1 space for each 5 seats.
4. Dance Halls, Private Clubs, Lodges, Fraternal Lodges, Retreat Centers and other such places of frequent public assembly - 1 space for each 100 square feet of floor area, plus 1 space for each overnight guest unit.
5. Funeral Homes - 1 space for each 25 square feet of floor area of assembly rooms.
6. Furniture Sales, Retail - 1 space for each 500 square feet of floor area.
7. Hospitals and Rest: Homes - 1 space for each two (2) beds.
8. Hotels, Clubs, Lodging Homes - 1 space for each two (2) bedrooms. Additional off street parking will be required if other shops or businesses are provided.

9. Manufacturing and Industrial - 1 space for each 100 square feet of floor area one space for each two (2) employees on combined employment of the two largest successive shifts, whichever is greater.
10. Motels, Tourist Homes, Bed & Breakfast establishments and Trailer Courts - 1 space for each guestroom, cabin or trailer parking space.
11. Office Buildings, Commercial and Professional Buildings - 1 space for each 200 square feet of floor area, but in no case less than five (5) spaces.
12. Restaurants, Bars, Taverns, Lunch Counters and similar eat and drink establishments - 1 space for each four (4) seats provided for patron use.
13. Retail sales - 1 space for each 200 square feet of floor area.
14. Service Stations - 3 spaces for each service stall, in no case less than three (3) spaces.
15. Warehouses, Storage Buildings, Lumber and Supply Yards, retail or wholesale - 1 space for each 1000 square feet of floor area.
16. Single or Multiple Family Dwellings - one space for each vehicle operated by occupants of the dwelling and regularly parked in the vicinity of the dwelling.
17. Handicapped parking shall be provided according to State of Michigan and Federal Law.

14.3 General Regulations

1. Parking in front of the front building line on a lot in a platted subdivision, site condominium or supervisor's plat is limited as follows:
 - A. No more than five (5) vehicles may be parked therein, all of which shall be licensed with current registered plates. No such vehicle shall be of a gross vehicle weight in excess of 8,000 pounds. All parking shall be on approved parking areas.
 - B. Recreational vehicles and utility trailers shall not be allowed on such lots except for a period of seven (7) days preceded and followed by at least twenty-one (21) days of no such parking.

C. All parking shall be at least twenty-five (25) feet from the front lot line and ten (10) feet from the side lot line.

D. Exceptions to these restrictions may be granted by application to, and approval by, the Township Planning Commission. The Planning Commission may consider, but is not limited to, conditions of impracticality.

E. These limitations do not pre-empt stricter deed restrictions or home-owner association restrictions.

2. A minimum of two hundred (200) square feet exclusive of drives, entrances and exits shall comprise one (1) parking space.

3. Required parking area for a building shall be figured on the entire floor area of the first floor, parking for additional stories, including basement shall be added to the total of the required area for the first floor. Storage area on other than the first floor shall not be included in the total required parking area.

4. No building shall be enlarged if the enlargement requires additional parking space unless the minimum regulations for off-street parking are provided.

5. Any person desiring to establish or change a parking area shall submit plans to the Township Building inspector, for his written approval showing the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot.

6. Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from the adjoining premises.

7. Off-street parking and loading areas shall be surfaced with pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water.

8. Any off-street parking in a commercial or industrial zone shall be within five hundred (500) feet of the property said area is intended to serve.

Article 15. Supplementary Regulations

15.1 Application of Supplementary Regulations - The provisions of this Ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following supplementary regulations:

15.2 Conflicting Laws, Regulations and Restrictions - It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any

existing provisions of the law or ordinances relating to the use of buildings or land; nor is intended by this Ordinance, to interfere with or abrogate or annul any existing easements, covenants or other agreements, between parties; provided, however, that where any provision of this Ordinance imposes more stringent regulations, regulations, restrictions or limitations upon the use of land or buildings or requires larger yards, land areas, or open spaces than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. The regulations of this Ordinance are to be construed as minimum regulations. In interpreting and applying the provisions of this Ordinance they shall be held to the minimum regulations adopted for the promotion of public health, safety, comfort, convenience, prosperity and general welfare.

15.3 Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water distribution or transmission systems, including mains, drains, sewers, pipes, alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health and safety or general welfare, shall be permitted as authorized by law and other ordinances of the Township of Larkin in any use district, it being the intention thereof, to exempt such erection, construction, alteration and maintenance from the application of this Ordinance.

1. The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district regulations herein established, and permit the location in any use district of a public utility building, structure, or use, if the Board shall find such use, height, area, building and structure reasonably necessary for the public convenience and service, provided such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

15.4 Sanitation - No building or structure shall be erected, altered, or moved onto any lot and used in whole or in part for dwellings, business, commercial, or recreational purposes unless all facilities used in connection with the disposal of human excreta and water-carried wastes shall be connected with and the wastes therefrom discharged into a sewage disposal system which shall consist of a septic tank system, provided, however, that a chemical toilet may be used as means of excreta disposal for farm dwellings. All water well sites and sewage

disposal systems shall be constructed in accordance with the Ordinances of Midland County, Michigan, and an approval from the Midland County Health Department on proposed water well sites and disposal fields shall be obtained before a building permit is used under this Ordinance.

15.5 Use of Non-conforming Land, Buildings or Structures - The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance although the use does not conform to the provisions of the ordinance, may be continued provided, however, that the continued use of a building, or structure, does not constitute a public nuisance, or endanger the public health, safety or welfare.

1. If the non-conforming use of any building, structure, land or premises is changed to a conforming use, such use shall not thereafter be reverted to any non-conforming use.
2. If the non-conforming use of any buildings, structure, land or premises or part thereof is abandoned, then any future use of said building, structure, land or premises shall conform, in its entirety, to the provisions of this Ordinance.
3. Failure to occupy a building as non-conforming use for one year shall result in the abandonment of said non-conforming use, and in the case of land shall result in the upgrading of its use requiring it to comply with the zone in which it is located.
4. If an area is hereafter transferred to another zone, such area shall be subject to the provisions applicable to said zone.

15.6 Reconstruction of Damaged and Non-conforming Structures - Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the date of this Ordinance, provided, that said use shall be identical with the non-conforming use permitted in effect directly preceding such damage, provided further, that such restoration shall be commenced within six (6) months, completed within eighteen (18) months and use resumed within eighteen (18) months of such damage.

15.7 Repair, Alteration, and Completion of Non-conforming Buildings and Structures - Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of non-conforming building, structure, or part: thereof existing at the effective date of this Ordinance, rendered necessary by

wear and tear, deterioration and depreciation provided, however, that such repair, reinforcement, improvement or rehabilitation of use of said building or part, thereof, and any enlargement of or addition to existing residences, shall comply with the regulations of this Ordinance.

15.8 Building Height, Area, Yard and Other Regulations

1. Statement of Intent - It is the intent of this section to outline the minimum and maximum dimensions, area regulations, placements, heights, and spaces of buildings, lots and yards. It is also the intent to define the regulations for screening and spacing for commercial and industrial uses that abut Residential "A" "B", "C", "D", and Agricultural Zones.
2. Screening - The word "screening" as used in this Ordinance shall include any fence, wall, earthen berm, plant materials or other screening device or combination of the above, which shall obscure a minimum of seventy five (75) percent of the field vision to a minimum height (8) feet. Screening with plant materials alone requires a landscape buffer not less than fifteen (15) feet in width consisting of at least seventy five (75) percent evergreen plants.
3. Table of Regulations for Residential "A", "B", "C", "D", and Agricultural Zoning Districts. SEE TABLES 3 and 4.
4. Table of Regulations for Professional Office and Service, Commercial "A" and "B", and Industrial "A" and "B" Zoning Districts. SEE TABLE 15.8.4

Any dimension or restriction not specifically set in the column for Zoning District VI, Professional Office and Service, shall conform to the dimensions and restrictions of Zoning District II, Residential "B".

15.9 Accessory Uses and Buildings

1. Accessory use on a parcel in a Residential zoning district shall include the parking in a fully enclosed building of not more than one commercial vehicle not to exceed two ton capacity which is currently licensed for operation on the public roads and operable with all component parts attached.
2. In a Residential zoning district, no building or structure initially constructed or designed for use as a mobile home, mobile

office, shipping container, recreational vehicle, other vehicle or parts of vehicles including trucks, buses, truck cabs, truck boxes and semi-trailers shall be used as an accessory building or for storage. This subsection shall not be construed to prohibit temporary placement of mobile home dwellings pursuant to Section 15.13 of this Ordinance.

15.10 Moving of a Building or Buildings - Any new, old, completed or partially completed building moved on to a properly zoned lot must meet the regulations for a building and electrical permit and must also meet the regulations for lot area and size and building heights and area regulations in the area so zoned.

15.11 Required Yard Cannot Be Reduced or Used By Another Building - No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this Ordinance, nor shall any yard required for a principal building be included as a part of a yard required under this Ordinance for any other building.

15.12 Removal of Rock, Sand, Gravel, Topsoil, Minerals or Earth - Wherever rock, sand, gravel, topsoil, minerals or earth are removed from the premises, then said premises shall be left in such a manner so as to have a level cover of soil harmonious with existing drainage and sufficient to control surface water, rodents, insect nuisances and other hazards.

15.13 Temporary Placement of Mobile Home Dwellings while Constructing Site Built Dwellings - Temporary placement and occupancy of a mobile home dwelling during the construction of site built dwellings is permitted subject to the following conditions:

1. A permit for temporary placement and occupancy of a mobile home dwelling must be secured from the Larkin Building Inspector.
2. The permit shall be granted for a period not to exceed one year and only if a valid building permit for a site built dwelling has been issued for the same site on which the temporary mobile home dwelling is to be placed. The permit shall automatically expire when the applicable building permit expires.
3. The permit may be renewed by the Larkin Township Building Inspector for additional periods of six months, provided all the criteria set forth in this section are met.

4. Temporary mobile home dwellings must be vacated and removed from the premises within ninety (90) days after the expiration of the permit.
5. A permit for temporary placement of a mobile home dwelling is not transferable to any other person, owner, or occupant.
6. Any mobile home temporarily installed as per this section must meet currently applicable State and Federal standards. It must also be installed in accordance with Larkin Township Building Codes, manufacturer's set-up instructions, and County Health Department regulations except that it may be supported by a temporary tiering system of concrete blocks and/or other concrete materials. In addition, such mobile homes must be skirted around the entire perimeter with non-flammable skirting material. Hay, straw, and other flammable materials are not permitted as skirting materials.
7. Mobile homes temporarily installed under this section are not required to meet square footage regulations of the zones within which they are placed, but they must meet dwelling placement and other applicable regulations for the zone in which they are placed.

15.14 Signs

1. Statement of Intent. It is the intent of this section to regulate the size and placement of signs and to require the permitting thereof in order to: maintain and enhance the aesthetics of our community; preserve public health, safety, and welfare; avoid obstacles, distractions or traffic hazards which impair a traveler's ability to see pedestrians, traffic signs, or vehicles; enhance pedestrian and traffic safety; minimize driver distraction; preserve property values; reduce the blighting influence of signs; avoid adverse lighting or reflection; require structurally safe signs; enhance the effectiveness of necessary directional and warning signs; limit the intrusion of visual images; minimize the adverse effects of signs on nearby public and private property; avoid excessive signage; protect and enhance the scenic views and natural landscapes; protect and enhance economic viability by assuring aesthetic appeal for visitors and residents; provide for the effectiveness of permitted signs; protect the night sky from stray lighting.
2. General Provisions for Signs. All signs shall be subject to the following general provisions:

- A. All signs shall be erected and maintained in the exact location described in the permit.
- B. Off premises signs are not permitted.
- C. All land parcels with structures situated on them and construction sites shall have a numeric address sign at the entrance to the site from the road right-of-way to facilitate emergency and other authorized personnel in locating the premises.
- D. No sign may be erected or maintained which prevents the driver of a motor vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic. All signs shall be placed outside of any State, County, Township, or private road right-of-way.
- E. Illumination of signs is permitted in residential zoning districts only for churches, public and parochial schools, non-profit and cooperative nursery schools where operated in a public or semi-public building, in commercial zoning districts and in industrial zoning districts. All illumination shall be effectively directed or shielded and comply with the following:
 - 1. To prevent beams or rays of light from being directed into the line of vision of the operator of a motor vehicle on the main traveled way of the highway, or otherwise interfere with the driver's safe operation of a motor vehicle.
 - 2. Be shielded and directed downwards.
 - 3. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the premises on which the light is affixed.
 - 4. To not be of such intensity or brightness to be considered to be a nuisance to residential properties contiguous to or nearby the commercial or industrial use employing the illuminated sign.
- F. Any sign that includes electronic or electrical installations shall be approved by the Larkin Township Electrical Inspector

G. Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

3. General Provisions by Zoning District. The following sign regulations by zoning district apply to every zone in the Township. Only signs as described herein will be permitted in each particular zoning district.

A. Residential "A", "B", "C", and "D" and Professional Office and Service Zoning Districts.

1. Any public or semi-public building or institution may display an announcement and/or name sign. One (1) wall sign or one (1) ground sign shall be permitted.
2. One sign, announcing the sale of lots in any platted subdivision.
3. One home occupation sign shall be allowed.
4. One entrance sign, identifying the name of a platted residential subdivision is permitted.
5. Any Professional Office Service uses are permitted one wall and ground sign. One directory sign is permitted per Professional Office Service use within a multiple use establishment.

B. Agricultural Zone District.

1. Signs shall be permitted as set forth in Residential "A", "B", "C", and "D" Zoning Districts except a wall sign or ground sign, if located thirty (30) feet from all property lines, will be permitted.

C. Commercial "A" and "B" and Industrial "A" and "B" Zoning Districts.

1. One (1) wall sign and one (1) ground sign per business establishment announcing the name and business transacted shall be permitted.

2. Roof signs are permitted in lieu of wall signs.
 3. Roof signs may be mounted on a pitched roof, but shall not extend above the highest point of the roof.
 4. Roof signs mounted on a pitched roof shall be parallel to the building front and shall not extend beyond the building wall.
 5. Roof sign support structures shall be designed so that there is no visible support structure when viewing the sign.
 6. Ground signs or directory signs shall be located so as to provide for a clear vision area for vehicles entering or exiting the premises onto a road or street.
 - a. One directory sign (pursuant to this subsection) shall be permitted at the entrance from second road or street.
 7. One directory sign is permitted for any platted commercial or industrial subdivision or commercial or industrial parcels served by a single access road in which there are multiple use establishments.
 8. One directory sign per commercial establishment operating within a single building shall be permitted.
4. Measurement Standards
- A. Determining Sign Area and Dimensions
1. For a wall or roof sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire background and frame.
 2. For a wall or roof sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular

geometric shapes which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between the different elements.

- a. For a projecting sign, the sign area shall include the frame if any, but shall not include: The mounting structure unless such support is internally illuminated or otherwise designed to constitute a display device, or a part of a display device.
 - b. For a freestanding and ground sign, the sign area shall include the frame, if any, but shall not include: A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
3. Any wedge shaped sign with an apex angle of greater than thirty (30) degrees shall be considered two signs for the purpose of calculating total sign area.
4. Awning Signs. The area of signs on awnings shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
5. Canopy Signs. The area of signs on canopies, where the canopy is required by law, shall not be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
6. Signs on canopies, where the canopy is not required by law, shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
7. In the event of a dispute in determining the area or dimensions of any sign, a negative decision of the Zoning

Administrators or Zoning Enforcement Officer may be appealed to the Township Zoning Board of Appeals.

B. Determining Sign Height

1. The height of a ground or freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. Determining Building Frontages and Frontage Lengths

1. Building Unit – the building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
2. Frontage – the frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

D. Length of Building Frontage

1. The length of any building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Enforcement Officer or Planning Commission as clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

5. Dimensional Standards

A. Wall Signs

1. Residential "A", "B", "C", and "D" and Professional Office and Service Zoning Districts.

- a. A wall sign shall be limited to twelve (12) square feet in area.
- b. A wall sign identifying Professional Office uses shall be limited to thirty-two (32) square feet in area.
- c. A wall sign shall project from the wall surface no more than eighteen (18) inches at all points.

2. Agricultural Zone District

- a. A wall sign shall be limited to twelve (12) square feet in area.
- b. A wall sign shall project from the wall surface no more than eighteen (18) inches at all points.

3. Commercial "A" and "B" and Industrial "A" and "B" Zoning Districts.

- a. The maximum wall or roof sign size shall be one (1) square foot in area for each lineal foot of wall upon which the sign is placed, measured at the ground level.
- b. A wall or roof sign for a wall of less than fifty (50) lineal feet shall be limited to fifty (50) square feet in area.
- c. Any wall or roof sign, regardless of wall length shall be limited to ninety (90) square feet in area.

- d. In computing the size of wall or roof signs, the area shall equal the area of the standard geometric figure formed by the wall sign, or the figure formed by the letters if not mounted on a signboard.
- e. A wall sign shall project from the wall surface no more than eighteen (18) inches at all points.
- f. A canopy sign shall not exceed an area equal to forty (40) percent of the product of the height and length of the face area of the canopy.

B. Projecting Signs

- 1. Residential "A", "B", "C", and "D" and Professional Office and Service Zoning Districts.
 - a. A projecting sign shall be limited to four (4) square feet in area and shall not be less than eight (8) feet above the sidewalk.
- 2. Commercial "A" and "B" and Industrial "A" and "B" Zoning Districts.
 - a. A projecting sign shall be limited to four (4) square feet in area and shall not be less than eight (8) feet above the sidewalk.

C. Freestanding and Ground Signs

- 1. Residential "A", "B", "C", and "D" and Professional Office and Service Zoning Districts.
 - a. A home occupation sign shall be limited to four (4) square feet in area.
 - b. A ground sign shall be limited to twelve (12) square feet in area.
 - c. A ground sign announcing the sale of lots in any platted subdivision shall be limited to thirty-two (32) square feet in area.

- d. An entrance sign identifying the name of a platted subdivision shall be limited to thirty-two (32) square feet in area.

2. Agricultural Zone District.

- a. A ground sign shall be limited to twelve (12) square feet in area.

3. Commercial "A" and "B" and Industrial "A" and "B" Zoning Districts.

- a. A ground sign shall be limited to one (1) square foot in area for each lineal foot of lot frontage upon a publicly dedicated road or street.
- b. A ground sign shall be limited to one-hundred and twenty-five (125) square feet of area maximum regardless of lot frontage upon a publicly traveled road or street.
- c. A ground sign shall be limited to fifty (50) square feet in area for lots having less than fifty (50) lineal feet of lot frontage upon a publicly dedicated road or street.
- d. A freestanding sign shall have a maximum height of twenty (20) feet.

D. Electronic Message and Electronic Changeable Copy Signs

1. Electronic Changeable Copy Signs and Electronic Message Centers.

- a. Are allowed by Special Use Permit only for churches, public and parochial schools, non-profit or cooperative day care or nursery schools where operated in a public or semi-public building.
- b. Are allowed in Commercial "A" and "B" and Industrial "A" and "B" Zoning Districts.

- c. Shall not be allowed within a radius of one-hundred (100) feet where they border, are directly adjacent to, or share a common property line with any residential zoning district.
- d. Shall be required to have and enable an automatic dimming feature that shall adjust the brightness to the ambient light at all times of the day and night.
- e. Illumination levels shall be limited to 0.3 foot-candles above the ambient light levels at night, when tested with the appropriate test equipment.
- f. Shall be turned off at 9:00 p.m. or when the business closes, whichever is later, through 7:00 a.m. the following day.
- g. Messages or displays shall change no more frequently than ten (10) seconds.
- h. Messages or displays shall not scroll or flash.
- i. Animation or motion shall not be allowed.

E. Instructional Signs

- 1. Instructional signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional purpose and based on their size, location, and intended purpose will not constitute additional advertising. Instructional signs shall be limited to intersections and the size shall be limited to a maximum of three (3) square feet in area, and may include the name of the business and logos.
- 2. Shall not be included in the permitted sum of the sign area of identification signs.

F. Temporary Signs. The following temporary signs shall be allowed within the Township and shall conform to all general

provisions and pertinent placement regulations for the zoning district in which they are located.

1. One real estate sign, advertising the sale, rental, or lease of the premises on which the sign is displayed, up to a total of eight (8) square feet. Such signs shall be removed within fourteen (14) days of the sale, rental or lease of said premises.
2. Banners, pennants and signs up to twelve (12) square feet of total area in residential districts and thirty two (32) square feet of total area in non-residential districts for the purpose of advertising open houses or builders' parade of homes. Such banners, pennants and signs shall be removed within one (1) day of the end of such event.
3. Political campaign signs announcing candidates seeking public political office. Such signs must not be placed without permission of the property owner of the property where such signs are placed.
4. Seasonal produce. Sign(s) limited to a total of twelve (12) square feet, advertising the sale of produce grown on the premises shall be permitted.
5. No Hunting and No Trespassing signs shall be excluded from number, placement, and time restrictions.
6. One construction sign, announcing the construction of a building is allowed, but shall not include any advertisement of any product.
 - a. Signs announcing the purpose of the building under construction, during the construction period shall not exceed sixteen (16) square feet of area.
 - b. Construction signs shall be confined to the construction site and shall be removed upon the occupancy of the intended use of the project or within two (2) years, whichever is less.

6. Non-Conforming Signs

A. General Provisions

1. Non-conforming signs shall be maintained in good condition pursuant to Section 15.14.8.B.
2. A non-conforming sign shall not be altered, modified, or reconstructed except:
 - a. When such alteration, modification, or reconstruction would bring such sign into conformity with these regulations;
 - b. When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection “d” below;
 - c. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation and such change complies with subsection “d” below;
 - d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting the sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection “a” above.

B. Limitations of Non-Conforming Signs

1. A non-conforming sign shall be removed upon verification that any of the following conditions have been met:
 - a. The use to which such non-conforming sign refers has been abandoned for more than One-hundred and Eighty (180) consecutive days; or
 - b. The regulation or amendment to these regulations which made the sign non-conforming has been in effect for ten (10) years or more.

2. Extension time to comply - the dates established in this section for a sign to be brought about into compliance with the requirements of these regulations may be extended by the Township Building Inspector at the request of the sign owner or leasee. In evaluating the extension of time for a non-conforming sign, the Township Building Inspector shall consider the following factors to determine whether the owner of the sign has had a reasonable amount of time to recoup the initial investment:
 - a. The value of the sign at the time of construction and the length of time the sign has been in place;
 - b. The life expectancy of the original investment in the sign and its salvage value, if any;
 - c. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
 - d. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
 - e. The extent to which the sign is not in compliance with the requirements or these regulations; and
 - f. The degree to which the Township Building Inspector determines that the sign is inconsistent with the purposes of these regulations.
 - g. Whether the sign has "historical" or "landmark" significance and should, therefore, be exempt from amortization.

7. Sign Review Procedures, Permits, and Enforcement

- A. Permit- No person shall erect or maintain a permanent sign within the Charter Township of Larkin, Midland County, Michigan, without having first secured a permit to do so from the Larkin

Township Building Inspector. All permits issued under this section shall not be transferrable to another person or for any alternate use.

1. Application for Permits – An application to erect and/or maintain a permanent sign shall be made to the Larkin Township Building Inspector by the owner of the property on which the sign is to be erected.
 2. This application shall be in writing, on forms furnished by the Larkin Township Building Inspector and shall contain the following information.
 - a. The name and address of the owner of the site where the sign is to be erected.
 - b. A drawing indicating the exact location and exact dimensions of the proposed sign, and indicating the direction and the frontage roads the signs will face.
 - c. The payment of a fee as directed by resolution of the Larkin Township Board.
 1. No fee is required for official signs erected and maintained by governmental units, agencies or officers of such units.
 - d. The name of the commercial, industrial or other establishment or individual desiring to advertise.
- B. Suspension and Revocation – Said permit shall be subject to revocation by the Township Board upon failure to comply with the rules, regulations and conditions contained herein; or if any of the statements in the application are found to be false. The permit shall be null and void if the original design, content or placement provisions of the sign are changed.
- C. A permit is not required for a temporary sign as defined in this ordinance.
- D. Enforcement – The Building Inspector or designated enforcement personnel may order the removal of any sign erected or maintained in violation of this Ordinance. He shall give thirty (30) days notice

in writing to the owner of such sign, or of the building or premise on which the sign is located, to remove the sign or bring it into compliance. The Building Inspector or designated enforcement personnel may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present and immediate threat to the safety of the public. The Building Inspector or designated enforcement personnel may remove a non-complying temporary sign immediately and without notice.

1. Electronic Changeable Copy Signs and Electronic Message Centers are subject to an illuminance test and approval through the illuminance test procedure by the Building Inspector or designated enforcement personnel prior to placing into service.
2. Electronic Changeable Copy Signs and Electronic Message Centers are subject to an illuminance retest and approval process at any time utilizing the illuminance test procedure administered by the Building Inspector or designated enforcement personnel.
3. If a citation letter is issued at any time, the Electronic Changeable Copy Sign and/or Electronic Message Center must be taken out of service until the issue that resulted in the citation letter is corrected and approved by the Building Inspector or designated enforcement personnel.

8. Supplemental Considerations

- A. Right of Way and Property Lines. Except as set forth otherwise in this section, all signs shall be placed outside of the road right-of-way and twelve (12) feet from any other property line.
- B. Construction Standards. The construction, erection, safety and maintenance of all signs shall comply with the applicable building and electrical codes and all of the following:
 1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
 2. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

3. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
4. The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
5. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
6. Signs shall be structurally designed in compliance with ANSI and ASCI standards. All elective signs shall be constructed to the technical standards of a certified testing laboratory.
7. Signs may be illuminated – by external or internal means – provided that:
 - a. The brightness and intensity shall not be greater than necessary to meet the reasonable needs of the business or use served;
 - b. Light sources shall be shielded from all adjacent buildings and streets; and
 - c. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

C. Maintenance. All signs shall be maintained in accordance with the following:

1. The property owner shall maintain the sign; in a condition appropriate to the intended use; to all Township standards; and has a continuing obligation to comply with all building code requirements.
2. If the sign is deemed by the Zoning Enforcement Officer to be in an unsafe condition, the owner of the business shall

immediately be notified in writing, and shall, within forty-eight (48) hours of receipt of such notification, respond to the Township with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after thirty (30) days, the unsafe condition has not been corrected through repair or removal, the Zoning Enforcement Office may cause the repair or removal of such sign, at the expense of the owner of the property owner or lessee. If the total costs are not paid in full within thirty (30) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional twenty (20%) percent penalty for collection as prescribed for unpaid real estate taxes.

3. In cases of emergency, the Zoning Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice.
4. Whenever any sign, either conforming or non-conforming to these regulations, is required to be removed for the purpose of repair, re-lettering, or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - a. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - b. There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - c. The sign is accessory to a legally permitted, conditional or non-conforming use.

D. Signs Exempt from the Regulations. The following signs shall be exempt from regulation under this Zoning Ordinance.

1. Any public purpose/safety sign and any other notice or warning required by a valid and applicable federal, state, or local law, regulation or resolution.
2. Works of art that do not include a commercial message.

3. Religious and other holiday lights and decoration containing no commercial message and displayed only during the appropriate time of the year.
4. Flags of the United States of America, the state, foreign nations having diplomatic relations with the United States of America, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States of America for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such.
5. Building Markers.

E. Prohibited Signs. The following signs are prohibited in the Township:

1. Any sign not expressly permitted is prohibited.
2. Abandoned signs, as defined in Article 2 (Definitions).
3. Animated, flashing, rotating and inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation in Section 15.14.7.C., special events signs or banners permitted in Section 15.14.5.F.2., and electronic message centers as permitted in Section 15.14.5.D.
4. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signs.
5. Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.
6. Signs located on trees, utility poles, painted upon trees, rocks, public benches, other natural features or any other

form of public property or within the public right-of-way unless explicitly permitted by the regulations.

7. Other signs or attention getting devices that raise concerns substantially similar to those listed above.
8. No wall sign shall project above the roof of any building.
9. No sign shall be erected or maintained which moves or has any mechanical, electronic or digital moving or animated parts, except as set forth in Section 15.14.5.D.
10. Signs of any kind on a parked vehicle or trailer which is being used principally for advertising purposes rather than for transportation purposes are prohibited. Examples: Such vehicle or trailer shall be deemed parked and used principally for advertising purposes (1) if it is off the owner's premises for more than twenty-four (24) hours and not being used in connection with a customer project, or (2) if it is located within view of a road right-of-way and within one hundred (100) feet of the same spot for more than five (5) days within a six month period.
11. Hand Held Signs. These signs distract drivers and impact driver safety.

F. Temporary Signs.

1. Temporary Signs Permitted: The following temporary signs shall be permitted within the township and shall conform to all general provisions and pertinent placement regulations for the zoning district in which they are located.
 - a. One real estate sign, advertising the sale, rental or lease of the premises on which the sign is displayed.
 - b. Banners, pennants and signs for the purpose of advertising open houses or builders' parade of homes.
 - c. Political campaign signs, banners, or pennants related to any federal, state, or local election. Such signs, banners,

or pennants must not be placed without permission of the property owner where such signs are placed.

- d. Seasonal produce. Signs advertising the sale of produce grown on the premise.
 - e. No Hunting and No Trespassing signs.
 - f. One construction sign, announcing the construction of a building is allowed, but shall not include any advertisement of any product.
- 2. Size: Temporary signs placed in Residential zoning districts must not exceed twelve (12) square feet in size. Temporary signs placed in non-Residential zoning districts must not exceed thirty-two (32) square feet in size.
 - 3. Removal: Temporary signs related to an event, election, or sale must be removed within fourteen (14) days of the date of the event, election, or sale.
 - 4. Owner's Permission: Temporary signs must not be placed without the permission of the owner of the property where such signs are placed.

15.15 Home Occupations.

- 1. Statement of Intent. The intent of this section is to regulate the operation of home occupations in residential and agricultural zones such that the value and characteristics of the surrounding area is maintained.
- 2. General Provisions. All home occupations in residential and agricultural zones will be subject to the following provisions.
 - A. No employees in the course of business are allowed on the premises other than full time dwelling occupants residing at the premises.
 - B. No retail sales are allowed as a normal course of business.
 - C. No more than 1/3 of the habitable floor space of the dwelling may be used for the home occupation.

D. No home occupation may be conducted in any kennel, carport, attached garage, driveway, accessory structure, yard, or lot.

E. The dwelling has no exterior evidence or display, other than a permitted sign, to indicate a use other than that of a residence. Examples include excessive parking, trash storage, and outside storage.

F. Specifically excluded from home occupation are: auto repair, body shop, metal/plastic/wood fabrication, machine shop, plumbing & heating, construction, excavation, well drilling, and saw mill.

G. License - No person shall operate (or continue to operate) a home occupation within the Charter Township of Larkin, Midland County, Michigan, without having first secured a license to do so from the Larkin Township Building Inspector. Any license issued is non-transferable.

1. The application shall be in writing, on forms furnished by the Township, and shall contain the following information.

- a. The name and address of the home occupation and property owner(s).

- b. The payment of a fee as directed by resolution of the Larkin Township Board.

- c. A description of the home occupation.

2. Renewal - The license must be renewed every four years.

- c. Suspension and Revocation - Said license shall be subject to revocation by Township Board upon failure to comply with the limitations and regulations contained herein; or if any of the statements in the application are found to be false.

H. Enforcement - The Building Inspector shall enforce the provisions of these regulations and may recommend suspension or

revocation of a license to the Township Board or order the discontinuance of any home occupation, whether licensed or not, conducted in violation of this Ordinance. He shall give thirty (30) days notice in writing to the owner.

15.16 Condominium Development Regulations – The intent of this section is to provide review standards for condominium and site condominium projects.

1. Authority - Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium projects must be approved by the Township Board, after review and recommendation by the Planning Commission in accordance with the procedure set forth herein.

A. Prior to the recording of a master deed and exhibits for a new Condominium Project or for the conversion or expansion of an existing Condominium Project the person(s) or entity establishing the Condominium Project shall submit the data required for Condominium Plan Review to the Township Clerk, together with the applicable fee, who shall then transmit same to the Chairman of the Township Planning Commission.

B. The Planning Commission shall review the submitted data at a meeting thereof, after written notification to the person responsible for the Condominium Project, for compliance with the provisions of this section, and the Larkin Township Zoning Ordinance. The Planning Commission shall then recommend approval, denial or approval with modification of the proposed Condominium Project, which recommendation shall be transmitted to the Township Board for its final action.

C. Final approval, denial or approval with modification of the proposed Condominium Plan shall be made by the Township Board. The Township Board shall set forth in writing the basis for its decision and any conditions relating to an affirmative decision.

2. Data Required for Condominium Plan Review - All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:

A. Proposed Master Deed and attachments, including Bylaws.

B. A survey plan of the condominium subdivision.

- C. A flood plain plan, when appropriate.
- D. A site plan showing the location, size, shape, area and width of all condominium units.
- E. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the appropriate agencies for installation, repair and maintenance of all utilities.
- F. A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.
- G. A storm drainage and storm-water management plan, including all lines, swales, drains, basins, and other facilities.
- H. The names, address and telephone numbers of:
 - 1. All persons, firms or corporations with an ownership interest in the land on which the project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
- I. All engineers, attorneys, architects, or registered land surveyors associated with the project.
- J. The developer or proprietor of the condominium project to include:
 - 1. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - 2. The acreage content of the land on which the condominium project will be developed.
 - 3. The purpose of the project (for example, residential, commercial, industrial, etc.).
 - 4. The approximate number of condominium units to be developed on the subject parcel.

3. Condominium Projects - All condominium projects shall conform to the following general provisions in addition to all other applicable district regulations.

A. All principal buildings and/or accessory structures built upon any lot, parcel, building envelope or unit within a Condominium Project shall comply, to the extent applicable, with the site development standards contained within Section 15.8, Schedule of Regulations, except that Private Roads meeting the regulations of this section shall be permitted.

B. A condominium project shall comply with the provisions in Sections 15.4 and 15.16.4 pertaining to water and sewage disposal and storm-water management, respectively.

C. The condominium project shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm-water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easement dedication documentation shall be reviewed by the Township Attorney.

D. All condominium projects, which consist in whole or in part of condominium units that are building envelopes, shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following regulations, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.

4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium project and referenced to the true point.

5. If a point required to be monumented is on bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

6. All required monuments shall be placed flush with the ground where practicable.

7. All building envelope corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.

8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the Township Clerk cash, a certified check or irrevocable bank letter of credit naming the municipality, whichever the proprietor selects, in an amount sufficient to cover any cost associated with the monumentation. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

E. All public roads within a condominium project shall be constructed to the minimum regulations of the Midland County Road Commission's construction standards.

F. All private roads within a condominium project shall be constructed to the standards of Section 15.16.5 of this Ordinance.

4. Storm-Water Management

A. All development shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. If the Midland County Drain Commissioner's approval is required, it shall be submitted to the Township Planning Commission.

B. All development shall conform to the soil erosion and sedimentation regulations of Midland County and any special regulations of the Midland County Drain Commission.

C. No new development shall be permitted which will reduce the level of service currently being provided by existing storm-water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made to ensure pre-development service levels.

5. Private Roads

A. Private Roads Permitted: Private roads are permitted provided they conform to the regulations of this Section.

B. Construction Standards and Road Geometrics: The creation of a private road that serves a division of land or a condominium development consisting of one or more principal buildings, building envelopes or lots (other than a subdivision as defined by the Subdivision Control Act of 1967) shall meet or exceed the cross-sectional construction standards established by the Midland County Road Commission for public roads.

C. Right-of-Way Width: All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet.

D. Dedication of Rights-of-Way or Easements: While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description, and must include the grades for these roads.

E. Connection to County Roads: Construction authorization from the Midland County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. The Township Board shall not approve a private road unless it connects to a county road or another private road, which in turn, connects to a county road.

F. Cul-de-sacs: Cul-de-sacs shall meet the regulations of the Larkin Township Zoning Ordinance.

G. Application Review and Approval or Rejection:

1. The following information shall be submitted to the Building Inspector: a site plan for the private road, proposed road maintenance agreement and road easement agreement. The Building Inspector shall submit the private road site plan to the Township Planning Commission for review and recommendation. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review.

2. The recommendations of the Planning Commission shall be forwarded to the Township Board who shall be responsible for granting final approval for the private road.

3. If the private road application is approved by the Township Board, construction authorization will be issued by the Building Inspector. If the application is rejected, the reasons for the rejection and any regulations for approval shall be given in writing to the applicant.

4. The Project Engineer for the site condominium, who shall be a licensed professional engineer, shall certify the construction of the roadway for conformance to the

township standards in writing to the Township Building Inspector.

H. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Midland County Road Commission or the Township in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1-1/2) years of the date of approval of the private road.

I. Issuance of Building Permit for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

J. Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name, which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owners of the property serviced by the private road, property owner's association or developer.

6. Fees. An application fee may be established by resolution of the Township Board. Before final approval by the Township Board, any costs incurred by the Township in their review of the project shall be paid for by the applicant.

15.17 Marihuana.

1. Marihuana Facilities are prohibited within Larkin Township pursuant to Ordinance 270, the Prohibition of Marihuana Facilities Ordinance.
2. A Marihuana Grower must take reasonable precautions to protect neighboring properties from odors arising from the cultivation of Marihuana.

15.18 Industrial Hemp. Any person, firm, or entity cultivating Industrial Hemp within Larkin Township must take reasonable precautions to protect

neighboring properties from odors arising from the cultivation of Industrial Hemp.

15.19 Poultry. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to provide guidance on the keeping and maintenance of poultry for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community. Poultry may be kept within the Charter Township of Larkin subject to the following requirements:

1. Zoning Districts. The keeping of poultry is allowed in all zoning districts.
2. Number of poultry. One bird per $\frac{1}{4}$ acre of lot.
3. Roosters; Noise. Roosters are permitted, but poultry keepers must comply with Ordinance No. 244, the Larkin Township Noise Ordinance.
4. Coop standards. A separate coop is required to house the poultry. Coops must be constructed and maintained to meet the following minimum standards:
 - A. Located in the rear or side yard.
 - B. Setback at least 15 feet from the rear or side property lines.
 - C. Interior floor space - four square feet per bird.
 - D. Coops shall be constructed and maintained in manner that is not detrimental to public health and safety.
5. Poultry run. A run or exercise yard is required. Runs must be constructed and maintained to meet the following minimum standards:
 - A. Location: rear or side yard.
 - B. Size: Ten square feet per bird, if access to a fenced exercise yard is also available; 16 square feet per bird, if access to an exercise yard is not available. If the coop is elevated two feet

so the poultry can access the space beneath, that area may count as a portion of the minimum run footprint.

- C. Height: Adequate room to allow access for cleaning and maintenance.
 - D. Gate: One gate to allow human access to the run.
 - E. Cover: Adequate to keep poultry in and predators out.
 - F. Substrate: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.
- 6. Exercise yards. Exercise yards must be fenced and is required if the run does not provide at least 16 square feet per bird. Exercise yards must provide a minimum of 174 square feet per bird.
 - 7. Prohibited storage of poultry.
 - A. Poultry must not be housed in a residential house or commercial building.
 - B. Poultry must not be housed in an attached or detached garage, except for brooding purposes only.
 - C. Unsanitary conditions: All premises on which poultry are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
 - 8. Food storage. All grain and food stored for the use of the poultry on a premise shall be kept in a rodent proof container.
 - 9. Nuisances. Poultry shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
 - 10. Disposal. Dead poultry must be disposed of according to the state board of animal health rules which require poultry carcasses to be disposed of as soon as possible after death, usually within 48 to 72

hours. Legal forms of poultry carcass disposal include burial, off-site incineration or rendering.

15.20 Fence and Screening.

1. Statement of Intent. It is the intent of this section to allow fences with restrictions so that fences: a) do not obstruct access by emergency personnel; b) are not within the road or drain right-of-way and c) are not closer than three (3) feet of adjacent property without a survey having been completed.

A. Excluded fences: The following fences shall not be regulated by this section:

- (1) Agricultural fences that are used for general farming and horticultural uses, field or garden crop and fruit farming, or raising and keeping of animals.
- (2) Temporary fences such as snow fences placed during the winter to control drifting snow or safety or environmental control fences during construction,
- (3) A Decorative Fence no taller than three (3) feet.
- (4) Fences intended to prevent crop destruction from wild animals. These fences must be constructed in a manner that leaves 50% or more of the fence surface area open.

B. Screening is allowed whenever a commercial or industrial use is located adjacent to a residential use.

C. Pre-existing fencing shall be allowed and not subject to change under this Ordinance unless existing fencing is replaced. Upon replacement, fencing shall be required to meet current standards.

2. General Provisions for Fences.

- A. Height. Fences not more than (6) feet in height from the highest finished grade adjacent to the fence are permitted along the side or rear property line. Fences not more than (4) feet in height from the highest finished grade adjacent to the fence are permitted along the front property line parallel to the road. Any portion of a fence along the front property line that is higher than 2.5 feet must be constructed in a manner that leaves 50% or more of the surface area open.

- B. Fences may not encroach upon any right-of-way, drainage or access easement, or floodway.
- C. No new fence shall be erected on any lot that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway.
- D. A fence that is determined to be a Spite Fence or determined to unreasonably interfere with a neighbor's use and enjoyment of his property by the Township Fence Viewer shall not be allowed and shall be removed or modified as required by the Township Zoning Enforcement Officer.
- E. Maintenance of Fence. Fences must be maintained in a neat and safe condition so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The Zoning Enforcement Officer shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and shall specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof be removed.
- F. Material Specifications. Fences shall be constructed of wood, metal, masonry, or other durable materials. Materials shall be treated in a manner to minimize rust and corrosion, and/or rot and decay. Razor wire and barbed wire shall not be allowed.

Article 16. Special Use Permits.

16.1 Intent - In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly discretionary. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole. This Article provides procedures and standards for regulating activities identified as uses "By Special Use Permit" for each Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.

16.2 Approval - Uses specified within this Ordinance as Uses Allowed by Special Use Permit, as well as all changes or expansion of such uses shall be subject to the Special Use Permit application and approval as provided within this Article. The Township Planning Commission shall, in accordance with the application and approval process herein, have the authority to grant Special Use Permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance. The Planning Commission may attach additional conditions to the approval of the Special Use Permit. These conditions must be based on regulations set by this Ordinance. Unless a longer period is agreed to in writing by the applicant, the Planning Commission shall take final action upon Special Use Permit applications within 90 days of the Zoning Administrator's referral of a completed application to the Planning Commission. However failure of the Planning Commission to take final action within such time shall not be deemed approval of the Special Use Permit.

16.3 Application - Application for any Special Use Permit allowed under the provisions of this Ordinance shall be made to the Larkin Township Zoning Administrator by filing with the Zoning Administrator the special use permit application form, required data, exhibits and information, and payment of the necessary fee in accordance with the Township schedule of fees. The Zoning Administrator shall review the application and submittals for all the documentation required under this Ordinance and, if the application is complete, forward same to the Township Planning Commission. All fees paid are non-refundable and no part of such fee shall be returnable to an applicant.

1. Wind Energy Systems and Meteorological Towers, Township costs in review and retention of professionals - The applicant shall pay to and reimburse the township its costs incurred in acquisition of professional, engineering, or other technical advice or review of the application, including, without limitation, engineering, sound modeling, post construction sound surveys, visual, environmental and avian/wildlife studies, electromagnetic, and decommissioning analysis. No special use approval(s) shall be issued or be effective until all such fees have been paid. With the application, the applicant shall make an initial deposit in an amount specified in a schedule established by the planning commission. Thereafter, in its consideration and review of the application, the planning commission may require additional deposits from the applicant(s).

16.4 Application Contents, Site Plan and Specific Regulations - All applications for Special Use Permits shall contain a site plan with required supporting data as required for site plan review pursuant to Article 17 of this Ordinance. Special

Use Permit site plans shall be certified and stamped by an architect, engineer or other design professional. In addition, all applications for special use permit shall contain the data and material necessary to address the specific standards for the special use permit requested, as set forth within this Article 16.

16.5 Transmittal to Planning Commission. The Zoning Administrator shall, upon receipt of an application for special use permit, review same for required contents. Upon receipt of a completed application, the Zoning Administrator shall forward same to the Planning Commission for its review, hearing and approval or denial. Prior to the Planning Commission public hearing on the Special Use Permit, the Zoning Administrator and designated Planning Commission representative shall conduct a site plan review and recommendation set forth in Article 17 of this Ordinance.

16.6 Simultaneous Consideration of Rezoning and Special Use Permit - In the event that allowance of a desired use requires both a rezoning (change in zoning district designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission. In such event, the separate procedures for each of the rezoning and Special Use Permit shall be followed, including notice and application of the necessary standards in the decision making process. Notwithstanding the requirement of separate procedures, the necessary public hearings and decision-making may occur at the same meeting of the Planning Commission. However, the provisions of this Article relating to Planning Commission final action on Special Use Permit applications within 90 days of referral of the completed application to the Planning Commission shall not be applicable in instances of joint rezoning and Special Use Permit requests.

16.7 Planning Commission Hearing, Review and Action - The Planning Commission shall hold a public hearing on the application for Special Use Permit. The hearing shall address both the application for Special Use Permit and the accompanying site plan. Unless requested otherwise by the applicant in writing, at the meeting of the Planning Commission immediately following transmittal of the completed application from the Zoning Administrator, the Planning Commission shall schedule the public hearing.

1. Notice - The Planning Commission shall cause notice to be made of the public hearing, not less than five (5) nor more than fifteen (15) days before the date of such hearing, by:

- A. One notice that the request for special use permit has been received shall be published in a newspaper

B. Mailing or personal delivery to the owners of property assessed within 300 feet of the boundary of the property in question and to the occupants of all structure within 300 feet.

2. Application of General Standards - The Planning Commission shall review, approve or deny each application for special use permit taking into account the particular circumstances and facts of each proposed special use and following general standards, and shall find and record adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel:

A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.

B. Will be designed, constructed, operated, maintained and managed so as to be compatible in appearance and use environment with the existing or intended adjacent uses of land and the natural environment.

C. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.

D. All traffic ingress and egress and all traffic movement within the site shall be such that vehicles will make normal and uncomplicated movements.

E. Will not be hazardous or disturbing to existing or future neighboring uses and traffic generated by the proposed site shall not create unreasonable additional traffic within adjacent thoroughfares, given their use and zoning classification.

F. Will not create excessive additional regulations at public cost for public facilities, utilities and services.

3. Application of Specific Standards - The Planning Commission, in addition to the General Standards for Special Use Permit approval, shall review each application for the specific use standards set forth with in this Section 16, if any.

4. Action – Subsequent to the hearing on the application and upon its review of Special Use Permit application, the general and specific standards, the Planning Commission shall approve, deny or may approve the application with conditions. All conditions placed upon approval of a Special Use Permit shall be based upon the regulations of this Ordinance, other Township planning documents, other applicable ordinances, or state or federal statutes. The Planning Commission shall also approve, deny or approve with conditions the site plan submitted as part the Special Use Permit application.

16.8 Issuance of Special Use Permit, Continuing Nature and Conditions – Once approved, the premises for which a Special Use Permit granted, shall be developed and used in strict compliance with the Special Use Permit. The Special Use Permit shall be deemed to incorporate by reference all provisions of the approved application, site plan and conditions imposed by the Planning Commission. These conditions, and the reasoning behind them, shall be documented in the Planning Commission's minutes or written on the approved Special Use Permit site plan itself and communicated to the applicant in writing. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

16.9 Term of Permit and Abandonment – Construction or use of the premises for the purposes approved in the Special Use Permit shall commence within six (6) months of approval. Any construction or use commenced after the expiration of said six (6) months shall require new application, procedure and approval of Special Use Permit. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.

16.10 Reapplication - An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.

16.11 Revocation – Special Use Permits are subject to all the conditions that have been attached to it during the permitting process. Special Use Permits may be revoked by the Planning Commission in the event the premises is used in violation or contrary to the Special Use Permit or the conditions upon which it was approved. Revocation of Special Use Permits shall occur upon notice to the assessed owner of the premises and opportunity for the owner to show cause to the Planning Commission why the permit should not be revoked.

1. Upon observance of a violation of the Special Use Permit, the Zoning Administrator shall provide written notice of the violation to assessed owner and person in possession of the premises by certified mail, return receipt requested, or by personal service upon the assessed owner and person in possession. The notice shall state the nature of the violation and that correction must be made within thirty (30) days or the Planning Commission may revoke the Special Use Permit and order the use to cease.

2. Planning Commission Action – Should the violation of the Special Use Permit not be corrected within the time period directed by the Zoning Administrator, the Zoning Administrator shall notify the Planning Commission of the violation. The Planning Commission shall then order the assessed owner of the premises and those persons in possession of the premises to appear before the Planning Commission at a time and date set forth in the order, to show cause why the Special Use Permit shall not be revoked. The assessed owner and person in possession may appear in response to the notice in person or by representative. After hearing the assessed owner and/or person in possession of the premises, the Planning Commission may revoke the Special Use Permit or direct other appropriate remedial action should it determine that it has been violated. In the event the assessed owner, person in possession or representative shall not appear at the specified time and date, the Planning Commission may revoke the Special Use Permit based upon the report of the Zoning Administrator. The Planning Commission shall notify the assessed owner and person in possession of the revocation.

16.12 Specific Standards for Wireless Communications Facilities – In addition to the general application, filing and operation requirement for all special use permit applications and special use operations, the following requirement shall met by wireless communications facilities.

1. Specific Filing Regulations – In addition to the general filing regulations, applications for special use permit for wireless communication facilities shall include:

- A. The site plan shall include a drawing, in a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three acres or less, or one inch equals two hundred (1" = 200') feet for larger sites, setting forth of the site involved and its property lines, together with existing and proposed structures and buildings, natural features, and including the following:

1. Property lines for all properties lying within 300 feet of the property lines of the subject parcel as well as all buildings, structures, improvements and natural barriers or vegetation on the subject parcel and within 300 feet of the property lines of the subject parcel.
2. Proposed location of antenna, mount and equipment shelter(s), cable runs, parking areas and any other construction or development attendant to the wireless communication facility.
4. Dimensions shall be stated for all externally located equipment, antenna and of the external dimensions of all buildings or enclosures on the wireless communication facility parcel. All three dimensions of height, width and breadth shall be provided.
5. Proposed security barrier, indicating type and extent as well as point of controlled entry.
6. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wireless communication facility.
7. All proposed changes to the existing property, buildings and structures, including grading, vegetation removal and temporary or permanent roads and driveways, on the subject parcel.
8. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot scale and show the following:
 - a. Antennas, mounts, equipment shelter(s) and all other buildings.

b. Security barrier. If the security barrier will block views of the wireless communication facility, the barrier drawing shall be cut away to show the view behind the barrier.

c. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

B. Summary data and specifications, or equipment brochures, for the technical equipment to be incorporated into the wireless communication facility, including receivers, transmitters and antennas.

C. Materials to be incorporated into the proposed wireless communication facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

D. If lighting of the site is proposed, the applicant shall submit manufacturers specifications indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The specifications shall indicate the locations and types of luminaries proposed.

E. Radio frequency measurements, certified as accurate and meeting all applicable guidelines of the Federal Communications Commission for the following situations:

1. Existing, or ambient.
2. Existing plus the proposed wireless communication facilities.

F. All applicants for wireless communication facility special use permits shall demonstrate unsuccessful efforts at collocation of the proposed facility with existing facilities.

G. Data and procedures demonstrating that the wireless communication facility, if provided a Special Use Permit, will be

operated and maintained in strict compliance with the operating regulations of this Ordinance.

2. Township engineering and professional fees - Applicants for wireless communication facility special use permits shall, in addition to the application fees submitted with the application, pay to and reimburse the Township its costs incurred in acquisition of professional, engineering or other technical advice or review of applications for such special use permit. These fees shall be paid in full to the Township before final issuance of a wireless communication facility special use permit. No wireless communication facility special use permit may be issued until all such fees have been paid. Should the Zoning Administrator request, the applicant shall post with the Township, through its Zoning, administrator a deposit to be held for purposes of paying the Township its costs incurred in obtaining professional, engineering or technician assistance.

3. Spacing Regulations - No wireless communication facility may be located within one (1) mile, measured by direct line, from another wireless communication facility.

4. Collocation Regulations - All applicants for wireless communication facility special use permits shall demonstrate that efforts have been undertaken to collocated the proposed facility with existing facilities. Special use permits for wireless communication facilities shall not be deem appropriate where collocation is reasonably feasible.

A. Applicants for wireless communication facility special use permits shall demonstrate pre-application good faith effort to collocate with other wireless communication facility operators. Such good faith effort shall include:

1. A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
2. Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
3. Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

B. In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of Radio Frequency (RF) engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

5. Wireless Communication Facilities in Residential Districts – In addition to all other regulations and criteria applicable to wireless communication facilities, all wireless communication facilities located in any residential zoning classification shall be constructed and operated in accord with the following:

A. All antennas shall be of monopole design and construction and shall not exceed the height of 199 feet above average parcel grade.

B. All antenna or towers shall be set back five hundred (500) feet from the property lines of the parcel upon which it is situated.

C. All equipment and accessory facilities shall be installed in a fully enclosed building. All connection cable shall be buried. No equipment or materials not necessary for the operation of that wireless communication facility may be stored on the site.

D. Screening is required in accruing to the regulations of Article 15.8.2 of this Ordinance.

E. Other than that lighting required to be placed upon the antenna by federal communication or aviation regulations, no lighting shall be directed upward or lighting source located higher than 20 feet above average parcel grade.

F. Other than personnel and activities necessary for repair and maintenance of the wireless communication facility located on the parcel, the wireless communication facility shall have no personnel located thereon, nor shall other services or products be supplied from the site.

G. All wireless communication facilities located within any residential districts shall be, to extent possible, aesthetically compatible in design, appearance and operation with surrounding properties and usage. Such wireless communication facilities shall include landscaping, building design and structure presentation that is consistent with or in imitation of residential homes and visual presentation.

6. Operating Regulations – All applications for special use permit for wireless communication facilities shall demonstrate that operation of the facility will comply with the following standards and adherence to these standards shall be required of the wireless communication facility for continued retention of any special use permit granted:

A. Tower Construction – All towers shall be designed, structurally, electrically and in all respects to accommodate both the applicants antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and applicable building code construction standards for steel structures. All towers shall be equipped with devices and/or locking mechanisms to prevent unauthorized access to or climbing of the tower.

B. Tower, Antenna and Accessory Building Design - Proposed or modified towers and antennas shall meet the following design regulations:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

2. Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback regulations of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative

screening better reflects and complements the architectural character of the surrounding neighborhood.

C. Tower Setbacks - Towers shall conform to each of the following minimum setback regulations:

1. All wireless communication facility towers shall be set back from all property lines of the parcel upon which they are located a distance at least equal to the height of the tower and its appurtenances.

2. Towers shall not be located between a principal structure and a public street, with the following exceptions:

- a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

- b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. A towers setback may be reduced or its location in relation to a public street varied, at the discretion of the Township Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

4. Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit when any of the towers, associated structures or the dwelling unit are located in any Residential or Agricultural zoning district.

D. Tower Height - In all zoning districts in which a wireless communication facility may be located, except residential districts, the maximum height of any tower, including antennas and other attachments, shall not exceed 250 feet.

E. Tower Lighting - Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation

Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

F. Signs and Advertising - The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

G. Interference with Public Safety Telecommunications - No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.

7. Modifications - A modification of a wireless communication facility shall be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

A. The applicant and/or co-applicant want to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:

1. Change in the number of facilities permitted on the site;
2. Change in the technology used for the wireless service facility.

B. The applicant and/or co-applicant want to add any equipment or additional height not specified in the original design filing.

8. Bond, Abandoned or Unused Towers or Portions of Towers - Disposition of abandoned or unused wireless communication facility towers and security therefore shall be as follows:

A. The Planning Commission shall require and the Applicant shall post with the Township, as a condition of the Special Use Permit issuance and continuation, a bond, surety or cash deposit to financially secure the removal of all wireless communication facility towers upon abandonment or discontinuation of use. The amount of the bond, surety or cash deposit shall be as reasonably determined by the Planning Commission to represent one hundred twenty-five (125%) percent of the actual cost of safe removal and disposition of the towers.

B. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

9. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit

16.13 Specific Standards for Golf Courses – In addition to the general application, filing and operation requirement for all special use permit applications and special use operations, the following regulations shall be met by all golf courses.

1. Specific Filing Regulations – In addition to the general filing regulations, applications for special use permit for golf courses shall include:

A. The site plan shall include a drawing, in a consistent scale of not less than one inch equals three hundred (1" = 300') feet, setting forth of the site involved and its property lines, together with existing and proposed structures, buildings, natural features, golf course and permitted accessory uses and including the following:

1. Property lines for all properties lying within 300 feet of the property lines of the subject parcel as well as all buildings, structures, improvements and natural barriers or vegetation within 300 feet of the property lines of the subject parcel.

2. Anticipated traffic volumes into the site during normal and anticipated operations and detailing the capability of the roads to the site to handle the traffic to the site.

3. Areas for parking of patron vehicles, employee vehicles, maintenance vehicles and equipment and for deliveries.

4. Sources of irrigation water, the irrigation system and all retainage ponds.

5. All exterior lighting.

2. Minimum parcel size – All golf courses containing 9 holes shall be situated upon a parcel of no less than 60 acres. All golf courses containing 18 holes shall be situated upon a parcel of no less than 120 acres. For each additional 9 holes or fraction thereof, the parcel shall contain no less than 60 additional acres.

3. Site Location – Golf courses shall be located immediately adjacent to no less than one publicly dedicated road under the jurisdiction of the Midland County Road Commission. Patron, delivery and service access to the golf course shall be from such a publicly dedicated road.

4. Accessory Uses – Driving ranges, food and beverage service and retail sales directly connected with the conduct of the principal golf course use are permitted accessory uses, subject to the following.

- A. Driving Ranges – No driving range shall be located nearer than 100 feet from any property line.

- B. Food and beverage service – Restaurants, snack bars and beverage service shall be directly connected and limited to service of golf course patrons. No more than fifty (50%) percent of the clubhouse interior and patio square footage, combined, may be devoted to food or beverage storage, preparation, service or

consumption. Food and beverage service shall be provided only during hours and seasons of golf course operation. Golf courses that include alcoholic beverages within their beverage service shall be validly licensed by the Michigan Liquor Control Commission for the type of service provided and shall not serve or provide alcoholic beverages in violation of applicable Liquor Control Commission regulations.

5. Prohibited Uses – Miniature golf, adventure golf, putt-putt golf or derivations thereof are prohibited. Activities involving firearms, pneumatic guns or cannons or their discharge are prohibited. Use of the premises for operation of motorized vehicles or cycles unconnected with the game of golf or maintenance of golf courses, such as snowmobiles, motorcycles and all terrain vehicles, is prohibited.

6. Lighting – The golf course, driving range or practice areas shall not be lighted for nighttime use. Permissible lighting shall be shielded and directed away from all adjoining properties.

7. Off Street Parking – Off street parking shall be provided in sufficient quantity of spaces and with sufficient circulation and access to be adequate and necessary for normal operations of the golf course. Areas for off street parking shall be incorporated into the landscaping. All parking areas shall be located at least 100 feet from all property lines and road rights of way.

16.14 Specific Standards for Retreat Centers - In addition to the general application, filing and operation requirement for all special use permit applications and special use operations, the following regulations shall be met by all retreat centers.

1. Specific Filing Regulations - In addition to the general filing regulations, applications for special use permit for retreat centers shall include:

A. The site plan shall include a drawing, in a consistent scale of not less than one inch equals three hundred (1" = 300') feet, setting forth the site involved and its property lines, together with existing and proposed structures, buildings, natural features, and permitted accessory uses and including the following:

1. Property lines for all properties lying within 300 feet of the property lines of the subject parcel as well as all

buildings, structures, improvements and natural barriers or vegetation within 300 feet of the property lines of the subject parcel.

2. Anticipated traffic volumes into the site during normal and anticipated operations and detailing the capability of the roads to the site to handle the traffic to the site.

3. Areas for parking of patron vehicles, employee vehicles, maintenance vehicles and equipment and for deliveries.

4. All exterior lighting.

2. Ownership and Management - At least the owner or one full time staff member must reside on the Retreat Center premises. The residence may include family quarters and up to eight guest room units. The Retreat Center premises may also include housing facilities for additional Retreat Center staff members.

3. Minimum parcel size - All retreat centers shall be situated upon a parcel or group of contiguous parcels containing no less than 40 acres owned by the same entity or individual. For each additional acre over 40 in the parcel or group of contiguous parcels owned by the same entity or individual, one additional guest unit is allowed. For every ten guests or fraction thereof attending pre-registered and invited guest functions, there shall be a minimum of one additional acre required over 40 in the parcel or group of contiguous parcels owned by the same entity or individual.

4. Site Location - Retreat Centers shall have immediate and direct ingress and egress access to no less than one publicly dedicated road under the jurisdiction of the Midland County Road Commission. If access is through a different legally described parcel than the one on which the Retreat Center is located, that parcel must be under the same ownership as the Retreat Center Parcel. Patron, delivery and service access to the site shall be from such ingress and egress access.

5. Accessory Uses - Group gathering facilities, food service for guests, short term overnight facilities and retail sales are permitted accessory uses, subject to the following.

A. Group gathering facility - Any structure or meeting site

within the Retreat Center property shall be located at least 100 feet from any property line.

B. Food service - Food and beverage service shall be for registered and invited individuals and groups only. The use or providing of any alcoholic beverages within the Retreat Center shall be validly licensed by the Michigan Liquor Control Commission for the type of service provided and alcoholic beverages shall not be served or provided in violation of applicable Liquor Control Commission regulations.

C. Overnight facilities may be included within the Retreat Center property in one or more structures, however the total number of overnight guest units and permanent residences shall not exceed the allowable residential density of the zoning district.

D. Retail sales - Retail sales shall be limited to items or services typical of Retreat Center facilities as described herein.

6. Lighting - Lighting shall be shielded and directed away from all adjoining properties.

7. Off Street Parking - Off street parking shall be provided in required in Article 14. In addition, circulation and access shall be adequate and necessary for normal operations of the Retreat Center. All parking areas shall be located at least 100 feet from all property lines and road rights of way.

8. Use of any part of an Agricultural parcel as a Retreat Center does not prohibit any other use permitted in an Agricultural zone. Minimum acreage requirements set forth for this use shall not be cumulative for such additional uses.

9. Upon request by an applicant, the Zoning Board of Appeals may grant a variance to the requirements of this Section 16.14.

16.15 Wind Energy Systems

Statement of Intent

Due to the passage of PA 342 of 2016, known as the Clean and Renewable Energy and Energy Waste Reduction Act, which requires Michigan electric providers to supply renewable energy sources, Larkin Township felt the need to address wind energy in the township. According to the 2018 Larkin Township Master

Plan, Larkin Township's vision statement states "Larkin Township is a safe, attractive, rural community that balances farming and residential uses while protecting our natural environment and individual freedoms." Wind energy is a renewable and carbon-free energy source of the township, and the conversion of wind energy to electricity may reduce dependence on non-renewable energy resources and decrease the adverse effects that result from the use of conventional energy sources. However, wind energy facilities may cause significant potential negative effects because of their large size, lighting, shadow flicker, noise, and other factors.

The following regulations have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the Larkin Township community. Regulation of the siting, installation, and operation of wind energy facilities is necessary to ensure compatible land uses. Further, regulation of wind energy facilities meets the Larkin Township Master Plan goal that states, "Preserve rural community character". The regulations provide for the designation of property suitable for the location, construction, and operation of wind energy facilities in the township.

1. Onsite Use Wind Energy Systems. Onsite Use Wind Energy Systems shall be a permitted use in all zoning districts. Prior to the installation of an On Site Use Wind Energy System, with a height of not greater than 65 feet, an application for a Special Use permit shall be submitted. Reference Article 16. Special Use Permits for specific details. The following details are in addition to Article 16, and specific to Onsite Use Wind Energy Systems;

- A. Applicant identification,
- B. A site plan (Reference Article 17. Site Plan Review),
- C. Documentation that sound pressure level, construction code, tower interconnection (if applicable), and safety requirements have been met,
- D. Note that leased property can include more than one parcel of property and the requirement shall apply to combined properties,
- E. Proof of the applicant's public liability insurance.
- F. Property Set-back: All setbacks shall be measured from the center of the turbine.
 - 1. The distance between the On Site Use Wind Energy System and the owner's property lines shall be at least 1 ½

times the height of the wind energy system tower including the top of the blade in its vertical position.

2. No part of an On Site Use Wind Energy System structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.

G. Sound Pressure Level: On Site Use Wind Energy Systems shall not exceed 40 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 40 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

H. Construction Codes, Towers, and Interconnection Standards:

1. On Site Use Wind Energy Systems shall comply with all applicable state construction and electrical codes and local building permit requirements.

2. On Site Use Wind Energy Systems shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 259 of 1959, MCL 259.481 et seq.) and local jurisdiction airport overlay zone regulations.

3. An On Site Use Wind Energy System connected to the grid shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off Grid systems are exempt from this requirement.

I. Safety:

1. An On Site Use Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.

2. All wind energy systems shall have lightning protection.

3. If a wind energy system is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

4. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. A wind energy system utilizing a vertical axis rotor is exempt from a minimum height requirement.

5. The minimum size for a parcel to be eligible to have an On Site Wind Energy System shall be 2 (two) acres.

J. Shadow Flicker

1. An On Site Use Wind Energy System shall produce no off site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the On Site Use Wind Energy System to stop rotating during times when a shadow crosses occupied structures, may be required.

2. The property owner shall submit a signed letter of acknowledgement that verifies the owner's understanding that shadow flicker at the owner's residence or structure may result from installation and waives the Township requirement for no shadow flicker on the structure.

2. Meteorological Towers. A Meteorological Tower shall be a permitted use in all zoning districts. Prior to the installation of a Meteorological Tower, with a height limited to 65 feet, an application for a Special Use Permit shall be submitted. Reference Article 16. Special Use Permits for specific details. The following details are in addition to Article 16 and specific to Meteorological Towers;

A. Applicant identification,

B. A site plan (Reference Article 17. Site Plan Review),

C. Documentation that sound pressure level, construction code, tower interconnection (if applicable), and safety requirements have been met,

D. A copy of that portion of the applicant's lease with the land owner granting authority to install a Meteorological Tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment,

E. Note that leased property can include more than one parcel of property and these requirements shall apply to combined properties,

F. Proof of the applicant's public liability insurance.

G. Property Set-back: All setbacks shall be measured from the center of the tower.

1. The distance between the Meteorological Tower and the owner's property lines shall be at least 1 ½ times the height of the tower.

2. No part of a Meteorological Tower structure, including guy wire anchors, may extend closer than 15 (fifteen) feet to the owner's property lines.

H. Construction Codes, Towers, and Interconnection Standards.

1. Meteorological Towers shall comply with all applicable state construction and electrical codes and local building permit requirements.

2. Meteorological Towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 259 of 1959, MCL 259.481 et seq.) and local jurisdiction airport overlay zone regulations.

I. Safety.

1. All Meteorological Towers shall have lightning protection.

2. All Meteorological Towers supported by guy wires shall have those guy wires be clearly visible to a height of at least 8 (eight) feet above the guy wire anchors.

3. Utility Grid Wind Energy Systems. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid. Utility Grid Wind Energy Systems shall be considered a Special Use which is allowed in the Agricultural, Commercial, and Industrial zones in Larkin Township.

A. Special Use Permit: Prior to the installation of a Utility Grid Wind Energy System, an application for a Special Use permit shall be submitted. Reference Article 16: Special Use Permit for specific requirements. The following details are in addition to Article 16, and specific to Utility Grid Wind Energy Systems;

1. Applicant Identification: applicant name, address, and contact information.

2. Project Description: a general description of the proposed project including a legal description of the property or properties on which the project is to be located and an anticipated construction schedule.

3. Site Plan: the site plan shall include maps showing the physical features and land uses of the project location, both before and after construction of the proposed project. The site plan shall include 1.) the project area boundaries, 2.) the location, height, and dimensions of all existing and proposed structures and fencing, 3.) the location, grades, and dimensions of all temporary and permanent on site and access roads, including width and surface material, from the nearest county or state maintained road, 4.) existing topography, 5.) bodies of water, waterways, wetlands, and drainage channels, and 6.) all new infrastructure above ground related to the project. Additional site plan requirements for a site plan review are described in Section 16.16.4 below.
4. Insurance: proof of the applicant's public liability insurance.
5. Sound Pressure Level: copy of the modeling and analysis report.
6. Certifications: certification that the applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of such permits and approvals that have been obtained or applied for at the time of the application.
7. Visual Impact: visual simulations of how the completed project will look from four viewable angles.
8. Environmental Impact: copy of environmental impact analysis.
9. Avian and Wildlife Impact: copy of the avian and wildlife impact analysis.
10. Shadow Flicker: copy of the shadow flicker analysis.
11. Manufacturers' Safety Data Sheet(s): unredacted documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
12. Manufacturers Safety Manuals: unredacted documentation of all equipment used.
13. Decommissioning and Abandonment: copy of the decommissioning and abandonment plan.

14. Complaint Resolution: description of the complaint resolution process.
15. Fire Suppression Plan: description of the fire suppression plan.
16. Maintenance Schedule: description of operations, including anticipated regular maintenance and unscheduled maintenance.

4. Site Plan Review. Prior to the installation of a Utility Grid Wind Energy System, A Site Plan shall be submitted. Reference Article 17: Site Plan Review for specific requirements. The following details are in addition to Article 17, and are specific to Utility Grid Wind Energy Systems.

- A. The project area boundaries, including all property lines and dimensions.
- B. Names and parcel identification of each parcel within the Utility Grid Wind Energy System.
- C. The location, elevation, height, and dimensions of all existing and proposed structures, fencing, utility easements, land use, zoning district, and ownership of property.
- D. The location, grades, composition, dimensions, and proposed maintenance of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- E. Existing topography, in the form of a topographically drawing or map.
- F. Water bodies, waterways, wetlands, and drainage channels.
- G. All new infrastructure above and below ground, related to the project, including proposed wind turbine towers, underground and overhead wiring (including depth of underground wiring), new drainage facilities, access drives (including width), substations and accessory structures.
- H. Lighting plan.
- I. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the township to accommodate construction vehicles, equipment, or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Utility Grid Wind Energy System.

J. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower and its base or foundation, the soil shall be restored to its original condition.

K. Anticipated construction schedule.

L. Description of operations, including anticipated regular and unscheduled maintenance.

M. A description of the receiving laydown area, lighting, dust control, noise, and hours of operation.

5. Utility Grid Wind Energy System construction, operation and maintenance standards and requirements.

A. Property Set-Back: the following set-back distances shall be maintained and measured from the center of the turbine.

1. The distance between a Utility Grid Wind Energy System and an inhabited structure shall be at least 1400 feet.

2. The distance between a Utility Grid Wind Energy System and the property lines of the nearest or adjacent non-participating parcel shall be at least 2000 feet.

3. The distance between a Utility Grid Wind Energy System and the centerline of a public roadway shall be at least 1.5 times the overall height of the turbine.

4. Each Utility Grid Wind Energy System shall be set back from active public utility corridors such as natural gas lines, oil lines, telecommunication towers, overhead lines (including electric, telephone, internet, or cable television) at a distance of no less than 1.5 times the overall height of the turbine, determined from the boundary line of the corridor.

5. Each Utility Grid Wind Energy System shall be set back from the centerline of a stream or river by at least 1.0 times the overall height of the turbine.

6. Each Utility Grid Wind Energy System shall be set back from a drain easement by at least 1.0 times the overall height of the turbine and in no case shall it be set back by less than 1.0 times the overall height of the turbine from the top of the embankment of the drain that is closest to the turbine location.

7. An operations and maintenance office building, substation, or ancillary equipment shall comply with any property set back requirement that may be applicable to that type of building or equipment.

B. Utility Grid Wind Energy Systems are limited to a height of 499 feet above the existing grade.

C. Utility Grid Wind Energy Systems shall utilize underground power lines and shall be placed a minimum of six feet below grade and below any drainage tile on the property.

D. Sound Pressure Level

1. For participating parcels, the audible sound from a Utility Grid Wind Energy System at a Noise Sensitive Facility may not exceed the Equivalent A-weighted Continuous Sound Level (Leq) limits set forth in Table 1, measured in accordance with the methodology described in Sub-Sections f. and g.

| Table 1 – Equivalent A-weighted Continuous Sound Level (Leq) Limits Participating Parcels | | |
|--|--------------------|---|
| Zone | Time | Equivalent A-weighted Continuous Sound Level (dBA) |
| Participating Parcel | 07:00AM to 10:00PM | 45 |
| | 10:00PM to 07:00AM | 40 |

2. For non-participating parcels, the audible sound level from a Utility Grid Wind Energy System at a parcel line may not exceed the Sound Level (Lmax) levels shown in Table 2, measured in accordance with the methodology described in Sub-Sections f. and g.

| Table 2 – Maximum Sound Level Lmax Limits Non-Participating Parcels | | |
|--|--------------------|---|
| Zone | Time | Equivalent A-weighted Continuous Sound Level (dBA) |
| Non-Participating Parcel | 07:00AM to 10:00PM | 40 |
| | 10:00PM to 07:00AM | 30 |

3. In the event audible noise from the operation of the Utility Grid Wind Energy System contains a prominent discrete tone, the limits set forth in Table 1 shall be reduced by 5 (five) dBA. For a prominent discrete tone to be identified as present, the equivalent continuous sound pressure level in the one-third octave band of interest is required to exceed the arithmetic average of the equivalent continuous sound pressure level for the two adjacent one-third octave bands by 5 (five) dB for center frequencies by 500 (five-hundred) Hz and above, by 8 (eight) dB for center frequencies between 160 (one hundred and sixty) Hz and 400 (four-hundred) Hz, or by 15 (fifteen) dB for center frequencies between 25 (twenty-five) and 125 (one hundred and twenty-five) Hz as specified by ANSI S12.9 Part 3, Annex B.

4. Any noise level falling between two whole decibels shall be rounded to the nearest whole number.

5. Sound Modeling Study – The applicant shall provide a predictive sound modeling study of all turbine noise for a

Utility Grid Wind Energy System to verify that the requirements of this ordinance can be met. For the Equivalent A-weighted Continuous Sound Level limits in Table 1. The sound modeling must follow International Standard, ISO 9613-2 "Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation." The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 - Part 11, or as determined by analytical calculations according to the manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at the hub height. Modeling shall include topographical information and assume hard ground ($G=0$) for all large areas of pavement and water, and mixed ground ($G=0.5$) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all Noise Sensitive Facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 30 dBA sound contour line, at 5 dBA intervals from the center of the proposed Utility Grid Wind Energy System.

6. Post Construction Sound Survey - The applicant shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Sub-Sections a. and b. above. The measurements and the reporting of the data shall be conducted as described below. The survey shall address noise complaints on file with the township and may require additional measurement locations as deemed necessary by the planning commission. Should the sound survey indicate non-compliant measurement, the owner of the Utility Grid Wind Energy System will be required to obtain compliance through mitigation or other measures.

7. Methodology

a. Methodology personnel and instruments shall be as per sub-section 11 hereafter.

b. A calibration check shall be performed and recorded before and after each measurement period.

c. The night time measurement period shall be 2 (two) hours minimum and shall be continuously observed by a trained attendant. For participating parcel, sound level data shall be aggregated in 10 (ten) minute measurement intervals within the night time compliance measurement period (night time: 10:00PM to 07:00AM).

d. The day time measurement period shall be 2 (two) hours minimum and shall be continuously observed by a trained attendant. For participating parcels, sound level data shall be aggregated in 10 (ten) minute measurement intervals within the day time compliance measurement period (day time: 07:00AM to 10:00PM). As compliance with night time noise limits presumes compliance with less stringent day time noise limits, this requirement may be waived by the planning commission.

e. For participating parcels, compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of every 12 (twelve) representative 10 (ten) minute measurement interval is less than or equivalent to the Equivalent A-weighted Continuous sound level limits as set forth in Sub-Section a.

f. For non-participating parcels, compliance will be demonstrated when the Lmax Sound Level of each two-hour measurement interval is less than or equal to the Lmax sound level limits as set forth in subsection b Table 2. Representative intervals are defined as;

1. Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of +/- 45 degrees of the annual prevailing wind direction.

2. Periods where the concurrent turbine hub elevation wind speeds are sufficient to generate within 1 dB of the maximum

continuous rated sound power from the nearest wind turbine to the measurement location.

3. Periods where the ground level gusts are equal to or less than 15.66 miles per hour (7 meters/second).

g. The sound level measured in each measurement interval above may be corrected for transient background sound and continuous background sound, according to ANSI S12.9 Part 3.

8. Measurement Locations.

a. The specific measurement locations shall be chosen by the applicant's measurement personnel and by the Planning Commission or designee prior to the Post Construction Sound Survey.

b. The measurement locations shall be at Noise Sensitive Facilities for participating parcels and at parcel boundary lines for non-participating parcels. The locations shall be in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to the limits identified in Table 1. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of 8 (eight) measurement locations. The measurement locations shall include, but not be limited to the following;

1. A minimum of 4 (four) measurements of different non participating parcels. The measurement location shall be at the parcel boundary nearest the closest wind turbine of the Utility Grid Wind Energy System.

2. A minimum if 2 (two) measurements of different participating parcels. The measurement location shall be at the noise sensitive facility, measured 50 (fifty) feet from the façade nearest the closest wind turbine of the Utility Grid Wind Energy System.

3. Any measurement location determined necessary by the measurement personnel and

Planning Commission or designee. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.

c. The microphone shall be positioned at a height of 5 (five) feet +/- 1 (one) foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.

d. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.

e. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 (two) feet in height for a 50 (fifty) foot radius around the sound monitoring equipment.

f. To the greatest extent possible, measurement locations should be at least 50 (fifty) feet from any known sound source.

g. Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 feet +/-0.7 feet above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.

9. Reporting of Measurement Data: Reports shall be submitted to the Planning Commission or designee within 45 (forty-five) days of completion of the post construction sound survey and shall include, at a minimum, the following:

a. A narrative description of the sound from the Utility Grid Wind Energy System for the compliance measurement period result.

b. A narrative description of the sound measurements collected.

- c. A map showing the wind turbine locations, noise measurement locations, and all noise sensitive facilities.
- d. The dates, days of the week, and the hours of the day when the measurements were made.
- e. The wind direction and speed, temperature, precipitation, and sky condition for each measurement interval. Meteorological measurements of the wind speed and direction shall be reported at both the surface height, and at hub level (to be provided by the Utility Grid Wind Energy System from the closest wind turbine), based on 5 (five) second integration intervals. Both the average and maximum wind speeds for each level measurement interval shall be reported.
- f. The wind energy output for each measurement interval for the closest wind turbine.
- g. Identification of all measurement equipment by make, model, and serial number.
- h. All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
- i. All A-weighted equivalent sound levels for each measurement interval.
- j. All 1/3 octave band linear equivalent sound levels for each measurement interval and identification of tonal periods.
- k. All attendant's notes and observations.
- l. All concurrent time stamped wind turbine operational data including the date, time, and duration of any noise reduction operation or other interruptions in operations if present.
- m. All periods removed from the data due to temperatures above or below manufacturer specifications, and wind speeds above ANSI S12.18 limits.
- n. All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may

be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.

o. All other information determined necessary by the Planning Commission or designee.

10. Measurement of the Sound from Routine Operation. As an ongoing condition to any special use permit for a Utility Grid Wind Energy System, the Planning Commission or designee may require measurements of the sound from routine operation of the completed system. Such measurements may be required to determine compliance with this ordinance, and the special use permit, to investigate a community complaint for validation of the calculated sound levels presented to the planning commission in support of the special use permit. The measurements and the reporting of the data shall be conducted as described below. Should the measurements indicate a noncompliant measurement, the owner and the operator of the Utility Grid Wind Energy System shall be required to obtain compliance through mitigation or other measures.

a. Methodology – Per sub-section 11 hereafter.

b. Measurement Locations

1. Measurement locations as determined by the Planning Commission or designee prior to any activity. The measurement locations shall include, but are not limited to the following representative locations:

a. For participating parcels, a minimum of 1 (one) measurement location at the noise sensitive facility of the complainant, measured 50 (fifty) feet from the façade nearest the closest wind turbine of the Utility Grid Wind Energy System.

b. For nonparticipating parcels, a minimum of 1 (one) measurement

location at the parcel boundary line of the complainant nearest the closest wind turbine of the Utility Grid Wind Energy System.

- c. Any measurement location determined necessary by the planning commission.

2. The microphone shall be positioned at a height of 5 (five) feet +/- 1 (one) foot above the grade oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.

3. To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise, such as major highways, industrial facilities, and urban areas.

4. To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 (two) feet in height for a 50 (fifty) foot radius around the sound monitoring equipment.

5. To the greatest extent possible, measurement locations should be at least 50 (fifty) feet from any known sound source.

6. Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 feet +/-0.7 feet above the ground, near each noise measurement location. Care should be exercised to avoid noise measurement contamination from the anemometer operation.

- c. Reporting of Measurement Data: Measurement reports shall be submitted to the Planning Commission or designee within 45 (forty-five) days of completion and shall be conducted as indicated in sub-section f)i) 3.

11. General Sound Survey Methodology.

- a. All sound studies shall be completed by an independent third party that is hired by the township.
- b. Measurements shall be supervised by personnel who are independent of the Utility Grid Wind Energy System, well qualified by training and experience in the measurement and evaluation of environmental sound, and are board certified members of the Institute of Noise Control Engineering (INCE).
- c. Measurement instrumentation shall comply with the following requirements:
 1. A sound level meter or alternative sound measurement system used shall meet all of the Type 1 performance requirements of the American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 2. An integrating sound level meter or measurement system shall also meet Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 3. A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave Band and Fractional Octave Band Analog and Digital Filters, ANSI S1.11.
 4. An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 5. A microphone windscreen shall be used of a type that meets or exceeds the recommendations of the manufacturer of the sound level meter.

6. The sound level meter shall have been calibrated by a laboratory within 24 (twenty-four) months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

7. The sound level meter shall be used with the fast meter response and sampling frequency of 1 (one) sample per second.

8. Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of +/- mph providing data in 5 (five) second integrations.

9. Compass(es) used for surface wind direction shall have a minimum manufactured accuracy of +/- 3 (three) degrees providing data in 5 (five) second integrations.

10. Thermometer(s) used for surface temperature shall have a minimum manufacturer specified accuracy of +/- 2 (two) degrees Celsius providing data in 5 (five) second integrations.

11. A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.

E. Construction Codes, Towers, and Interconnection Standards:

1. Utility Grid Wind Energy Systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.

2. Utility Grid Wind Energy Systems including towers shall comply with Federal Aviation Administration requirements, the Electronic Code of Federal Regulations, (including Subchapter E Airspace, Parts 77.1 - 77.41, the Safe, Efficient use, and Preservation of the Navigable Airspace), the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), the Tri-City Area Joint Airport Zoning Ordinance and local jurisdiction airport overlay zone regulations.

3. Utility Grid Wind Energy Systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Regulatory Commission interconnection standards.

F. Lighting:

1. Utility Grid Wind Energy System towers shall not be illuminated unless required by the Federal Aviation Administration (FAA).

2. When illumination is required by the FAA, Utility Grid Wind Energy Systems are required to use Aircraft Detection Lighting Systems (ADLS). No other illumination or tower lighting will be approved.

3. All tower lighting required by the FAA shall be shielded to the maximum extent possible to reduce glare and visibility from the ground. Continuous night time lighting systems are not permitted.

G. Safety:

1. All Utility Grid Wind Energy Systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

2. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site.

3. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information.

4. Signage placed at the road access shall be used to warn visitors of the potential danger of falling ice.

5. The minimum vertical blade tip clearance from grade shall be 50 (fifty) feet for a wind energy system utilizing a horizontal axis rotor.

6. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall be gated, with wings as appropriate to discourage trespassers.

H. Visual Impact:

1. Utility Grid Wind Energy System projects shall use tubular towers and shall be finished in a single, non-reflective matte finished color.
2. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project.
3. No lettering, company logo, advertising, or graphics shall be on any portion of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
4. The project shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's master plan.

I. Environmental impact:

1. The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.
2. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
3. The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid Wind Energy System.

J. Avian and Wildlife Impact:

1. The applicant shall have a third party, qualified professional conduct an analysis to identify and assess and potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after the mitigation efforts.

2. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

3. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and the Michigan Endangered Species Protection Law.

4. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above ground power lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.

K. Electromagnetic Interference:

1. No Utility Grid Wind Energy System shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, wireless phone, or other personal communications systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party

that will restore reception to at least the level present before operation of the wind energy system.

2. No Utility Grid Wind Energy System shall be installed in any location within line of sight of an existing microwave communications link where the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

L. Shadow Flicker:

1. Shadow Flicker Analysis: The applicant shall conduct an analysis on potential shadow flicker at inhabited structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted 30 (thirty) hours per year of shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures.

2. The shadow flicker analysis shall include a shadow flicker mitigation plan, which describes measures that shall be taken to eliminate shadow flicker that occurs beyond the levels set herein. Mitigation measures may be allowed on participating parcels.

3. All wind turbines that may cause shadow flicker on inhabited structures in non-participating parcels shall be outfitted with curtailment software.

4. Any shadow flicker complaint shall be addressed by the applicant and be mitigated or eliminated based upon the standards herein.

5. Shadow flicker in participating parcels shall be limited to a maximum of 30 (thirty) hours per year.

6. Shadow flicker on participating parcels will be measured at the nearest external wall or walls of inhabited structures.

7. Shadow flicker on non-participating parcels is not allowed.

M. Decommissioning, Abandonment, and Restoration:

1. The applicant shall submit a decommissioning, abandonment, and restoration plan. The plan shall include:

- a. The anticipated life of the project.
- b. The estimated decommissioning, abandonment, and restoration costs net of salvage value in current dollars.
- c. The method of ensuring that funds will be available for decommissioning, abandonment, and restoration.
- d. The anticipated manner in which the project will be decommissioned and the site(s) restored.
- e. A provision to give notice to the township 1 (one) year in advance of decommissioning.
- f. The standard for inactivity shall be 12 (twelve) consecutive months. Inactivity means that the Utility Grid Wind Energy System has ceased to generate electric power.
- g. In the event where construction has been initiated, but cannot be completed, the project will be considered to be abandoned.

2. Removal and restoration shall include proper receipt of a demolition permit from the local code authority and proper restoration of each site to the satisfaction of the local code authority and the Planning Commission or designee.

3. Removal of any equipment, structure(s) and accessory use facilities shall include removing the caisson and all other components and restoring the site to the grade as indicated on the approved site plan. This area shall then be appropriately drained. It shall be filled with like soil that was removed, including top soil, and restored to a state compatible with the surrounding land. Equipment removals must be completed within 12 (twelve) months after receipt of the demolition permit. Restoration must be completed within 90 (ninety) days of equipment/structure removal.

4. To ensure proper removal of equipment/structure(s), and site restoration upon decommissioning and abandonment, any application for approval of a structure shall include a description of the financial security to be

posted at the time of receiving a special use permit. The security shall be in the form of; 1.) cash deposit, 2.) irrevocable bank letter of credit or 3) performance/surety bond in a form approved by the township attorney, establishing the obligation of the applicant, owner, or operator to remove the structure in a timely manner. The amount of such guarantee shall be no less than 150% of the estimated cost of removal and restoration. Salvage value shall not be considered in the estimated cost of removal and restoration. The estimate shall be prepared by the engineer for the developer and approved by the Township Board. When determining the amount of such required security, the Township Board shall require future meetings at pre-set intervals, to establish corrected values for decommissioning and restoration. The financial security instrument shall be adjusted to each determined corrected value. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences. Such financial security shall be kept in full force and effect during the entire time that the structure(s) exist. Such financial security shall be irrevocable and non-cancelable (except by written consent of both the township and the then owner of the structure(s)) for no less than 30 (thirty) years from the date of the special land use approval or for the life of the turbine, whichever is longer. Failure to keep such financial security in full force and effect at all times while the structure(s) exists shall constitute a material and significant violation of a special use approval and this ordinance, and will subject the applicant to all available remedies to the township, including possible enforcement action and revocation of the special use approval. The applicant shall be responsible for the payment of any attorney fees and other costs incurred by the township in the event that the equipment/structure(s) is not voluntarily removed and the township has to enforce removal and restoration of the site(s).

5. In the event the owner/operator defaults on any or all of the previously outlined decommissioning, abandonment, and restoration requirements, the landowner upon which any Utility Grid Wind Energy System facilities are located shall be responsible and liable for the removal of any equipment/structures and restoration of the site(s). Failure of the landowner's compliance to the decommissioning and

removal guidelines would result in the township having the equipment/structure(s) removed, and restoration of the site(s) at the expense of the landowner. If funding is not available to cover the costs of removal and restoration by the landowner, legal action to pursue the seizure of property(s) will take place to cover such costs.

N. Complaint Resolution:

1. The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within 10 (ten) days of receipt of such complaint and the Township Supervisor shall also be notified of each complaint. The process shall use the Township Board, an independent mediator or arbitrator, and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.
2. The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.
3. A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

O. Transfer or Sale.

1. In the event of a transfer or sale of the Utility Grid Wind Energy System, the township shall be notified, and the Special Use permit shall be up for review.
2. A change in ownership of the Utility Grid Wind Energy System shall be considered a minor amendment to the Special Use permit and shall be reviewed and approved by the Township Planning Commission or designee.
3. Proposed changes to the operating or maintenance procedures or approved site plans shall be amended and resubmitted for review by the Planning Commission or designee. The changes may be subject to a public hearing, review, and shall be approved by the township Planning Commission or designee.
4. Upon transfer or sale, the financial guarantee(s) shall be maintained at all times, the estimated costs of

decommissioning, abandonment, and restoration shall be resubmitted, and the financial guarantee(s) adjusted to account for the updated estimate.

P. Co-Location.

1. No co-location of any wireless communication facilities shall be permitted on any Utility Grid Wind Energy System without written approval of the Planning Commission or designee.

16.16 Specific Standards for Accessory Solar Energy Systems.

1. General Requirements. All Accessory Solar Energy Systems, whether ground mounted or roof mounted, are subject to the following general requirements.

A. An accessory Solar Energy System must conform to all County, State, and Federal regulations and safety requirements as well as applicable industry standards.

B. Solar panels shall be placed such that reflection glare shall not be directed onto nearby properties, roadways or airway flight paths.

C. Accessory Solar Energy Systems shall not cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission guidelines.

2. Roof Mounted Accessory Solar Energy Systems. Roof mounted accessory Solar Energy Systems shall be considered an accessory use in all zoning districts subject to the following requirements.

A. Solar panels erected on a building shall not extend beyond the peak of the roof.

B. Roof mounted panels must be installed with a minimum of a three (3) foot setback from edges of the roof, the peak, or eave or valley to maintain pathway of accessibility.

3. Ground Mounted Accessory Solar Energy Systems. Ground mounted Solar Energy Systems (other than those defined as solar farms) shall be considered an accessory use in all zoning districts subject to the following requirements.

A. Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a descriptive site drawing to the Zoning Administrator or appropriate official. This drawing

shall include setbacks, panel size, and the location of the property lines, buildings, fences, greenbelts, and road right of ways. This site drawing must be drawn to scale.

B. A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in any case the top of the system shall not be more than twenty-five (25) feet above the ground.

C. A ground mounted or freestanding Solar Energy System shall not be installed between the front lot line and the front of the principal building.

D. All power transmission lines from a ground mounted Solar Energy System to any building or other structure shall be located underground.

E. In the event that a ground mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), the property owner shall remove the system within six (6) months from date of abandonment. If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll for that parcel. The applicant shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure.

16.17 Specific Standards for Photovoltaic Solar Farms

1. General Requirements. All Photovoltaic Solar Farms are subject to the following general requirements.

A. Photovoltaic Solar Farms shall only be allowed in Zone V Agricultural as special uses approved by the Planning Commission.

B. Photovoltaic Solar Farm facilities shall not be constructed on parcels less than twenty acres (20) acres in size.

C. The owner of the Photovoltaic Solar Farm shall provide the Planning Commission with an operations agreement, which shall set forth the operations parameter, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety.

D. Prior to the installation, the property owner shall submit a descriptive site plan to the Planning Commission, which includes where and how the Photovoltaic Solar Farm will connect to the power grid.

R. No Photovoltaic Solar Farm shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to allow the property owner to install an interconnected customer-owned generator to the grid.

F. To ensure proper removal of a Photovoltaic Solar Farm energy system when it is abandoned (meaning not having been in operation for a period of one (1) year), any application for approval of a new Photovoltaic Solar Farm energy system shall include a description of the financial security guaranteeing removal of the system which must be posted at the time of receiving a construction permit for the facility. The security shall be in the form of: 1) an irrevocable letter of credit or 2) a surety bond. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be subject to approval by the Township.

G. If the property owner fails to remove or repair the defective or abandoned system, the Township may pursue legal action to have the system removed and assess its cost to the tax roll. The owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal of the structure.

H. A Photovoltaic Solar Farm system must be fenced in with at least six (6) foot chain link fence, have a minimum setback from all property lines of one hundred twenty five (125) feet and a minimum setback one thousand (1,000) feet from any residences on nearby properties.

I. There shall be screening of a Photovoltaic Solar Energy System and equipment associated with the system, from any adjacent residences compliant with Article 15.8.2.

J. All photovoltaic panels located in a Photovoltaic Solar Farm shall be restricted to a height of fifteen (15) feet.

K. Photovoltaic Solar Farms shall be required to have all necessary permits from the Federal Authorities, State of Michigan, and Larkin Township, and shall comply with all standards of the State of Michigan adopted codes.

L. Photovoltaic Solar Farms shall not cause electromagnetic interference, and shall comply with all applicable Federal Communications Commission guidelines.

M. The following topics shall be provided with all applications for Photovoltaic Solar Farm special use permits, and all Photovoltaic Solar Farms shall be constructed and operated in compliance with the following:

1. Transportation plan: Provide access plan during construction. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. These access routes are not required to be paved.
2. Environmental analysis: Identify impact analysis on the water quality and water supply in the area and dust from project activities.
3. Waste: Identify solid waste or hazardous waste generated by the project and a plan for disposal of same.
4. Wildlife: Review potential impact on wildlife on the site and a plan for alleviating or minimizing any such impact.
5. Lighting: Provide lighting plans showing all lighting within the facility. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height.
6. Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
7. Sound limitations and review: Photovoltaic Solar Farms shall comply with Larkin Township Ordinance No. 244 (Noise Ordinance).

Article 17. Site Plan Review

17.1 Situations Requiring Site Plan Review – Site Plans shall be submitted, reviewed and approved in accordance with this Article, for all construction, development and uses of land wherein:

1. The proposed project will have more than two (2) dwelling units.
2. The proposed project is in the Professional Office and Service zoning district.

3. The proposed project is in any Commercial (C) zoning district.
4. The proposed project is in any Industrial (I) district.
5. The proposed project requires approval of a Special Use Permit.
6. In the case of existing development, a Site Plan Review is required when,
 - A. The project involves increasing the footprint by ten (10%) percent or more, of any residential structure with more than two (2) units, or any commercial or industrial structure or use.
 - B. The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.
 - C. The project involves the expansion or change in any previously approved Special Use Permit.

17.2 Approval - The Township Zoning Inspector together with a designated member of the Township Planning Commission, shall, in accordance with the application and approval process herein, have the authority to approve Site Plans. The Township Planning Commission shall, from time to time, appoint one of its members to act with the Zoning Administrator in Site Plan review and approval. In the absence of Planning Commission designation of its member representative designee, the then acting Chair of the Planning Commission shall perform the approval function for the Planning Commission. The approval of both the Zoning Administrator and the Planning Commission representative shall be required in actions upon Site Plans. The Zoning Administrator and Planning Commission representative may attach conditions to the approval of the Site Plan. These conditions must be based on regulations or concerns defined by this Ordinance. Except for instances wherein the proposed construction, development or use requires approval of a Special Use Permit, review and action upon Site Plan applications shall not require public hearing and may be done administratively.

17.3 Site Plan Review Applications. Applications for Site Plan Review shall be made to the Township Zoning Administrator by filing with the Zoning Administrator the site plan review application form, required data, exhibits and information, and payment of the necessary fee in accordance with the Township schedule of fees. If Special Use Permit is also applied for, the application shall

also be accompanied with the applicable fee for Special Use Permits. All fees paid are non-refundable and no part of such fee shall be returned to an applicant. The application shall not be reviewed or deemed complete until all required contents are provided.

17.4 Application and Site Plan Contents – All applications for site plan review and approval shall contain a site plan and supporting data containing the following:

1. The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
2. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Midland County Register of Deeds will be the legal description upon which a site plan decision is based.
3. The site plan must depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
4. The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
5. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall

include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

6. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.

7. The site plan must include data, measurements and other information necessary to show compliance with all applicable provisions of this Ordinance relative to setback, yard dimensions, heights limitations, off street parking and the provisions of the Supplementary Regulations contained with Article 15.

17.5 Site Plan Review Standards - Site Plans shall be approved if containing the information required and comply with the following:

1. District Regulations - The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects.

2. Supplementary Regulations - The project must comply with any and all of the Supplementary Regulations, which may apply to it, as identified by Article 15 of this Ordinance.

3. Special Use Standards - If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified in Article 16, also must be satisfied.

4. Building Arrangements - Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.

5. Transportation - Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal, access to public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. Before a Site Plan is approved, the Midland County Road Commission shall be provided the opportunity for review and comment on the transportation facilities to and within the site plan.

6. Driveways - All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to and incorporates into the edge of the traveled portion of the road, public or private, if curbing is there in place. If curbing is not provided on the traveled portion of the road, driveways must have a raised curb to the road right of way line. When curbing is installed on the traveled portion of the road after initial installation of a driveway, the driveway curbing must then be extended to and incorporate into the road curbing.

7. Utilities - Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

8. Lighting - Lighting shall be adequate to illuminate parking and vehicular areas for the safety of the users. However, lighting shall be directed downward and shall not be directed toward adjoining properties. Efforts shall be demonstrated to reduce or eliminate glare or illumination onto adjoining properties. Lighting for signage shall be in compliance with the sign provisions in section 13.13 of this ordinance.

9. Fire Protection - The proposed project must comply with applicable fire safety regulations. The location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.

10. Environment - Natural features of the landscape shall be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape shall be designed to complement the site's surrounding environment and enhance the positive features of the project. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Midland County Health Department or other agencies.

11. Storm Drainage - Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.

12. Other applicable provisions of this ordinance, other applicable ordinances and state and federal statutes.

17.6 Approval, Denial, Approval with Conditions. The Zoning Administrator and Planning Commission representative, upon review of a completed application for site plan review shall, in those instances where Special Use Permit is not required, approve, deny or approve the site plan application with conditions. In those instances where Special Use Permit is required, the Zoning Administrator and Planning Commission representative shall review the application and site plan and transmit to the Planning Commission, prior to Special Use Permit public hearing, a recommendation for the Planning Commission approval, denial or approval with conditions of the site plan. Where application for Special Use Permit is made, the Planning Commission shall take the final action on site plan review. If a site plan application is denied, the applicant shall be notified in writing of the denial, together with explanation of the basis of the denial. Site plan applications may be approved with conditions. All conditions must be based upon one (1) or more regulations of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the written approval of the site plan and communicated to the applicant.

17.7 Site Plan Approval, Continuing Nature and Conditions - Once approved, the premises for which site plan approval has been granted, shall be developed and used in strict compliance with the approved site plan. The site plan, as approved and/or conditioned, shall be deemed to be incorporated into all zoning permits issued for the premises. Zoning Permits shall not issue for the premises until any conditions of site plan approval are accepted by the applicant,

signified by the signatures on the site plan itself, of the applicant, the Zoning Administrator and the designated Planning Commission representative. The breach of any condition or the development or uses of the premises inconsistent with the approved site plan shall be cause for revocation of site plan approval.

Article 18. Administration

18.1 Administration Officer - The provisions of this Ordinance shall be administered by the Building Inspector, who shall be appointed by the Township Board to serve with such compensation as said board may direct. A record of each application for Building Permit shall be kept on file by the inspector and the disposition made thereof and such record shall be liable for the use of the Board of Appeals or its authorized agents at all times.

The building, electrical and plumbing permits and any other permits will be furnished by the Larkin Township Building Inspector.

18.2 Building Permits - It shall be unlawful to commence the excavation for, or the construction of any building or structure, or part thereof; or to commence the moving, alteration, or repair of any building or structure in such manner as to change its height, bulk, position, or to fit it for a changed or enlarged occupancy; and it shall be unlawful to use or permit the use of any building or structure so constructed, altered, moved or repaired, or to change the type of extent of the use of occupancy of any building structure or land until there has been issued therefore a Building Permit as evidence of compliance with the provisions of this Ordinance.

18.3 Application for Building Permit - Application for a building permit shall be made at least one week prior to the commencement of any operations or uses of property for which such a permit is required and shall be filed at the office of the Building Inspector on the forms prescribed and furnished for such purposes together with such plans, specifications and other material as the Inspector may reasonably require to assist him in proper understanding of the nature and extent of the work to be done or the uses or property to which the Permit is to apply.

1. The building, plumbing, and electrical permits will be in effect for a period of two (2) years for one and two family dwellings; other building, plumbing and electrical permit will be in effect for a period of not more than one (1) year.

2. Whenever the buildings, premises and uses thereof as set forth in the application are in conformity with the provisions of this Ordinance, it

shall be the duty of the Inspector to issue within one week after the receipt of such application, a Building Permit, and if such permit is refused, to state such refusal in writing with cause.

Article 19. Enforcement

19.1 Enforcing Officer - The provisions of this Ordinance shall be enforced by the Building Inspector, Ordinance Enforcement Officer or other official as designated by resolution of the Township Board.

19.2 Violation Declared a Nuisance - Any building upon which construction is started, or which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared a nuisance per se. Any court of competent jurisdiction shall order such nuisance abated and the owner or agent in charge of such building or premises shall be adjudged responsible of maintaining a nuisance per se.

19.3 Persons Responsible - Any person, firm or corporation who violates any of the provisions of this Ordinance, the owner of any building or premises or part thereof, where any conditions in violation of this Ordinance shall exist or be created, and any architect builder, contractor, agent, person or corporation employed in connection therewith, and who has assisted knowingly in the commission of any such violation shall be responsible for such offense, and upon determination of responsibility thereto, shall be liable for the penalties herein provided.

19.4 Penalties - Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

Article 20. Board of Appeals

20.1 Creation - There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers of jurisdiction as provided by Act 184 of the Public Acts of 1943, as amended, and by the provisions of this Ordinance

to the end that the objectives of this Ordinance are observed, public safety and general welfare secured, and substantial justice done.

20.2 Membership/Election of Officers - The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. The Zoning Board of Appeals shall consist of five members; one member shall be a member of the Township Planning Commission. One member may be a member of the Township Board. The Zoning Board of Appeals shall elect a chairperson and a secretary. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals and an employee or contractor of the Township Board shall not serve as a member or an employee of said Board of Appeals.

1. The Township Board may appoint to the Board of Appeals not more than two alternate members for the same term as regular members. An alternate member may be called to serve as a member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternative member appointed shall serve in the case until a final decision is made. An alternative member serving on the zoning board of appeals has the same voting rights as a regular member. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict in interest constitutes malfeasance in office.

20.3 Term - The term of each member shall be three years and until a successor has been appointed and qualified; members desiring successive terms must submit a letter of intent to the Township Board for considered reappointment. Such successor must be appointed not more than one month before the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

20.4 Jurisdiction and Powers - The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision, or determination made by the Building Inspector and/or Zoning Enforcer. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Building Inspector and/or Zoning Enforcer and may issue or direct the issuance of a permit.

2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.

3. The jurisdiction and power to authorize, upon appeal and subject to Sections 20.7 - 20.9 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

20.5 Meetings/Rules of Procedure - Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall adopt such rules of procedure consistent with the provisions of said Act, this Zoning Ordinance, and other local ordinances as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

20.6 Appeals - Appeals to the Zoning Board of Appeals may be taken by any party aggrieved or affected by any order, requirement, decision, or determination of the Building Inspector and/or Zoning Enforcer or by an officer or agency of the Township. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer or agency from whose decision or order the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all record pertaining to action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the Circuit Court.

After a variance has been denied in whole or in part by the Board, then no application shall be resubmitted for a period of one (1) year from the date of the last denial. However, a denied variance may be reconsidered by the Board when, in the opinion of the Board, newly discovered evidence or changed conditions warrant such reconsideration.

20.7 Variances - Subject to the provisions of Section 20.9 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector and/or Zoning Enforcer or other administrative agency of the township in the carrying out of the provisions of this Ordinance; or
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship. However, the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could/could have, without undue hardship, be/have been included as part of the lot; or
3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this Ordinance; provided that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

20.8 Variance Standards and Conditions

1. Standards - No variance in the provision or regulations of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance, and that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety, and welfare.

2. No variance in the provision or regulations of this Ordinance shall be authorized if any of the following facts and circumstances exist:

A. The hardship presented is self-created by action of the applicant, his agents or predecessors.

B. There are no unique circumstances or conditions involving the property in question, or

C. The hardship presented is based solely on economic considerations.

3. Conditions - The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity. Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

A. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,

B. That the condition or limitation is related to the valid exercise of the Zoning Enforcer, and purposes which are effected by the proposed variance; and

C. That the condition or limitation is necessary to meet the intent and purpose of the Zoning Ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

D. Such conditions and limitations may impose greater or more restrictive regulations than are otherwise set forth in this Ordinance. The variance may include the requirement of reasonable financial security to guarantee performance. Violation

of any such conditions or limitations shall be deemed a violation of this Ordinance.

20.9 Land Use Variance - The Zoning Board of Appeals shall not act on a request for a land use not allowed in a zone.

20.10 Public Hearings - Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter not earlier than five days, nor later than 45 days, after the date of such filing, and shall cause notice of the time and place of the hearing to be given as required by law.

20.11 Decisions - The Zoning Board of Appeals shall render its decision within 60 days after the hearing thereon and notify the applicant in writing of its decision. The reasons for any Board decision shall be stated in full and made a part of the meeting records.

Decisions of the Zoning Board of Appeals are not appealable to the Township Board or the Planning Commission. Board of Appeals decisions are final but may be appealed to the circuit court on questions of law and fact within 21 days of the decision.

20.12 Time Limit - If the variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within three months after the date the variance is granted, and the structure or alteration shall be completed within 24 months or said variance shall be deemed abandoned and withdrawn.

20.13 Vote Necessary for Decision - The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its members.

20.14 Minutes and Records - The secretary shall keep minutes of the Zoning Board of Appeals' proceedings showing the vote of each member or alternate upon every question, or if absent or failing to vote due to a conflict of interest, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals' examinations and official actions, all of which shall be filed with the Township Clerk and be a public record.

20.15 Limitation of Board Action - Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this Ordinance, and where the Zoning Board of Appeals considers that any specific provision is

inappropriate it shall submit to the Township Planning Commission a request for review of said provision.

Article 21. Severability, Repeal and Effective Date

21.1 Severability - Should any section, clause or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

21.2 Repealing Clause - All ordinances and amendments thereto, in conflict with this ordinance are hereby repealed.

21.3 Effective Date - This ordinance shall become effective immediately upon the publication thereof.

HISTORY

Ordinance No. 116, adopted 2/3/76

Amended by Ordinance No. 131, adopted 3/4/80

Amended by Ordinance No. 134, adopted 2/3/81

Amended by Ordinance No. 147, adopted 8/14/84

Amended by Ordinance No. 150, adopted 3/12/85

Amended by Ordinance No. 153, adopted 3/11/86

Amended by Ordinance No. 163, adopted 10/11/88

Amended by Ordinance No. 166, adopted 12/20/88

Amended by Ordinance No. 181, adopted 8/14/90

Amended by Ordinance No. 184, adopted 12/18/90

Amended by Ordinance No. 188, adopted 6/11/91

Amended by Ordinance No. 189, adopted 8/13/91

Compilation Adopted 11/1/91

Amended by Ordinance No. 194, adopted 7/14/92

Amended by Ordinance No. 199, adopted 4/13/93

Amended by Ordinance No. 204, adopted 4/12/94

Amended by Ordinance No. 205, adopted 2/14/95

Amended by Ordinance No. 206, adopted 2/14/95

Amended by Ordinance No. 219, adopted 7/31/96

Amended by Ordinance No. 222, adopted 10/16/96

Compilation Adopted 3/17/97

Amended by Ordinance No. 227, adopted 3/10/98

Amended by Ordinance No. 233, adopted 12/15/99

Amended by Ordinance No. 239, adopted 6/12/01

Amended by Ordinance No. 242, adopted 8/13/02
Amended by Ordinance No. 243, adopted 7/8/03
Compiled 9/30/04
Amended by Ordinance No. 246, adopted 1/10/05
Amended by Ordinance No. 256, adopted 3/13/12
Amended by Ordinance No. 258, adopted 8/14/12
Amended by Ordinance No. 259, adopted 5/14/13
Amended by Ordinance No. 259A, adopted 5/12/15
Amended by Ordinance No. 263, adopted 11/10/16
Amended by Ordinance No. 267, adopted 5/14/19
Amended by Ordinance No. 269, adopted 4/9/19
Amended by Ordinance No. 272, adopted 12/14/21
Amended by Ordinance No. 275, adopted 2/9/21
Amended by Ordinance No. 279, adopted 12/14/21
Compilation Adopted
Amended by Ordinance No. 283, adopted 4/9/24

TABLE 15.8.3

| 3. Table of Requirements for Residential "A", "B", "C", "D", and Agricultural Zoning Districts. | | | | | |
|--|-------------|--------------|-------------------|--------------|-----------|
| ZONING DISTRICT | I RES. A | II RES. B | III RES. C | IV RES. D | V AG |
| A. LOT AREA, MINIMUM SIZE | | | | | |
| 1. Single Family Dwelling | 1 acre | 1 acre | 1 acre | 5 acres | 1 acre |
| 2. Single Family Dwelling in subdivision or site condominium | 25,000 SF | 16,000 SF | 16,000 SF | 5 acres | 25,000 SF |
| 3. More than 1 single family | | | | | |
| a. 2 units | | | 50,000 SF | | |
| b. 3 units | | | 56,000 SF | | |
| c. More than 3 units | | | Add 6,000 SF each | | |
| B. LOT AREA, MINIMUM ACRES | | | | | |
| 1. With non-commercial animals excluding poultry and household pets | 5 | 5 | 5 | 5 | 5 |
| 2. General Farming | | | | | |
| a. Not including animals | 5 | 5 | 5 | 5 | 5 |
| b. With commercial animals | 10 | 10 | 10 | 10 | 10 |
| C. LOT WIDTH, MINIMUM FEET ON A PUBLIC ROAD (OR PRIVATE ROAD LOCATED IN A CONDOMINIM PROJECT) | 110 | 110 | 110 | 250 | 110 |
| D. LOT WIDTH, MINIMUM FEET ON A CUL DE SAC, CURBE (MINIMUM 60 DEGREES) AND ODD SHAPED LOTS | 75 | 75 | 75 | 75 | 75 |
| E. LOT WIDTH, MINIMUM FEET AT THE BUILDING LINE | | | | | |
| 1. Single Family Dwelling | 110 | 110 | 110 | 250 | 110 |

| ZONING DISTRICT | | I RES. A | II RES. B | III RES. C | IV RES. D | V AG |
|-----------------|--|-------------|---------------|---------------|--------------|---------|
| | 2. More than 1 single family | | | | | |
| | a. 2 units | | 125 | | | |
| | b. 3 units | | 150 | | | |
| | c. More than 3 units | | Add 25 each | | | |
| F. | BUILDING LINE DEPTH, MAXIMUM FEET FROM FRONT LOT LINE TO MEET LOT WIDTH REQUIREMENT | 75 | 75 | 75 | N/A | 75 |
| G. | PRINCIPAL BUILDING HEIGHT, MAXIMUM FEET | 40 | 40 | 40 | 40 | 40 |
| H. | PRINCIPAL BUILDING AREA, MINIMUM SQUARE FEET | | | | | |
| | 1. Single Family Dwelling | 960 | 800 | 800 | 800 | 800 |
| | 2. More than 1 single family | | 800 each unit | | | |
| I. | PRINCIPAL BUILDING WIDTH, MINIMUM FEET | 24 | 24 | 14 | 24 | 14 |
| J. | PRINCIPAL BUILDING YARD REQUIREMENTS, MINIMUM FEET | | | | | |
| | 1. Front | 50 | 50 | 50 | 50 | 50 |
| | 2. Rear | | | | | |
| | a. Minimum | 25 | 25 | 25 | 25 | 25 |
| | b. If rear abuts a road | 50 | 50 | 50 | 50 | 50 |
| | 3. Side | | | | | |
| | a. Minimum | 15 | 15 | 15 | 15 | 15 |
| | b. The side on a corner lot which is adjacent to the road right of way | 50 | 50 | 50 | 50 | 50 |
| K. | TOTAL ACCESSORY BUILDING AREA, MAXIMUM PERCENTAGE OF LOT AREA | 3 | 2 | 2 | 5 | 5 |
| L. | ACCESSORY BUILDING YARD AREA, MAXIMUM PERCENTAGE OF LOT AREA | | | | | |
| | 1. Side | | | | | |
| ZONING DISTRICT | | I RES. A | II RES. B | III RES. C | IV RES. D | V AG |
| | a. Minimum | 15 | 15 | 15 | 15 | 15 |

| | | | | | | |
|-----------|--|---|-----|-----|-----|-----|
| | b. The side on a corner lot which is adjacent to the road right of way, including lots of 10 acres or more | 50 | 50 | 50 | 50 | 50 |
| | c. Where accessory building is permitted between front lot line and front building line of a principal building per sub-section 3 below. | 30 | 30 | 30 | 30 | 30 |
| | 2. Rear | 15 | 15 | 15 | 15 | 15 |
| | 3. Distance from front lot line | On parcels of less than 10 acres, behind front building line of principal building. On parcels of 10 acres or more, the lesser of 300 feet from front lot line or behind front building line of principal building. | | | | |
| M. | OTHER DIMENSIONS, MINIMUM FEET | | | | | |
| | 1. From dwelling to any building housing animals | 50 | 50 | 50 | 50 | 50 |
| | 2. From lot lines to any building housing animals | 100 | 100 | 100 | 100 | 100 |
| N. | OTHER DIMENSIONS, MAXIMUM SQUARE FEET | | | | | |
| | 1. Temporary structure for sale of produce grown on the premises | 100 | 100 | 100 | 100 | 100 |

End of Table 15.8.3

TABLE 15.8.4

| 4. | Table of Regulations for Professional Office and Service, Commercial "A" and "B", and Industrial "A" and "B" Zoning Districts | | | | |
|----|---|--|--|--|--|
|----|---|--|--|--|--|

| ZONING DISTRICT | | VI PO&S | VII COM. A | VIII COM. B | IX IND. A | X IND. B |
|-----------------|--|------------|---------------|----------------|--------------|-------------|
| A. | LOT AREA, MINIMUM SIZE | 16,000 SF | 16,000 SF | 16,000 SF | 16,000 SF | 1 Acre |
| B. | LOT WIDTH, MINIMUM FEET ON A PUBLIC ROAD (OR PRIVATE ROAD LOCATED IN A CONDOMINIM PROJECT) | 75 | 75 | 75 | 75 | 75 |
| C. | PRINCIPAL BUILDING HEIGHT, MAXIMUM FEET | 40 | 40 | 40 | 40 | 40 |
| D. | PRINCIPAL BUILDING MAXIMUM SQUARE FEET | 7200 | N/A | N/A | N/A | N/A |
| E. | PRINCIPAL BUILDING YARD REQUIREMENTS, MINIMUM FEET | | | | | |
| | 1. Front | 50 | 50 | 50 | 50 | 50 |
| | 2. Rear | | | | | |
| | a. Minimum | 25 | 15 | 15 | 15 | 15 |
| | b. If rear abuts a residential or agricultural zone | 50 | 50 | 50 | 50 | 50 |
| | c. If rear abuts a road | 50 | 50 | 50 | 50 | 50 |
| F. | ACCESSORY BUILDING AREA, MAXIMUM PERCENTAGE OF LOT | N/A | 35 | 35 | 35 | 35 |
| G. | OTHER DIMENSIONS, MINIMUM FEET | | | | | |
| | 1. Screening required for outdoor storage | N/A | N/A | 6 | 6 | 6 |
| | 2. Rear fire lanes | N/A | N/A | 15 | 15 | 15 |
| | 3. Screening if abuts a residence | N/A | N/A | 8 | 8 | 8 |
| H. | OTHER DIMENSIONS, MAXIMUM PERCENT OF MAIN BUILDING AREA | | | | | |
| | 1. Outdoor storage percentage | 0 | 0 | 25 | 25 | N/A |

ZONING DISTRICT

| | | VI | VII | VIII | IX | X |
|-----------|--|-------------------------------------|---------------|---------------|---------------|---------------|
| | | PO&S | COM. A | COM. B | IND. A | IND. B |
| I. | ACCESSORY BUILDING YARD REGULATIONS, MINIMUM FEET | | | | | |
| | 1. Side | N/A | 0 | 0 | 0 | 0 |
| | 2. Rear | N/A | 15 | 15 | 15 | 15 |
| | 3. Distance from lot front | Behind the main building front line | | | | |

End of table 15.8.4