DRAFT

ORDINANCE NO. _____
WEBBER TOWNSHIP ZONING ORDINANCE
THE TOWNSHIP BOARD OF WEBBER TOWNSHIP ORDAINS:

An Ordinance to establish Zoning Districts and provisions governing the unincorporated portions of Webber Township, Lake County, Michigan, in accordance with the provisions of the Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended; to define certain terms used herein; to prescribe the powers and duties of certain officials; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to amend the former Zoning Ordinance in its entirety; to provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance.

ARTICLE I - INTENT AND PURPOSE

Section 1.01 Short Title

This Ordinance shall be known as the "Webber Township Zoning Ordinance" and will be referred hereinafter as "this Ordinance."

Section 1.02 Intent and Purpose

A. This Ordinance is adopted for the following purposes:

1. To promote the public health, safety, and general welfare.
2. To implement the goals, objectives and future land use recommendations of the Webber Township Master Plan and to regulate the intensity of land use in a manner compatible with said plans;
3. To provide adequate natural light, air, and safety and to protect the public health;
4. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
5. To lessen or avoid congestion in the public streets and highways;
6. To conserve the value of land and buildings throughout the Township;
7. To preserve and enhance aesthetic values throughout the Township;
8. To facilitate orderly growth;
9. To protect lands best suited for the pursuit of agriculture from the encroachment of development;
10. To provide for the needs of recreation, residence, commerce, and industry in future growth;
11. To protect land, woodlands, rivers, streams and underground deposits of mineral resources;
12. To regulate the completion, restoration, reconstruction, and extension of nonconforming uses;
13. To create a Zoning Board of Appeals and to define the powers and duties thereof;
14. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
15. To provide for the payment of fees for permits and escrow accounts to support the expense of administration and proper review of applications for permits;
16. To provide penalties for the violation of this Ordinance;
17. To provide safety in traffic and vehicular parking;
18. To accomplish any other purposes contained in Public Act 110 of 2006, as amended.

ARTICLE II - DEFINITIONS

Section 2.01 Construction of Language

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows, unless the context clearly indicates to the contrary:

A. Words used in the present tense include the future tense;

B. Words used in the singular number include the plural; and words used in the plural number include the singular;

C. The word "herein" means this Ordinance;

D. The words "regulation," "standard," and "requirement" mean the regulations of this Ordinance;

E. The words "this Ordinance" shall mean the ordinance illustrations, text, tables, maps and schedules included herein, as enacted or subsequently amended;

F. The term "shall" is always mandatory;

G. Lists of examples prefaced by "including the following," "such as," or other similar preface shall not be construed as exclusive;

H. The term "building," "structure," "premises" or any similar term, shall be interpreted to include any part of the building, structure, premises or other similar term unless otherwise stated;

I. The word "person" includes a firm, association, organization, partnership, trust, company, corporation or limited liability company as well as an individual;

J. The words "used" or "occupied" include intended, designed or arranged to be used or occupied; and,

K. The word "his" includes "her," and vice versa.

Section 2.02 "A"

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building: A building which is clearly subordinate to the principal building, located on the same parcel as the principal building, and is occupied by or devoted exclusively to an accessory use.

Accessory Structure: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: gazebos, swimming pools, loading docks, radio and television antennas, or any part thereof; but shall not include elements related to septic systems.

Accessory, or Accessory Use: A use which is clearly incidental to, customarily found in connection with, and located on the same property as the principal use to which it is related. When "accessory" is used in this Ordinance, it shall have the same meaning as accessory use.

Adult Business: a business or commercial enterprise that conducts or engages in any of the activities defined below:

A. Adult Arcade: any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically controlled or mechanically controlled still picture or motion picture machines, projectors, image-producing or image projecting devices are maintained to show images to five or fewer persons per machine or device at any time, and where the images so projected,

produced or displayed are distinguished or characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore or Adult Video Store:** a commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or,
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs 1 or 2, above, and still be categorized as an Adult Bookstore or Adult Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it compromises 20% or more of the establishment's gross revenues, or of such materials occupy 20% or more of the floor area or visible inventory within the establishment.

C. **Adult Cabaret:** a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities;
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **Adult Motel:** a hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right-of-way that advertised the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than (12) twelve hours; or
3. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than (12) twelve hours.

E. **Adult Motion Picture Theater**: a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction of Specified Sexual Activities or Specified Anatomical Areas.

F. **Adult Theater**: a theater, concert hall auditorium, or similar commercial establishment that regularly features a person or persons who appears in a state of nudity, or that regularly features live performances that are characterized by exposure of Specified Anatomical Areas or Specified Sexual Activities.

G. Escort: a person who, for consideration agrees or offers to act as a companion, guide, or date of another person or who agrees or offers to privately model lingerie or privately perform a striptease for another person.

H. Escort Agency: a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes or services, for a fee, tip, or other consideration.

I. Nude Model Studio: any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who pay money or any other form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.

J. Sexual Encounter Center: a business or commercial enterprise that, as one of its business purposes or services, offers for any form of consideration any of the following:

1. Any physical contact in the form of wrestling or tumbling between persons of the opposite sex or the same sex; or
2. Activities between male and female persons or between persons of the same sex, when one or more of the persons is in a state of nudity.

Adult Foster Care Facility: A home for a facility that provides foster care to adults of those 18 years of age or older or those 18 years or older placed into a licensed facility for foster care that includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include the following: a nursing home, a home for the aged, a hospital, a hospital for the mentally ill, a county infirmary, a child caring institution, an alcohol or substance use disorder rehabilitation center, or any other facility or residence per Sec. 3 subpart (4) of the Adult Foster Care Licensing Act (Act 218 of 1979, as amended).

Adult Foster Care Home, Family: A private residence with the approved capacity of at least three but not more than six adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence per the Adult Foster Care Licensing Act (Act 218 of 1979, as amended).

Adult Foster Care Home, Small Group: An adult foster care facility with an approved capacity to receive at least three but not more than 12 adults to be provided with foster care per the Adult Foster Care Licensing Act (Act 218 of 1979, as amended).

Adult Foster Care Home, Large Group: An adult foster care facility with an approved capacity of at least 13 but no more than 20 adults to be provided with foster care per the Adult Foster Care Licensing Act (Act 218 of 1979, as amended).

Adult Foster Care Congregate Facility: An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care per the Adult Foster Care Licensing Act (Act 218 of 1979, as amended).

Adult Daycare Facility: A facility in which one or more adults are given care and supervision for periods of less than 24 hours per day.

Ambulance Service: A facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

Animal: The following definitions shall apply to distinguish different categories of animals as they apply to land use:

Animal, Domestic: A domestic animal is one whose breeding, shelter, and nourishment have been controlled, supervised, and provided by humans over the course of generations. The following characteristics distinguish domestic animals from other animals:

A. Domestic animals have been specifically bred for characteristics that make them compatible with people.

B. Most domestic animals started out as social animals (usually living in social groups) where the herd social organization tends to provide the correct basic characteristics that are selected for compatibility with people.

C. Because they have lived in close contact with people for thousands of years, the care requirements of domestic animals in captivity is documented and well known.

D. Because they have lived in close contact with humans for thousands of years, the risks which the animals pose to their keepers is documented and well known.

E. There is an established infrastructure available to care for domestic animals (training and care procedures, ample supply of food and medical products customized for the diet and health of domestic animals, and a well-trained and accessible corps of veterinary professionals).

Domestic animals shall be classified by the following specific categories:

Container Animals. Domestic animals (such as fish, turtles, frogs, toads, guinea pigs, gerbils, birds, and the like) normally and customarily kept at all times within a container providing the appropriate habitat.

Household Animals. Any domestic animal normally and customarily allowed within, and generally allowed to run freely throughout, the same dwelling unit as the human occupants for pleasure and companionship such as dogs, cats, ferrets, and rabbits.

Non-Household Animal.

1. Any domestic animal, generally and customarily kept outdoors, other than those defined as household animals or container animals; such as horses; and
2. Any domestic animal generally and customarily kept outdoors for the purpose of creating food for human consumption and/or other products used by humans, but which may from time to time also be raised and maintained as pets, such as poultry, cattle, hogs, sheep, goats and the like.

Animal Hospital: An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their stay.

Animal Related Facility: A commercial use involving the care, grooming, training, breeding, boarding, treatment, or temporary housing of animals, including but not limited to animal hospitals, shelters, and veterinary clinics.

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

Art Studio: A work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft, such as a photo gallery, dance studio or similar facility.

Automobile Oriented Uses: Commercial uses that are designed to accommodate, serve, or are primarily accessed by motor vehicles, and where the movement, storage, sale, rental, fueling, servicing, or repair of automobiles is a principal component of the operation. Such uses typically include features such as drive-through facilities, outdoor storage of vehicles, multiple curb cuts, or site layouts that prioritize vehicular circulation over pedestrian access. Automobile-oriented uses include but are not limited to ambulance services, gas stations, vehicle and equipment sales, rental establishments, car washes, repair and service facilities, and drive-through restaurants.

Section 2.03 "B"

Bakery / Coffee Shop: An informal restaurant primarily offering bakery items, desserts, coffee, tea and other beverages, and where limited menu meals may also be sold.

Bed and Breakfast: A private residence at which overnight accommodations and a morning meal are provided to transients for compensation, for periods no longer than seven (7) days.

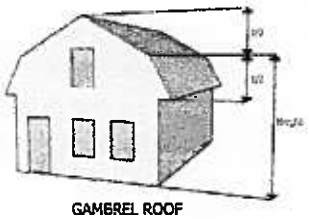
Berm: A raised form of earth to provide screening or to improve aesthetic character.

Billboard: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

Building: Any enclosed structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Height: The vertical distance measured from the median grade to the highest point of the roof's surface for flat roofs or A-frame roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building Height

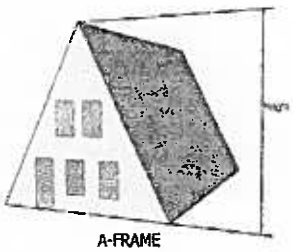

GAMBREL ROOF

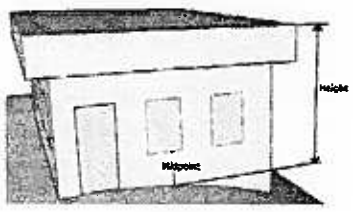
HIP ROOF

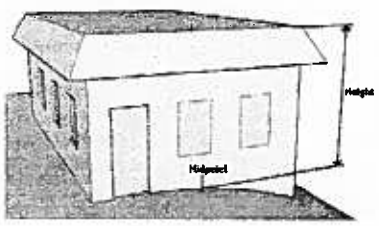
Section 2.04 "C"

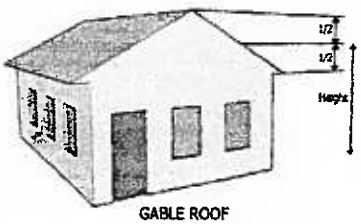
Campground: Any parcel or tract of land under the control of any person, organization or governmental entity, wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites generally for recreational purposes through use of tents or recreational vehicles.

Car Wash: An establishment utilizing mechanical facilities for the washing, drying or waxing of private automobiles, light trucks and vans, but not commercial fleets, and which may be an accessory use to a gas station.


A-FRAME


FLAT ROOF


MANSARD ROOF


GABLE ROOF

Catering and Banquet Facility: A service or facility providing meals or refreshments for public or private entertainment for a fee, and which may include a banquet facility as a primary element of the use, which is an establishment which is rented by individuals or groups to accommodate private functions but not open to the general public.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

Church: A place of assembly owned or maintained by an organized religious organization for the purpose of regular gatherings for worship services. The term church includes mosques, synagogues, temples, shrines, meetinghouses and pagodas, and which may include accessory private schools, administration offices, child care for members and visitors and other services for members incidental to the primary religious use.

Commercial Medical Marihuana Facility (or Facility): The term may include any of the following: *(amended 7-11-19)*

1. Grower Facility, as that term is defined in the Medical Marihuana Facilities Licensing Act (MMFLA) and authorized by the Webber Township Medical Marihuana Ordinance (Ordinance No 2018-01-11).
2. Processor Facility, as that term is defined in the MMFLA and authorized by Ordinance 2018-01-11.
3. Safety Compliance Facility, as that term is defined in the MMFLA and authorized by Ordinance 2018-01-11.
4. Secure Transporter Facility, as that term is defined in the MMFLA and authorized by Ordinance 2018-01-11.
5. Provisioning Center, as that term defined in the MMFLA and authorized by Ordinance No. 2018-01-11.

Commercial Recreational (Adult Use) Marihuana Facility (or Facility): The term may include any of the following: *(amended 7-6-20)*

A. Grower Facility, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

B. Excess Grower, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09)), as may be amended.

C. Processor Facility, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

D. Retailer, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

E. Provisioning Center, as that term is defined in the MMFLA and authorized by Ordinance No. 2018-01-11. (amended

F. Marihuana Event Organizer, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

G. Temporary Marihuana Event, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

H. Designated Consumption Establishment, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020- 07-09), as may be amended

I. Safety Compliance Facility, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

J. Secure Transporter Facility as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as may be amended.

K. Microbusiness, as that term is defined in the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as amended and authorized by the Webber Township Recreational (Adult Use) Marihuana Ordinance (Ordinance No 2020-07-09), as maybe amended.

Commercial Stable: Any parcel or tract of land on which equines are kept for sale or rent, or kept and offered to the public to ride for a fee. Breeding, boarding, or training of equines may also be conducted.

Commercial Vehicle and Equipment Sales: A retail business where the principal use is the marketing of new or used large commercial vehicles and various equipment, including farm implements, tractors, semi trucks, and moving vans, whether by sale, rent, lease or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as repair and service, a car wash, parts storage areas and financial service areas.

Community Center: A building used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages nor meals are normally dispensed or consumed.

Contractor's Facility: A facility or site and associated buildings used primarily for the office operations and the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft, and including incidental sales of materials.

Correctional Facility: A publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Section 2.05 "D"

Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center does not include any of the following:

A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.

B. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

Day Care, Family Home (6 clients): A private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group Home (7-12 clients): A private home in which between seven (7) and twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Distribution / Packaging Center: A building or area in which freight brought by motor truck is assembled and/or stored for future shipment.

Drive-Through Facility: A commercial establishment or part thereof whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

Drug Store / Pharmacy: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Dwelling or Dwelling Unit: Rooms connected together constituting a separate, independent housekeeping establishment for one (1) family occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

Dwelling, Accessory: A secondary dwelling unit intended and used for limited or seasonal occupancy established in conjunction with and clearly subordinate to a single-family dwelling located on the same parcel.

Dwelling, Multiple-Family: A structure containing three (3) or more dwelling units designed for residential use.

Dwelling, Single-Family: A structure containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Two-Family: A structure containing two (2) separate dwelling units designed for residential use.

Section 2.06 "E"

Educational Facility: An institution providing full time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state.

Electronic Message Board: A sign or portion of a sign on which copy changes automatically through the use of lamp banks, LEDs, or other electrically illuminated display, or through mechanical means.

Electronics Sales and Repair: An establishment primarily engaged in the sale and repair of radios, televisions, appliances and other electronics.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including

mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

Section 2.07 "F"

Family: One or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house, hotel or similar use.

Farm: As defined by the Right to Farm Act, P.A. 93 of 1981, as amended.

Fence: A manmade enclosure or barrier constructed of wood, masonry, stone, wire, metal, or other material or combination of materials erected to enclose, screen, or separate areas.

Financial Institution: Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

Floodplain: That area mapped by the National Flood Insurance Program having a flood elevation that has a one (1) percent chance of being equaled or exceeded each year, and as determined by the Federal Emergency Management Agency.

Funeral Home and Mortuary: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, and which may include cremation activities.

Floor Area, Usable (for the purpose of computing parking space): That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee work space.

Section 2.08 "G"

Garage Sale: The sale or offering for sale to the general public of over five items of personal property from a residence on any portion of a lot in a residential zoning district, whether within or outside any building.

Gas Station: Any building or land area used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include a motor vehicle repair and service establishment or a car wash as an accessory use, and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Grade: The average level of finished surface of the ground adjacent to the exterior walls of the building.

Grocery Store: A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Section 2.09 "H"

Hardware Store: A retail establishment primarily engaged in the sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery.

Home Occupation: An activity carried out for gain by a resident and conducted as a customary, secondary, incidental, and accessory use in the resident's dwelling, but not a hobby. Without limiting the foregoing,

any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.

Home Occupation, Major: A home occupation as defined herein that may be apparent to neighbors by virtue of activities on site, signage, outdoor storage or modifications to structures or grounds.

Home Occupation, Minor: Home occupation, minor means a home occupation as defined herein that, under normal circumstance, is not apparent to neighbors.

Hospital: A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

Hotel / Motel: A commercial establishment providing transient sleeping accommodations to the public for a fee, and which may also offer such additional services or facilities such as meals or restaurant service, meeting rooms, and recreational facilities.

Section 2.10 "I"

Institutional Uses: Public or quasi-public uses, and certain private nonprofit uses, that provide educational, religious, governmental, cultural, or community services to the general public, including but not limited to libraries, museums, government offices and buildings, and religious institutions.

Section 2.11 "J"

Junk: Worn-out, cast-off, or discarded articles or materials that have been collected or stored for salvage, destruction, or conversion to some use, but not including articles or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

Junk Yard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Section 2.12 "K"

Kennel: Any lot or premise on which three (3) or more domesticated animals are either permanently or temporarily boarded or trained for remuneration.

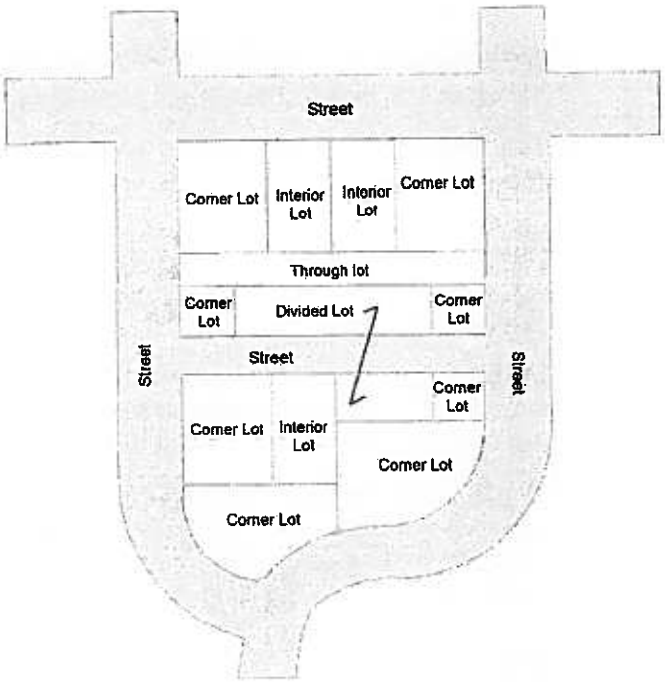
Section 2.13 "L"

Laundromat: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents.

Library: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Live/Work Unit: A structure, or part of a structure, used both as a residence and for any nonresidential use permitted in the zoning district in which the unit is located.

Lot Types



Lot: For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, access and area, and to provide such yards and other open spaces as are herein required. The word lot includes the words plot and parcel.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than 135 degrees.

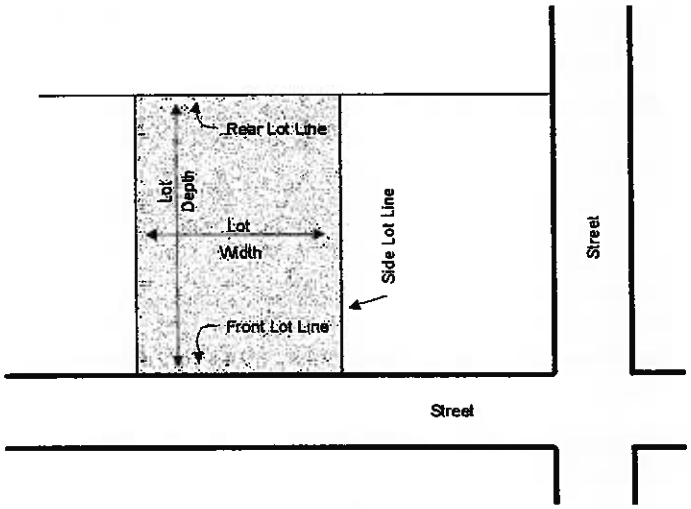
Lot Coverage: That portion of a lot, expressed as a percentage, occupied by buildings, structures, and parking and loading areas.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Divided: A lot that is bisected by a street or private street.

Lot Frontage or Frontage: The distance for which the front boundary line of the lot and the street line are coincident. In the case of a metes and bounds parcel, frontage is measured along that part of the lot abutting a street.

Lot Elements



Lot, Interior: A lot other than a corner lot with only one frontage on a street.

Lot, Lake Front: A lot with a front lot line which is coincident with the high water mark of a named lake.

Lot Lines: The lines bounding a lot as defined herein:

A. Front Lot Line: In the case of an interior lot, is that line separating the lot from the street right of way. In the case of a through lot, is that line separating the lot from either street right of way. In the case of a corner lot, the shorter street line shall be considered the front lot line; except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. However, once declared, the designated front lot line shall remain as such. *(amended 07.20.2022).*

B. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

C. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Lake County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Through: A lot that fronts upon two (2) more or less parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the minimum front setback line intersects the side lot lines.

Section 2.14 "M"

Machine Shop: Establishments primarily engaged in the provision of repair and machining services to individuals or other businesses, including facilities where lathes, presses, grinders, shapers, and other wood and metal-working machines are used.

Manufactured Dwelling: A dwelling which is transportable in one (1) or more sections, that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder.

Manufactured Housing Community: A use which is a parcel of land under the control of a person upon which three or more manufactured dwellings are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Manufacturing, Heavy: A manufacturing use, as defined herein, that may involve any of the following: the storage of large volumes of highly flammable, toxic matter; outdoor operations as a part of the manufacturing process; the potential to produce noise, dust, glare, odors or vibration beyond the lot line; stonework or concrete product manufacturing; metal fabrication; and similar activities.

Manufacturing, Processing, or Assembly: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions. Wholesaling and slaughtering facilities are also included in this definition.

Marhiuana. This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

Medical Use Of Marihuana. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

Meat Processing Facility: A building where animals are processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed.

Medical Clinic: A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care and emergency medical services, which might include minor surgical care, that generally require a stay less than 24 hours.

Medical Office: An office in which medical, dental, chiropractic, psychiatric, health and related providers maintain offices and provide services to patients on an outpatient basis.

Medical Uses: Facilities or establishments engaged in the provision of medical, dental, mental health, or related health care services to individuals on an outpatient or inpatient basis. Such uses may include but are not limited to physician and dental offices, urgent care centers, clinics, offices, diagnostic laboratories, physical therapy facilities, pharmacies, and hospitals.

Mining Operation: The removal, loading, processing and/or transporting of topsoil, sand, gravel, or other such minerals on, to, or from a lot, tract or parcel, in excess of 1,000 cubic yards per year, and including the incidental maintenance of machinery or equipment used in connection with such mining operation. Minor alterations of the grade elevation by cutting or filling earth for noncommercial purposes, such as preparing a plot for construction, shall not constitute a mining operation.

Mixed Use Development: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

Motor Vehicle Repair and Service: The use of a site for the repair of automobiles and noncommercial trucks weighing less than 7,000 pounds, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This use includes muffler shops, auto repair shops, oil change and similar general service establishments, tire sales and installation, wheel and brake shops, fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Motor Vehicle Repair, Major: The use of a site for the repair and servicing of large commercial vehicles weighing 7,000 pounds or more, as well as the rebuilding of vehicles, reconditioning of engines or vehicles, collision service including body repair and frame straightening, painting or upholstering of passenger vehicles.

Motor Vehicle Sales: A retail business typically characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as motor vehicle repair and service, a car wash, parts storage areas, and financial service areas.

Museum: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of related goods to the public.

Section 2.15 "N"

Nursery and Greenhouse: A space, building or structure, or combination thereof, for the cultivation and storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping, but generally not including the sale of fruit or vegetables.

Nursing Home: A home licensed by the State for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Section 2.16 "O"

Outdoor Business: Commercial uses in which a substantial portion of the operation is conducted outdoors, including the display, storage, sale, or processing of goods, materials, or equipment outside of enclosed buildings. Such uses may include but are not limited to garden centers, plant nurseries, and material storage yards.

Section 2.17 "P"

Park: A noncommercial, not-for-profit facility designed to serve the recreation needs of the community, designed primarily as an outdoor, open space for passive or active use. An improved park typically includes ancillary constructed or installed facilities, such as playground equipment, restrooms or picnic shelters, while an unimproved park may include interpretive programs and trail systems that take advantage of geological, biological or scenic resources. A park does not include an indoor or outdoor recreation establishment.

Parking Space: An off-street space available for the parking of one motor vehicle conforming to the typical parking lot standards.

Personal Service Establishment: An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel.

Pet Grooming Establishment: Any place or establishment where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Primary Caregiver: A person as defined under MCL 333.7106(g) of the Michigan Medical Marihuana Act, and who has been issued and possesses a valid Registry Identification Card under the Act.

Primary Caregiver Home Occupation: An activity in which a primary caregiver assists qualified patients with the medical use of marihuana as a home occupation.

Principal Building: A building in which is conducted the principal use of the lot on which it is located.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Printing Establishment: An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Private Club or Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, or similar activities, but not operated for profit and open only to members, not the general public.

Private Wind Energy Facility: A wind energy conversion system which has a rated capacity of not more than 100kW/1MW and which is intended primarily to reduce on-site consumption of utility power. A wind energy conversion system shall mean any of the following: a mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft; a surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power; a shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity

producing device; the generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and, the tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Professional Office or Services: A place, such as a building, room, or suite, in which services, clerical work, professional duties, or the like are carried out.

Section 2.18 "Q"

Qualifying Patient or Patient: Qualifying patient or patient means a person as defined under MCL 333.7106(h) of the Michigan Medical Marihuana Act, and who has been issued and possesses a valid Registry Identification Card under the Act.

Section 2.19 "R"

Recreation Facility, Indoor: Any establishment whose main purpose is to provide the general public with an amusing, healthful or entertaining recreational activity indoors and where entrance or participation is subject to a fee, including without limitation, skating rinks, billiard halls, fitness centers, bowling alleys, and arcades.

Recreation Facility, Outdoor: A premises offering participant activity in an open-air setting for a fee, including uses such as driving ranges, miniature golf, swimming pools, competitive sports fields, paintball, golf courses, and similar uses.

Recreation Vehicle: A portable structure or device, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, built or modified to provide temporary living quarters or for recreational camping or travel use. A recreational vehicle includes the following:

Travel Trailer: a portable vehicle on a towing chassis which is designed to be used as a temporary dwelling during travel, recreational and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electric facilities. On an industry-wide basis, this type of recreational vehicle is classified as a nonmotorized recreational vehicle.

Pickup Camper: a structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a nonmotorized recreational vehicle.

Motor Home: a recreational vehicle intended for temporary human habitation, sleeping and/or eating, mounted on a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class C recreational vehicle. A Class A or bus-type recreational vehicle has the luggage compartment below the living quarter. A Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

Van/Camper: a motorized recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicle includes conversion vans and camper vans that may contain water, sewer and electrical facilities. This class closely resemble passenger vans, but some models maybe taller to allow for extra headroom. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

Recycling Facility, Small. A facility, less than 5,000 square feet in area, that is not a junk yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production. Those materials considered recyclable include metals, glass, plastic, paper, concrete and organic material which is intended for reuse, remanufacture or reconstitution.

Religious Institution: Buildings used primarily for religious worship, assembly, and related activities, and operated by a recognized religious organization.

Resort: A building or group of buildings containing lodging accommodations, with a large portion of the site devoted to recreational activities, such as tennis, horseback riding, swimming, and golf, and which may furnish services customarily furnished at a hotel, including a restaurant and convention space primarily intended to serve users of the resort.

Restaurant: A retail establishment selling food and drink primarily for consumption on the premises, and including establishments selling prepared foods and drinks for immediate on-site consumption or for take-out.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Roadside Stand: An accessory structure for the seasonal display and sale of agricultural products grown on the site, with no space for customers within the structure itself.

Rustic Sportsman's Cabin (RSC): A small permanent cabin used for intermittent or temporary occupancy by nonpaying guests and used primarily as a base for hunting, fishing, and outdoor recreation.

Section 2.20 "S"

Self-Storage Facility: A building or grouping of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.

Septic Sales and Service: An establishment primarily engaged in the retail sale of septic tanks and related items and in the servicing of septic systems.

Setback: The distance necessary to obtain minimum required front, side or rear yard open space provisions of this Ordinance.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention or make a statement with respect to an object, person, institution, organization, business, product, establishment, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following specific sign types:

> Electronic Message Board: A sign or portion thereof with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
>
> Sign, Construction: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
>
> Sign, Freestanding: Any sign, as defined herein, which is permanently mounted to one or more poles, a monument or other structure separated from a building.

Sign, Legal Nonconforming: A sign that was lawfully erected prior to the effective date of this Ordinance and does not comply with the requirements herein.

Sign, Marquee: A sign that is either attached to, affixed to, or painted on a marquee, awning or canopy

Sign, Political: A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable: A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other mobile structure with or without wheels.

Sign, Projecting: A building mounted sign that is wholly of partly dependent upon a building for support and that projects more than twelve (12) inches from such building.

Sign, Roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Temporary: A sign designed for use for a limited period of time to announce special events or sales.

Sign, Wall: A building mounted sign fastened to or painted on the wall of a building or structure or to an awning or marquee, in such a manner that the building or its structural elements will become the supporting structure, or forms the background surface of the sign.

Sign, Yard: A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.

Sign Area: The entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Framed and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign Height: The measurement of the vertical dimension from the grade at the sign base or foundation to the highest point of any component of the sign.

Sign Manufacturer: An establishment primarily engaged in the manufacture of signs and which may include incidental sales of signs.

Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts.

Special Land Use: A Special Land Use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, and character, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted upon the issuance of a Special Land Use Permit by the Planning Commission in such zoning district as permitted, if specific provision for such Special Land Use is made in this Ordinance.

Specified Anatomical Areas are defined as:

A. Less than completely opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below a point immediately above the top of the areola; or,

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities means and includes any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast;

B. Sex acts, normal or perverted, actual or simulated including but not limited to intercourse, oral copulation, or sodomy;

C. Masturbation, actual or simulated; or,

D. Excretory functions as part of or in connection with any of the activities set forth in paragraph A, B or C above.

Street: A thoroughfare for vehicular traffic, including all area within the right-of-way, which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except a private driveway.

Structure: Anything constructed or erected on site, including a mobile home structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind, including buildings, walls, fences, billboards, poster panels and swimming pools.

Section 2.21 "T"

Tavern / Bar: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may also be available for consumption on the premises.

Taxidermy Shop: An establishment engaged in the business of preparing, stuffing, and mounting the skins of animals.

Tourism or Recreational Uses: Uses that provide opportunities for leisure, entertainment, lodging, or visitor-oriented activities, and that may attract residents and non-residents. Such uses may include but are not limited to hotels and motels, bed and breakfasts, campgrounds, short-term rentals, amusement facilities, parks, sports and recreational facilities, and event venues.

Section 2.22 "U"

Reserved.

Section 2.23 "V"

Variance: An action by the Zoning Board of Appeals to modify the requirements of this Ordinance as authorized in Section 17.08(C) of this Ordinance.

Section 2.24 "W"

Warehouse: A building used primarily for the storage of goods and materials.

Well Drilling and Service: An establishment primarily engaged in the installation of water supply systems and in the servicing of such systems.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation

typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wholesale Facility, Major: A wholesale facility, as defined herein, which is engaged in the wholesaling of lumber, chemicals, fertilizers, soil conditioners, and other potentially hazardous materials.

Section 2.25 "X"

Reserved.

Section 2.26 "Y"

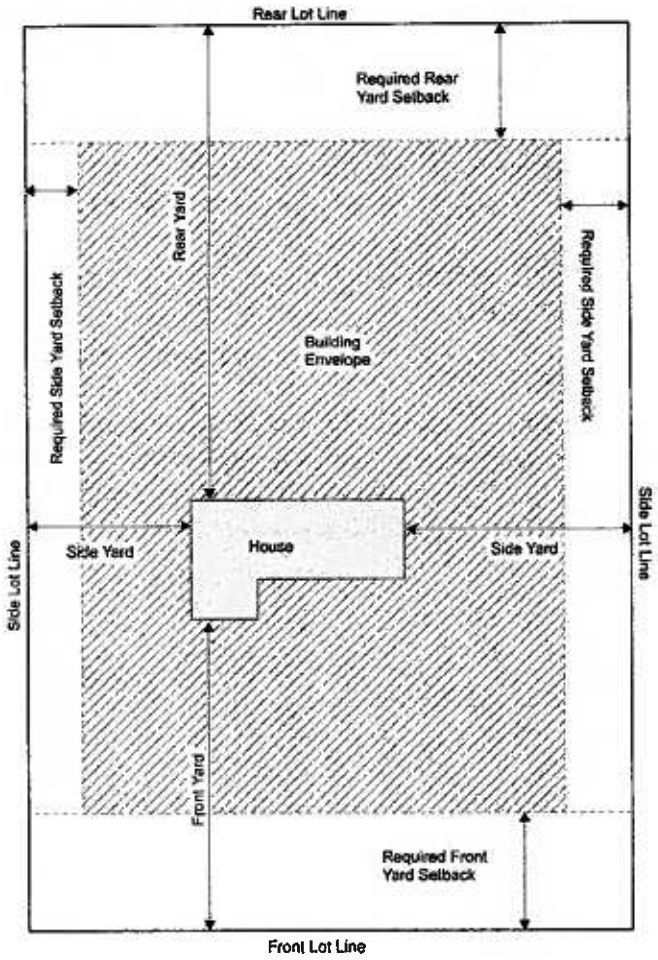
Yards: The open spaces that lie between the principal building or buildings and the nearest lot line or street right of way. The minimum required yard as set forth in this Zoning Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Ordinance. *(amended 07.20.2022)*

Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite either street frontage.

Side Yard: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Yards and Setbacks



Section 2.27 "Z"

Zoning Administrator: A person designated by the Township Board to administer the Webber Township Zoning Ordinance.

ARTICLE III - GENERAL PROVISIONS

Section 3.01 Purpose and Scope

It is the purpose of this Article to set forth regulations that may apply generally in all Zoning Districts to all permitted uses and special land uses and to provide detail on how the standards of this Ordinance will be applied. The use of all land and structures and the construction, reconstruction, alteration, improvement, repair and moving of all structures within Webber Township shall conform with all applicable provisions of this Ordinance unless the nonconformance is a matter of record on the effective date of this Ordinance.

Section 3.02 Accessory Buildings and Uses

A. Accessory buildings shall meet the minimum required setbacks and the maximum permitted height for the respective zoning district. Accessory buildings shall be included in lot coverage calculations.

B. When an activity or use is conducted in conjunction with another principal use and the former use; (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. Uses may be considered accessory to the principal use regardless of whether the accessory use is separately identified in this Ordinance as a permitted or special use. For purposes of interpreting accessory uses:

1. A use may be regarded as incidental or insubstantial if the viability of the principal use is not dependent in any significant way on the accessory use.
2. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, that are significantly greater than or more burdensome than such impacts from the principal use on the property.

Section 3.03 One Use on a Lot

A. Each parcel in the Township shall be limited to not more than one principal use; provided that multi-tenant or multiple-occupant commercial, office, industrial or mixed-use developments, or multiple-family complexes, including developments consisting of more than one building, as otherwise permitted, may be regarded as single uses if approved pursuant to the standards of this Ordinance.

B. Every single-family, two-family and multiple-family dwelling shall be located upon a lot of record, being a premises or parcel of real estate, the description of the boundaries of which is on record at the office of the Register of Deeds of Lake County, Michigan. No more than one single-family or two-family dwelling structure shall be erected on a lot of record.

C. Not more than one principal building shall be placed on a lot, unless such lot is used for multiple-family, agricultural, commercial or industrial purposes and unless such use complies with applicable provisions of this Ordinance.

Section 3.04 Frontage on Public or Private Street

Except as might otherwise be provided for in this Ordinance, every building hereafter erected, moved or relocated shall be on a lot adjacent to a recorded public or private street. Every parcel shall have a minimum lot frontage of 33 feet.

Section 3.05 Lot Width

The minimum required lot widths in all districts shall not be diminished throughout a given lot, beginning from the front lot line and extending to 200 feet of depth of the lot.

Section 3.06 Exceptions to Height Regulations

The height limitations of this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, silos, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 3.07 Double Frontage Yards

Through lots and corner lots shall comply with front yard requirements on both streets. In the case of through lots, where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute a yard requirement that shall not exceed the average of the yards on adjacent lots.

Section 3.08 Reserved

Amended 07.20.2022

Section 3.09 Maximum Lot Width to Depth Ratio

In all zoning districts, no lot shall feature a length or depth which exceeds five (5) times the width of such lot or parcel of land, as measured at the front setback line.

Section 3.10 Temporary Dwelling Structures

A. No building, garage, cellar, basement or other structure which does not conform to the provisions of this Ordinance relative to permanent dwellings shall be erected, altered or moved upon any premises and used for dwelling purposes except under the following limitations:

1. Except as hereinafter provided, temporary use of a building, garage, cellar, recreational vehicle, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period which a permanent dwelling conforming to the provisions of this Ordinance is in process of erection and completion; provided, however, such period shall not exceed 12 consecutive months beginning with the date of issuance of the permit pursuant to paragraphs hereof.
2. Use of any building, garage, basement or other structure for temporary occupancy shall not be adverse to health, safety or the public welfare.
3. The location of each such building, garage, cellar, recreational vehicle, basement or other structure shall conform to the regulations governing the yard requirements for dwellings, or other applicable structures in the district in which it is situated.
4. Application for the erection, movement, alteration and use of such building, garage, basement, recreational vehicle, or other structure intended for temporary occupancy shall be made to the Township Zoning Administrator on an appropriate form. Upon a finding of compliance with

the provisions of this Section, the Zoning Administrator shall issue a temporary dwelling permit. The applicant shall be required to demonstrate to the Township Zoning Administrator the feasibility of discontinuing the temporary dwelling within the maximum 12-month duration.

Section 3.11 Requirements for Dwellings

Single-family, two-family and multiple-family dwellings shall comply with the following standards:

A. Dwellings shall be a minimum of 576 square feet in floor area for one-story buildings and 600 square feet on the main level of buildings containing more than one level. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas in multiple-family buildings, and accessory structures.

B. Unless otherwise provided, dwellings shall have a minimum width across any front, side, or rear elevation of 16 feet and shall comply in all respects with the applicable building code in effect in Webber Township including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standard or regulation shall apply.

C. Dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission, and shall have a perimeter wall as required above.

D. In the event that a dwelling is a manufactured dwelling as defined herein, the manufactured dwelling shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism under carriage or chassis. Skirting that is aesthetically compatible with the structure shall be placed and maintained around all manufactured dwellings.

E. Dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.

F. Dwellings shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

G. Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps or ramping, as required connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the

same. In addition, the pitch of the main roof of the dwelling unit shall not be less than 3 feet of rise for each 12 feet of horizontal run.

H. Dwellings shall not contain additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

I. Dwellings shall comply with all pertinent building and fire codes. In the case of a manufactured dwelling, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall comply with all County and state regulations.

J. The foregoing standards shall not apply to a manufactured dwelling located in a licensed manufactured housing community except to the extent required by state or federal law or otherwise specifically required by Township ordinance pertaining to such use.

K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

Section 3.12 Performance Standards

A. All activities or operations or uses of land, buildings, or equipment shall comply with the following standard:

1. Machinery shall be operated to prevent transmission of ground vibration perceptible at a residential lot line. Vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities on adjoining land uses.

2. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any lot lines, so as to produce a public nuisance or hazard beyond lot lines, is prohibited.

3. The escape or emission of any gas, which is injurious or destructive or explosive is prohibited.

4. No garbage, filth, refuse, or other obnoxious matter shall be kept in open containers, piled, or laid on the open ground; and all containers shall be stored to be inaccessible to animals.

6. The emission of measurable noise shall not exceed 60 decibels at any property line between the hours of 10:00 PM and 7:00 AM. These regulations do not apply to construction activities, maintenance activities, noises of safety signals, or special community events approved by the Township. These regulations include barking dogs and other animals, loud music, and other obnoxious noises.

Section 3.13 Junk

The keeping, placement or storage of junk, as defined herein, shall be prohibited in the Township of Webber.

Section 3.14 Keeping of Animals

A. It is recognized that the keeping of an unlimited number of domestic animals within residential areas for a considerable period of time detracts from, and in many instances, is detrimental to the healthful and comfortable use of such areas. The keeping of the following domestic animals is permitted, subject to the following regulations and limitations:

1. Container animals, no limitation.

2. Household animals, if there are not more than three (3) such animals, boarded or kept on a single lot, except that a litter of pups or a litter of kittens may be kept for a period not exceeding four (4) months from birth, provided that no more than two (2) such litters shall be permitted on a property within any consecutive 12-month period.
3. Non-household animals such as livestock are permitted in the Recreation district subject to the following standards:
    a. All such land areas used by said non-household animals shall be properly fenced in such a manner to prevent the animals from leaving the property and all such animals shall be maintained and accommodated in a fashion that prevents them from becoming a nuisance to adjoining property or a hazard to public health, safety and welfare.
    b. All animals must be appropriately sheltered. No building or other structure sheltering or housing non-household animals shall be located closer than fifty (50) feet to a right-of-way line and fifty (50) feet to any adjacent lot line.
    c. Areas within which animals are fenced or penned shall not be located closer than seventy-five (75) feet to a right-of-way line, ten (10) feet to an adjacent property line, and one hundred (100) feet to any adjacent dwelling.
    d. Areas within which animals are fenced or penned shall not be located closer than five hundred (500) feet from a lake, river or stream.

B. Special Land Uses. The keeping of non-household animals in any manner other than prescribed above shall be prohibited unless authorized as a Special Land Use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following:

1. The land area where the animals are to be kept.
2. The density of land uses in the vicinity of the site.
3. Whether or not noise or odors are likely to adversely affect the use of adjoining properties or the surrounding neighborhood.
4. Methods by which such animals will be sheltered, fed, and restrained from leaving the premises.
5. The number of animals proposed.

Section 3.15 Movement and Razing of Buildings

A. The moving of a building to a different location shall be considered to be the erection of a new building, and all provisions, regulations and requirements of this Ordinance concerning the erection of a new building shall be equally applicable to such moving of a building to a different location, including the requirement for Township permits prior to the activity. A performance bond may be required prior to such moving.

B. No building shall be razed until a permit has been obtained from the Zoning Administrator. The Zoning Administrator is authorized to require a performance bond in any amount, not to exceed $5,000 per 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator and/or Zoning Administrator prescribe, including filling and excavations and proper termination of utility connections.

Section 3.16 Essential Services

Essential services, as defined herein, may be permitted in any district. Essential services which are not expressly exempted from local government review by the Public Service Commission shall be reviewed by the Planning Commission pursuant to Article XVI. For a proposed essential service facility to be approved by the Planning Commission, the Planning Commission shall find that the facility is designed to be harmonious with the surrounding neighborhood or vicinity in terms of aesthetics, architecture or other elements. Effective barriers, such as fencing, may also be required.

Section 3.17 Reserved

Section 3.18 Fences

A. Fences shall be constructed to present the finished outside fence appearance to adjacent property and public rights-of-way by either:

1. Symmetrical construction having identical inside and outside face appearance including main anchor posts and frame members.
2. Offset construction with main anchor posts and horizontal and vertical frame members visible on the inside face only and vertical and horizontal face members or materials mounted on the outside surface of the frame and anchor post members.

B. Except as otherwise permitted or required, fences shall not exceed 6 feet in height in the front yard and 8 feet in height in the side or rear yard; provided that all fences may be up to 8 feet in height in industrial districts. 8' fences need building & LU permit

C. The alteration of the natural grade of the land to increase the functional height of a fence shall be prohibited; with the Zoning Administrator having authority in determination of applicable grade.

D. Barbed wire, electrified wire or any form of single strand wire fence or barrier shall be prohibited except for on farm properties with livestock, and on industrial properties in the LI District with a minimum height of 6 feet.

Section 3.19 Vehicle Storage

A. Mechanical work on the premises on motor vehicles owned by the occupant of a dwelling is permitted.

B. No motor vehicle, house trailer, tractor trailer, or any parts or junk therefrom shall be stored in a residential district unless it is within a fully enclosed building or screened from view, and does not violate any zoning or building law of the Township, County or the State of Michigan, except for the following:

1. Licensed and operable vehicles or trailers with substantially all main component parts attached.
2. Vehicles or trailers that are temporarily inoperable because of minor failure, but which are not in any manner dismantled and have substantially all the main component parts attached.
3. Not more than one (1) vehicle in fully operating condition such as stock cars or modified cars that have been redesigned or reconstructed.

Section 3.20 Home Occupations

A. Minor home occupations shall comply with the following standards:

1. The use shall be conducted entirely within the dwelling or one accessory building.

2. The use shall be operated only by persons residing in the dwelling.
3. The exterior appearance of the dwelling shall not be modified to accommodate the home occupation.
4. The home occupation shall not occupy more than four hundred (400) square feet of floor area or thirty (30) percent of the floor area of the dwelling, excluding area of basement, whichever is less.
5. There shall be no selling of goods, merchandise, supplies or products, provided that orders made by telephone or at sales events off the premises may be filed on premise so long as customers do not arrive on premise to acquire orders.
6. Outdoor storage or display is prohibited.
7. There shall be no regular deliveries from commercial suppliers to the premises.
8. There shall be no activity on premise resulting in noise, vibration, smoke, dust, odors, heat or glare that creates a nuisance to adjoining properties.
9. As a result of operating the home occupation, there shall occur no more motor vehicle traffic than would be normal for a dwelling.
10. No combustible, toxic or hazardous substances shall be kept on premise attendant to the home occupation.

B. Home occupations that do not comply with subsection A above shall be considered major home occupations and special land use permit approval shall be required, and shall be subject to the following criteria:

1. The use shall be conducted entirely within the dwelling and/or not more than one accessory building.
2. The use shall be operated by persons residing in the dwelling and not more than one (1) other person.
3. The exterior appearance of the dwelling and accessory building, if used in connection with the home occupation, shall not be modified to accommodate the use.
4. The home occupation shall not occupy more than four hundred (400) square feet of floor area or thirty (30) percent of the floor area of the dwelling, excluding area of basement, whichever is greater.
5. The use shall be clearly incidental and secondary to the dwelling.
6. Outdoor display of goods or merchandise is prohibited.
7. Equipment used in connection with the home occupation shall be parked or stored within a building or within a gated six (6) foot high screening fence enclosure, or otherwise screened from adjacent properties.
8. There shall be adequate off-street parking and maneuvering area.
9. There may be only incidental and occasional selling of goods, merchandise, supplies or products.
10. No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state, and other governmental requirements concerning the use, handling, transport, storage, and disposal of any such

materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted, if otherwise lawful.

11. There shall be no activity that would cause vibrations, smoke, dust, odors, heat, or glare and activity shall not interfere with radio or television signals, nor result in an adverse effect at or beyond the property line.
12. As a result of the home occupation, there shall not be any appreciably greater motor vehicle or pedestrian traffic than would be normal for the zoning district in which the use is located.
13. There shall be no deliveries from commercial suppliers, except on an occasional or incidental basis.
14. Any non-illuminated sign shall comply with the sign requirements for the zoning district in which the use is located.

E. Primary Caregiver Home Occupation. In addition to the standards of Section 3.20(C) a Primary Caregiver Home Occupation shall be subject to the following regulations. If it is determined that the regulation of this Section 3.20 (E) conflict with those in Section 3.20(C), the more restrictive regulation shall apply. A primary caregiver home occupation shall not require a Land Use Permit.

1. A primary caregiver home occupation is the only primary caregiver activity permitted in Webber Township. All other medical marihuana facilities, including but not limited to dispensaries, storefronts, cooperatives and combined growing operations, are prohibited.
2. Primary Caregiver Home Occupations, as defined in this Ordinance, assisting no more than five qualifying patients, shall be permitted within any dwelling unit in the Township, providing such activity is conducted in accordance with Initiated Law 1 of 2008, known as the Michigan Medical Marihuana Act, as amended, and the rules promulgated thereunder.
3. The primary caregiver home occupation shall be operated entirely within a dwelling. All marihuana plants and processing equipment used for the medical use of marihuana shall be kept in an enclosed, locked portion of a dwelling. No portion of a primary caregiver home occupation shall occur within an accessory building.
4. The area used for a primary caregiver home occupation shall not exceed 20% of the habitable area of a dwelling.
5. Primary caregivers shall only provide medical marihuana to their designated qualified patients, not exceeding five (5), as defined in the Michigan Medical Marihuana Act.
6. No more than one person residing in the dwelling shall be permitted to be a primary caregiver for those who do not reside within the dwelling.
7. All growing operations, processing operations and use shall be conducted in compliance with the Michigan Medical Marihuana Act and other applicable State laws and regulations. A primary caregiver home occupation, conducted in accordance with this Ordinance and the Michigan Medical Marihuana Act, does not grant a primary caregiver immunity from violation of state or federal laws.
8. Modifications or alterations to dwellings containing a primary caregiver home occupation shall conform to applicable building code standards.
9. A primary caregiver home occupation shall not bear any sign, emblem or any other mark that would indicate the presence of the activity.

10. A primary caregiver home occupation shall not be located within 1,000 feet of a school property.
11. For the purposes of this Ordinance a primary caregiver home occupation shall be considered a minor home occupation and shall not be considered a special land use.

Section 3.21 Land Use Regulations for Lakefront and Watercourse Development

(amended 07.20.2022)

A. Permits. No land use shall be permitted unless all required permits or approvals have been obtained from the Department of Natural Resources, Environment, Great Lakes, and Energy (EGLE) and/or other applicable federal, state or local governmental agencies or authorities having jurisdiction.

B. Drainage. Footing drains or other subsoil drainage systems shall not empty directly into any fake, stream, river, or other watercourse.

C. Floodplain and Wetlands. No dwelling or other principal building shall be constructed within a flood plain or wetland. The filling of any flood plain or EGLE-regulated wetland so as to raise the ground level shall not be permitted.

D. Waste Removal Systems. Drain fields and septic tanks shall be designed, installed, and maintained only in full compliance with applicable regulations of the District #10 Health Department, Lake County office.

E. Earth Change Activity. Any earth change activity as defined under the terms of the Soil Erosion and Sedimentation Control Act which will affect more than one (1) acre of land or is located within five hundred feet (500') of any lake, stream, river or other watercourse shall take place only after issuance of a Soil Erosion and Sedimentation Control Permit or any other required permit from any governmental agency having jurisdiction.

F. Area Regulations for Watercourse and Lakefront Lots. Except for uncovered walks, steps; docks, boathouses, and similar customary and incidental yard uses or structures, no building or structure, including fences, (whether a permitted use or special lands use) shall be located closer than fifty feet (50') from the ordinary high-water mark.

Section 3.22 Telecommunication Towers

Construction of communication towers shall be subject to the following provisions:

A. Qualifying Conditions

1. The base of the tower and wire cable supports shall be enclosed within a chain link fence not less than six feet (6') in height.
2. Applications for construction of communication towers shall be accompanied by a written demonstration of need (including tower height) at the proposed location.
3. Telecommunication towers shall be a special land use permitted in conjunction with the requirements of this Section and in every zoning district except for the Residential-1 and Residential-2 Districts. Collocating antennas on existing tower structures shall be permitted subject to review by the Zoning Administrator.

B. Minimum Conditions for Communication Towers. The following minimum conditions shall apply to all communication towers:

1. The tower must be set back from all property lines a distance equal to its height, unless the structural integrity of the tower will withstand high winds and impacts and the likelihood of tower failure is minimal, as determined by the Township Engineer.
2. Accessory structures (including guy wire bases) shall be limited to uses associated with the operation of the tower and may not be located closer than thirty feet (30') from any property line.
3. Accessory structures shall not exceed a total of six hundred (600) square feet.
4. All towers shall be equipped with anti-climbing devices to prevent unauthorized access.
5. A registered structural engineer shall certify all plans for towers.
6. Metal towers shall be constructed of or treated with corrosive-resistant material.
7. Towers shall be located in such a manner that they do not interfere with radio or television reception of nearby residential users.
8. Towers located within one thousand feet (1,000') of an existing Residential-1 or Residential-2 District shall not exceed one hundred seventy-five feet (175') in height.
9. Towers shall not be artificially lighted except as required by the federal Aviation Administration.
10. Existing on-site vegetation shall be preserved to the maximum extent possible.
11. Signs shall be prohibited on the tower structure.
12. The tower shall be removed from the site within six (6) months of abandonment. A Performance Bond shall be required by the Township in order to insure proper removal from the site, in accordance with Section 17.11.

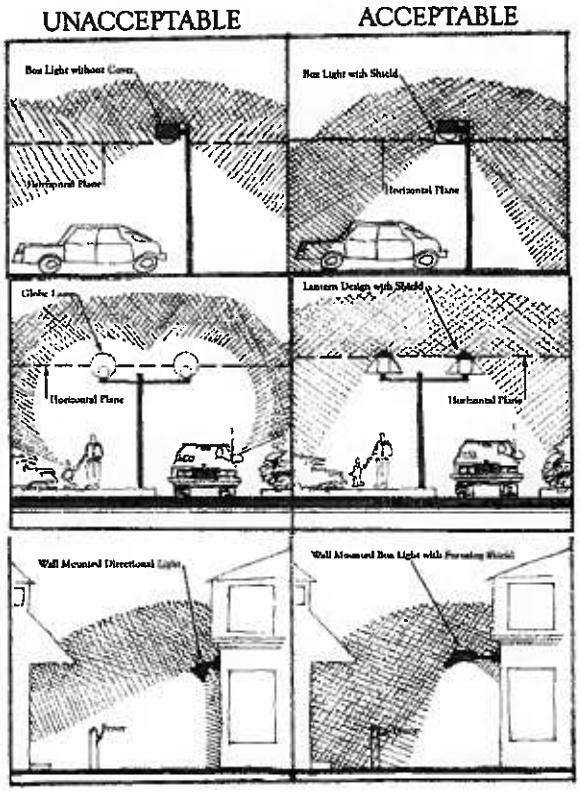
Section 3.23 Outdoor Trash Receptacles

A. Any new or altered use (except agricultural and farm operations) which requires site plan review pursuant to Article XV and has an outdoor trash storage area shall comply with the following requirements:

1. Any outdoor trash storage area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
2. A decorative masonry wall or wooden privacy fence of 6 feet in height or other approved structure of adequate height to fully screen the receptacle shall enclose 3 sides of the storage area. Post bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls.
3. In no instance shall any such refuse be visible above the required enclosure.
4. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
5. Any such storage shall be located in a rear yard or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission or Zoning Administrator may require an obscuring or screening gate when the visibility of such a storage area, from a

public street, public right-of-way or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

Section 3.24 Outdoor Illumination



A. The purpose and intent of this Section is to maintain the rural character of the Township by promoting the sensible, energy-efficient use of exterior lighting that limits unnecessary light from being directed skyward or onto neighboring properties or roadways. This Section is intended to ensure that direct or directly reflected light is confined to each property to prevent light trespass and to avoid glare.

B. Outdoor illumination on non-residential property shall be designed, installed and maintained in accord with the following:

1. All lighting shall be fully-shielded and aimed downwards to not create glare onto neighboring properties or public rights-of-way. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
2. No elevated exterior light fixture, including light poles, canopy lights, wall-mounted lights, soffit lights and similar fixtures shall exceed 20 feet in height above grade. The height of light fixtures required for doors on decks above grade can be measured from the walking surface (i.e. deck) they illuminate. Such elevated light fixtures shall be set back from the lot line one foot per every foot of height.
3. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color. Search lights, laser source lights or any similar high-intensity light shall not be permitted except in emergencies as directed by emergency personnel or night road repairs.
4. No colored lights shall be used that could be confused with or construed as traffic control devices.
5. Lighting used for agricultural production purposes, up-lit flags, holiday or seasonal lighting, and decorative lighting intended and used to illuminate church steeples shall be exempt from the provisions of this Section.
6. The Zoning Administrator, Planning Commission or Township Board may require that outdoor light fixtures be turned off after normal business hours to prevent or reduce glare.
7. Sign illumination shall comply with provisions in Section 12.03(E).

Section 3.25 Recreational Vehicles

A. Definitions:

1. Camper / RV: Portable structure for temporary living.
2. Camping: Temporary occupancy.
3. Tent: Fabric shelter.
4. Accessory Structure: Incidental structure.
5. Self-Contained Unit: RV with waste system.
6. Camping Permit: Township-issued permit.
7. Roof-Over: A non-habitable roof structure constructed over a recreational vehicle or camper for weather protection purposes.

B. General Requirements

1. Minimum Lot Area: Property must contain at least 9,000 square feet for one camper.
2. Address: Property address must be visible from the roadway.
3. Permit: A camping permit shall be required annually.
4. Season: Camping season shall run from May I through April 30.

C. District Regulations

1. In any zoning district, the number of allowable campers shall be regulated by parcel size as follows:
2. 9,000 square feet up to one (1) acre: One (I) camper permitted.
3. One (I) acre up to two (2) acres: Two (2) campers permitted.
4. Two (2) acres up to five (5) acres: Three (3) campers permitted.
5. Five (5) acres or more: Maximum of four (4) campers permitted.

D. Accessory Uses and Accessory Buildings

1. Permitted accessory uses include fences, picnic tables, fire pits, roof-overs, and similar customary recreational improvements.
2. In residential districts, one (1) single-story detached accessory building intended for storage use only shall be permitted, not to exceed two hundred (200) square feet in area.
3. On parcels containing one (1) acre or more, accessory buildings of any size shall be permitted, subject to all other applicable zoning, setback, and building code requirements.
4. A land use permit shall be required for all accessory buildings permitted under this Ordinance.
5. Sanitation.
6. Septic systems must be approved by District Health Department #10.
7. If no septic system exists, a portable or compost toilet shall be required unless the camper is a self-contained unit.
8. Self-contained units must utilize sanitary removal services.

E. Tents.

1. Tents shall be temporary only, shall not be used for long-term occupancy, and must be removed when not in use.

Section 3.26 Yard Encroachments

Every part of every required yard or setback area shall be open and unobstructed by any use or structure from the ground to the sky, except as hereinafter provided:

A. Sills, belt courses, pilasters, chimneys, and other similar architectural appurtenances may project not more than twelve (12) inches into a required yard or setback area.

B. Cornices, eaves, and similar architectural appurtenances may project not more than thirty (30) inches into a required yard or setback area.

C. Fire escapes may project not more than six (6) feet into a required yard or setback area.

D. Uncovered stairs, porches, and decks shall meet the setback requirements of the zone district.

E. Swimming pools, accessory buildings, and accessory structures may be located in any required yard or setback area subject to applicable regulations contained elsewhere in this Ordinance.

F. Uncovered walks; accessible ramping; patios; driveways and parking areas; landscaping; retaining walls; docks and similar customary and incidental yard uses and structures may be located in any required yard or setback area.

G. Fences may be located within any required yard or setback area, subject to the requirements of Section 3.18.

Section 3.27 Natural Rivers

Development within 400 feet of a Natural River, as defined by the Natural Rivers Act, Part 305 of PA 451 of 1994, shall comply with all requirements of the Natural Rivers Act and all rules and regulations promulgated thereunder.

Section 3.28 Rustic Sportsman's Cabin (RSC) (Twp to work on a new one, along with Tiny Homes)

Rustic Sportsman's Cabins shall be subject to all applicable standards of this Ordinance, with the exception of the following:

A. Floor Area: Rustic Sportsman's Cabins shall have a minimum floor area of 260 square feet.

B. Utilities: Rustic Sportsman's Cabins are not required to have water and sewer or septic connections.

ARTICLE IV - LAND USE CLASSIFICATIONS

Section 4.01 Establishment of Zoning Districts and Official Zoning Map

A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with the following chapters, is hereby adopted by reference and declared to be a part of this Ordinance.

B. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

Section 4.02 Interpretation of District Boundaries

A. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following standards shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines;
2. Boundaries indicated as approximately following property, parcel or lot lines shall be construed as following such lines;
3. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries;
4. Boundaries indicated as following Township section lines shall be construed as following such section lines;
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
6. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
7. Boundaries indicated as parallel to or extensions of features indicated in paragraphs 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
8. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by paragraphs 1 through 7 above, the Zoning Board of Appeals shall interpret the district boundaries;
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may permit, as a special land use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 4.03 Application of District Regulations

A. The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within a zoning district, and particularly, except as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered to:
   a) exceed the height or bulk;
   b) accommodate or house a greater number of families;
   c) occupy a greater percentage of lot area; or
   d) have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provisions of this Ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 4.04 Unclassified Uses and Features

A. While not specifically classified in this Ordinance as a permitted use, it is recognized that some uses may be sufficiently similar to uses listed as permitted by right that the Zoning Administrator may consider such unlisted uses as being of a similar character and warranting similar regulation as such uses. In such event, the terms of this paragraph shall be applied.

1. Upon application, the Zoning Administrator shall consider an unclassified use as sufficiently similar to a classified permitted use when it finds that such unclassified use will be similar in character and impact to a classified use in terms of:
   a) The generation of traffic and congestion,
   b) The production of noise,
   c) The production of fumes or odors,
   d) The production of dust or other debris,
   e) The consistency with the intent of the district in which it is located.
2. If the Zoning Administrator does not find a sufficient degree of similarity, the unclassified use shall be considered to be prohibited.
3. Features Not Contemplated. Where a proposed use, while classified in this Ordinance, incorporates elements, services or features that are unusual and not contemplated in this Ordinance, the Zoning Administrator shall evaluate such elements, services or features and determine whether their effect is to render the use itself sufficiently unique to be considered a separate land use. In reaching such an evaluation, the Zoning Administrator shall consider any impacts on surrounding properties that may result from such elements, services or features that

are unusual and not contemplated in this Ordinance. If the Zoning Administrator finds that such impacts on surrounding properties will significantly exceed those that would otherwise be expected from the classified use, such use shall be prohibited.

4. Nothing in this Section 4.04 shall be construed to prohibit a future amendment of this Ordinance pursuant to Section 17.10 to provide standards to regulate a land use that may be currently excluded.

ARTICLE V - USE AND DIMENSIONAL STANDARDS

Section 5.01 Uses and Dimensional Standards

Regulations affecting the use of buildings and land, and the bulk arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as outlined in this Ordinance.

A. The List of Permitted and Special Land Uses presents the uses that are permitted in each zoning district in Webber Township. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail. Moreover, all uses, buildings and structures shall conform to the other requirements of this Ordinance.

List of Permitted and Special Land Uses – Webber Township Zoning Ordinance
P = Permitted Use SU = Special Land Use

Uses	RE	R	C	LI
	Recreational	Residential	Commercial	Light Industrial
Adult business			SU	
Adult Foster Care Facility		P		
Adult Foster Care Home, Family	P	P		
Adult Foster Care Home, Small Group	P	P		
Adult Foster Care Home, Large Group	P	P		
Adult Foster Care Congregate Facility		P		
Adult Daycare Facility			P	
Animal related facility	SU	SU	P	P
Automobile oriented uses			P	P
Art studio	P	P	P	
Commercial medical marihuana facility			SU	
Commercial recreational (adult use) marihuana facility			SU	
Contractor's facility	SU	SU	P	P
Correctional facility	SU			

Uses	RE	R	C	LI
	Recreational	Residential	Commercial	Light Industrial
Day care, family home	P	P		
Day care, group home	P	P		
Dwelling, accessory	SU	SU		
Dwelling, multiple-family		SU		
Dwelling, single-family	P	P		
Dwelling, two-family	P	P	P	
Farm	P			
Funeral home and mortuary			P	
Home occupation, major	SU	SU	SU	
Home occupation, minor	P	P		
Institutional uses	SU	SU	P	P
Live work unit	SU		P	
Manufactured dwelling	P	P		
Manufactured housing community		P	P	
Manufacturing, processing, or assembly			SU	P
Medical uses			P	P
Mining operation	SU	SU		SU
Mixed use development	SU	SU	P	
Outdoor business	SU	SU	P	P
Private club or organization	P	P	P	
Private wind energy facility	SU	SU	SU	SU
Professional office or services	P		P	P
Religious Institution	P	SU	P	
Retail business			P	P
Restaurant			P	P

Uses	RE	R	C	LI
	Recreational	Residential	Commercial	Light Industrial
Rustic sportsman's cabin	P	P		
Self-storage facility			P	P
Tourism or recreational uses	SU	SU	P	P

B. The Table of Dimensional Standards provides an overview of the dimensional requirements of this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail. Moreover, all uses, buildings and structures shall conform to the other requirements of this Ordinance.

Summary of Dimensional Standards – Webber Township Zoning Ordinance

District		Minimum Yard Setback in Feet			Minimum Lot Size	Minimum Lot Width in Feet	Maximum Lot Coverage*
		Front Yard	Side Yard	Rear Yard			
RE	Recreational	60	25	25	2 acres	70	35%
R	Residential	15	10	10	9,000 sq ft	70	35%
C	Commercial	100	15	15	1 acre	165	60%
LI	Light Industrial	100	50	50	1 acre	165	75%

(1) The maximum building height in all districts is 35 feet or 2.5 stories, whichever is the lesser height, except where noted otherwise. Provided, there shall be no maximum building or structure height limit in the LI District.

*

Lot coverage shall include ground area occupied by all buildings, but does not include paved areas.

ARTICLE VI - RE, RECREATIONAL

Section 6.01 Purpose and Intent

The Recreational District is intended to provide for neighborhood and community-wide recreation opportunities harmonious with the development pattern of the Township.

Section 6.02 Permitted Uses

- Adult Foster Care Home, Small Group
- Adult Foster Care Home, Family
- Adult Foster Care Home, Large Group
- Adult Foster Care Home, Family
- Day Care, family home
- Dwelling, single-family
- Farm and farm operation
- Home occupation, minor
- Manufactured dwelling
- Private Club or Organization
- Rustic Sportsman's Cabin (see Section 3.28)

Section 6.03 Special Land Uses

- Animal related facility
- Contractor's facility
- Correctional facility
- Day care, group home
- Dwelling, accessory
- Home occupation, major
- Institutional uses
- Live work unit
- Mining operation
- Outdoor business
- Private wind energy facility
- Religious institution
- Tourism or recreational uses

Section 6.04 District Requirements

A. There shall be a lot area of at least 9,000 square feet and a lot width of at least 70 feet.

B. There shall be a front yard setback of at least 15 feet.

C. There shall be two side yards, and each side yard setback shall be at least 10 feet.

D. There shall be a rear yard setback of at least 10 feet.

E. Lot coverage shall not exceed 35%.

ARTICLE VII - R, RESIDENTIAL

Section 7.01 Purpose and Intent

The Residential-1 District is designed to accommodate the development of medium-density residential uses within those areas of the Township where existing or anticipated public services, such as public sewer facilities, can be provided. This District includes existing one-family developments within the Township which have a similar lot area and character, as well as areas within which such development appears likely and desirable.

Section 7.02 Permitted Uses

- Adult Foster Care Facility
- Adult Foster Care Home, Family
- Adult Foster Care Home, Small Group
- Adult Foster Care Home, Large Group
- Adult Foster Care Congregate Facility
- Art studio
- Day care, family home
- Daycare, group home
- Dwelling, single-family
- Dwelling, two family
- Home occupation, minor
- Manufactured dwellings
- Manufactured housing community
- Private club or organization
- Rustic Sportsman's Cabin (see Section 3.28)
- Private club or organization

Section 7.03 Special Land Uses

- Animal related facility
- Contractor's facility
- Correctional facility
- Dwelling, accessory
- Dwelling, multiple-family
- Home occupation, major
- Institutional uses
- Mining operation
- Mixed use development
- Outdoor business
- Private wind energy facility
- Religious institution
-
- Tourism or recreational uses

Section 7.04 District Requirements

A. There shall be a lot area of at least 9,000 square feet and a lot width of at least 70 feet.

B. There shall be a front yard setback of at least 15 feet.

C. There shall be two side yards, and each side yard setback shall be at least 10 feet.

D. There shall be a rear yard setback of at least 10 feet.

E. Lot coverage shall not exceed 35%.

ARTICLE XIII - C, COMMERCIAL

Section 8.01 Purpose and Intent

The Commercial District accommodates those retail and business activities that serve the whole community. Such activities require land and structure uses that generate large volumes of pedestrian and vehicular traffic. Because of their high intensity, all uses in the Commercial District shall be subject to the provisions of Article XV pertaining to Site Plan Review.

Section 8.02 Permitted Uses

- Animal related facility
- Adult daycare facility
- Automobile oriented uses
- Art studio
- Contractor's facility
- Dwelling, two family
- Funeral home and mortuary
- Institutional uses
- Medical uses
- Outdoor business
- Professional office or services
- Retail business
- Restaurant
- Self-storage facility
- Tourism or recreational uses

Section 8.03 Special Land Uses

- Adult business
- Home occupation, major
- Live work unit
- Manufacturing, processing, or assembly
- Mixed use development
- Private wind energy facility
- Religious institution
- Marihuana retailer
- Safety Compliance Facility
- Secure Transporter Facility
- Commercial Medical Marihuana Facility
- Provisioning Centers
- Commercial recreational marihuana facility

Section 8.04 District Requirements

A. There shall be a front yard setback of at least 100 feet, except that for properties on the east side of M-37 between Sunset Street, Lorraine Street, and Springtime Street, there shall be a front yard setback of at least 25 feet from the road right of way.

B. There shall be two side yards, and each side yard setback shall be at least 15 feet.

C. There shall be a rear yard setback of at least 15 feet.

D. Lot coverage shall not exceed 60%.

ARTICLE IX - LI, LIGHT INDUSTRIAL

Section 9.01 Purpose and Intent

The Light Industrial District is intended to accommodate those industrial uses, storage, and related activities that generate a minimum of noise, glare, odors, or any other potentially harmful or nuisance characteristics. All uses permitted in the Light Industrial District are subject to the provisions of Article XV pertaining to Site Plan Review.

Section 9.02 Permitted Uses

- Animal related facility
- Automobile oriented uses
- Contractor's facility
- Institutional uses
- Manufacturing, processing, or assembly
- Medical uses
- Outdoor business
- Professional office or services
- Retail business
- Restaurant
- Self-storage facility
- Tourism or recreational uses

Section 9.03 Special Land Uses

- Mining operation
- Private wind energy facility

Section 9.04 District Requirements

A. There shall be a lot area of at least 1 acre and a lot width of at least 165 feet.

B. There shall be a front yard setback of at least 100 feet.

C. There shall be two side yards, and each side yard setback shall be at least 50 feet.

D. There shall be a rear yard setback of at least 50 feet.

E. Lot coverage shall not exceed 75%.

ARTICLE X - RESERVED

ARTICLE XI - PARKING

Section 11.01 Purpose and Intent

The intent of this Article is to ensure sufficient land area out of the public right-of-way set aside for the temporary storage or parking of motor vehicles to avoid vehicle congestion and parking on roadways. As such, no parking space required herein shall be located in, or encroach upon, any public right-of-way unless otherwise noted. Additionally, this Article is intended to preclude "over-parking" and excessive parking area pavement, which can undermine the rural character of the Township and cause storm-water runoff issues.

Section 11.02 Scope

In all zoning districts, off-street facilities for the temporary storage or parking of motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for all new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means as applicable, additional off-street parking shall be provided commensurate with such increase in intensity of use.

Section 11.03 General Standards

A. The number of off-street parking spaces shall be determined in accordance with Section 11.04. For uses not specifically mentioned therein, off-street parking requirements shall be established by the Zoning Administrator, from requirements for similar uses or using technical publications from entities such as the Institute of Transportation Engineers or other similar objective standards.

B. Any area once designated as required off-street parking shall never be changed to any other use unless and until equivalent facilities are provided elsewhere. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building shall not be reduced to an amount less than would hereinafter be required for such building or use.

C. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. The maximum joint requirements will be less than the total cumulative individual requirements if the peak needs for the uses occur at distinctly different times of the day from the peaks of the other uses, as determined by the Zoning Administrator or Planning Commission.

   In the case of live/work units or mixed use developments, the required number of parking spaces may be reduced to not less than 60% than the sum of the requirements for the several individual uses computed separately, and may be further modified by the Planning Commission as outlined in Section 11.05. However, each dwelling unit shall be provided with at least one (1) parking space.

D. The storage of merchandise and junk within a parking area shall be prohibited. Motor vehicles for sale and the repair of vehicles shall be prohibited in all parking areas, except for those vehicles registered in the name of persons owning or renting the housing on the lot where such repair activity takes place for a period not to exceed 30 days, and except for approved business uses involved in the conduct of motor vehicle sale or repair.

E. Off-street parking, whether public or private, for nonresidential uses and multiple-family development shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.

F. Off-street parking facilities required for single and two-family dwellings shall consist of a driveway, and typically a garage or combination thereof, and shall be located on the premises they are intended to serve. For single and two-family dwellings, off-street parking shall not be permitted in the required front yard except on a driveway which leads to an approved parking space.

Section 11.04 Quantity of Parking Spaces

The number of parking spaces required on a site shall be determined based on the requirements below. The requirements below reflect the actual requirement and not a minimum, but the requirements may be adjusted per Section 11.05. Provided, that the parking requirements below for residential uses shall be considered the minimum required. Where the requirements indicate a certain number of spaces "per employee," it shall mean the total number of employees working in the largest shift. Where the requirements indicate that the applicant demonstrate parking demand, the applicant shall submit a detailed analysis that clearly relates the proposed number of parking spaces to actual projected demand; however, the Zoning Administrator may consult technical publications from entities such as the Institute of Transportation Engineers to determine required parking to evaluate and confirm any such parking demand projection.

Use	Parking Requirement
Adult business	1 space per employee plus 1 space per 3 units of legal capacity
Adult foster care	Applicant shall demonstrate parking demand
Animal related facility	1 space per 1,000 square feet usable floor area
Automobile oriented uses	Applicant shall demonstrate parking demand, but not less than 1 space per employee plus 1 space per 4 units of legal capacity. 5 stacking spaces are required for any drive-through. 1 stacking space is required for each and any service bays
Art studio	1 space per 4 units of maximum occupancy
Contractor's facility	1 space per employee plus 1 space per 500 square feet of retail or showroom space
Correctional facility	1 space per employee plus 1 visitor space per 10 units of legal capacity
Day care, family home	2 spaces for principal dwelling use plus 1 space per employee plus 1 client space
Day care, group home	2 spaces for principal dwelling use plus 1 space per employee plus 2 client spaces
Dwelling, accessory	1 space per accessory dwelling
Dwelling, multiple-family	1.5 spaces per dwelling unit
Dwelling, single-family	2 spaces

Dwelling, two-family	2 spaces
Farm	2 spaces for any principal dwelling use, if applicable
Funeral home and mortuary	1 space per employee plus 1 space per 4 units of legal capacity
Home occupation, major	2 spaces for principal dwelling use plus up to 2 additional off-street spaces, unless the Planning Commission approves more
Home occupation, minor	2 spaces for principal dwelling use plus up to 2 additional off-street spaces
Institutional uses	1 space per 500 square feet usable floor area
Live work unit	2 spaces per dwelling plus 1 space per 500 square feet usable floor area
Manufactured dwelling	2 spaces per dwelling
Manufactured housing community	2 spaces per dwelling plus 1 off-street space per 5 dwellings
Manufacturing, processing, or assembly	1 space per employee plus 5 visitor spaces
Medical uses	1 space per employee plus 1 space per 200 square feet usable floor area
Mining operation	Applicant shall demonstrate parking demand
Mixed use development	2 spaces per dwelling plus 1 space per non-residential use
Outdoor business	Applicant shall demonstrate parking demand
Private club or organization	1 space per 300 square feet usable floor area
Private wind energy facility	N/A
Professional office or services	1 space per 3 units of legal capacity
Religious Institution	1 space per 4 units of legal capacity in main worship room
Retail business	1 space per 300 square feet usable floor area
Restaurant	1 space per 3 units of legal capacity
Rustic sportsman's cabin	1 spaces per dwelling
Self-storage facility	3 spaces per 100 storage units
Tourism or recreational uses	1 space per 3 units of legal capacity

Section 11.05 Adjustment of Standards

The Planning Commission may increase or decrease the requirements of Section 11.04 upon request of an applicant, up to 20% of the required number of spaces. The applicant shall submit, in writing, justification for the proposed adjustment. Modifications shall not result in inadequate parking area; large, unwarranted

amounts of unused parking space; or a reduction in critical open space or natural features. In addition, in approving any request to modify the parking standards, the Planning Commission must find that the proposed quantity of parking spaces would preserve the rural character of the Township, be consistent with Section 11.01, and protect the public health, safety and welfare.

Section 11.06 Commercial Loading Space and Barrier-Free Parking

A. Loading Space. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, wholesaling or other uses involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of highways, streets or alleys. Such loading space shall not interfere with or overlap, or be counted toward the number of, motor vehicle parking spaces.

B. Barrier-Free Requirements. Off-street parking facilities as required under this Ordinance shall include, in accordance with the following table and identified by signs, parking spaces which are barrier free and designed in accordance with PA 1 of 1966, being MCL 125.1351-1356, as amended (Barrier Free Design), and reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking space shall be not less than twelve (12) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Barrier free parking spaces shall be located as close as possible to walkways and building entrances. Signs shall be provided when necessary indicating the direction to a barrier-free entranceway into a building.

Barrier Free Parking Spaces	
Total Parking Spaces Provided	Required Minimum Number of Barrier Free Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20, plus 1 for each 100 over 1,000

Section 11.07 Parking Lot Layout, Construction and Maintenance

A. Adequate ingress and egress shall be provided to the parking lot by means of clearly limited and defined drives.

B. Bumper stops or wheel chocks shall be provided, as necessary or as required by the Township, and located so as to prevent any vehicle from projecting over the lot line.

C. The parking lot shall be drained to eliminate surface water.

D. The surface of the parking lot, including drives and maneuvering aisles, except landscaped areas, shall be constructed of asphalt, concrete, gravel, or another material acceptable to the Township. The Township reserves the right to require a specific paving material in the interest of protecting

the integrity of any nearby natural water features, to avoid excessive water runoff, to establish a dustless parking surface, or protect the public safety, health and welfare.

E. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Angle	Maneuvering Aisle	Parking Space (width)	Parking Space (length)
0-15 degrees	11 feet	9 feet	11 feet
16-37 degrees	12 feet	10 feet	12 feet
38-57 degrees	13 feet	10 feet	13 feet
58-74 degrees	18 feet	10 feet	18 feet
75-90 degrees	24 feet	10 feet	24 feet

F. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movements. All parking spaces shall be designed in such a manner as to not permit vehicles to back directly out onto a public street.

ARTICLE XII - SIGNS

Section 12.01 Purpose and Intent

The purpose of this Article is to regulate the size, number, location and manner of construction and display of signs in Webber Township. This Article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect uses from excessive signage, provide ability for the public to identify premises and establishments, encourage the preservation of rural character through sign design, and enhance the aesthetics of the community.

Section 12.02 Scope

A. It shall be unlawful for any person to erect, place, or maintain a sign in Webber Township except in accordance with the provisions of this Article.

B. Permit Required. Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as determined by the Township Board. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

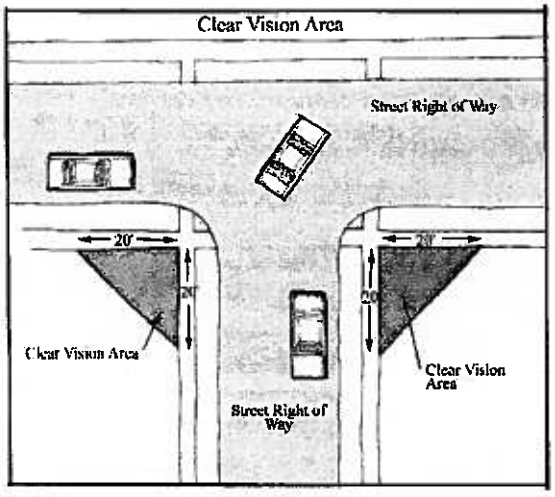
C. Plan Required. When a site plan is required in accordance with Article XV of this Ordinance, proposed signage shall be illustrated on the site plan showing the sign area, sign height, sign illumination, sign location and setbacks from property lines and other applicable information to enable the Township to determine compliance with the requirements of this Ordinance.

When a site plan is not required, a scaled drawing clearly depicting this information shall accompany the building permit application. The Zoning Inspector may require that additional information be illustrated on a plan or drawing to determine compliance with this Ordinance.

Section 12.03 General Provisions

A. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Zoning Administrator. A sign that no longer serves the purpose for which it is intended or is abandoned or is not maintained in accordance with applicable regulations of Webber Township shall be removed by the owner, or by the Township at the expense of such owner, upon written notice by Webber Township.

Signs made of cloth, fabric, lightweight plastic, or other easily combustible material, or which are produced or originally constructed to flutter in the wind, as determined by the Zoning Administrator, shall not be left as permanent signs.



B. Unless otherwise permitted, all signs shall be located on the same parcel for which the sign is intended to serve.

C. No sign shall be located within a public road right-of-way. No sign shall overhang a public street right-of-way.

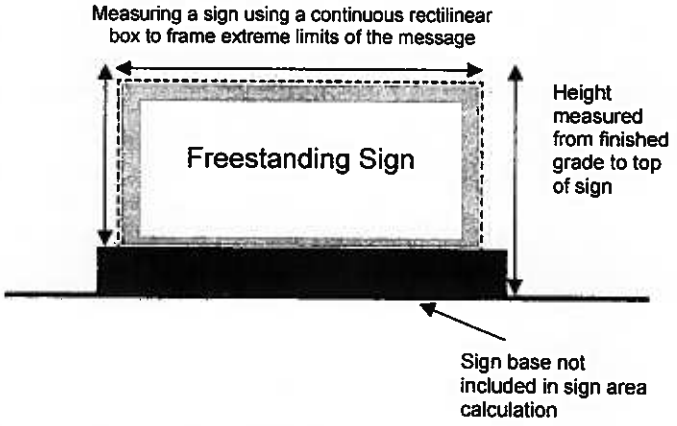
D. With respect to signage, all intersections of public streets shall be provided and maintained with a clear unobstructed vision corner extending not less than twenty (20) feet from all right-of-way line intersections along said right-of-way line in the

form of an isosceles triangle, within which no sign shall be located or permitted. (See figure at right)

E. Illumination. Signs may be illuminated only as specified in this Article. All illuminated signs shall meet the following standards:

1. Illumination shall not be flashing, blinking, intermittent, oscillating, or an on-and-off type of lighting, and no sign may utilize a revolving beacon light.
2. Illumination shall be arranged so that light is deflected away from adjacent properties and that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or from any adjacent property.
3. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
5. No sign shall be illuminated in a manner such that it could be confused with, or appear similar to, a highway sign or traffic safety device.

F. Sign Area. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one (1) of the faces. Electronic message boards shall be included in the calculation of sign area.



G. Height. Sign height shall be measured as the vertical dimension from the finished grade to the highest point of the highest attached component of the sign. A sign shall not extend beyond the edge of the wall to which it is affixed nor above the roof line of a building to which it is attached.

H. Electronic Message Boards. Electronic message boards and reader boards are subject to the following standards:

1. One reader board or electronic message board shall be permitted per premises, as a part of either a freestanding sign or a wall sign, and may comprise up to 50% of the total sign area.
2. Ground signs containing an electronic message board shall not exceed 6 feet in height.
3. Messages shall change via fade or scroll out methods only; animation shall not be permitted.
4. Voids or burned-out lamping shall be promptly fixed.
5. For properties in a nonresidential district, signs containing electronic message boards shall be at least 100 feet from the residential district.

6. Only soft amber lighting is permitted for lamping and read-outs no-brighter than 3 footcandles above ambient light conditions, and shall not cast light beyond the property line.
7. All electronic signs and reader boards shall have a dark background, with only the letter or numerical symbols illuminated.
8. Messages may change to a frequency not to exceed one message per ten seconds.

Section 12.04 Exempt Signs

Except for the regulation of area and height set forth in Section 12.03, the following signs shall be exempt from regulations in this Article:

A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, ordinance, or traffic control order.

B. Property address and owner identification sign up to six (6) square foot in area.

C. Any sign wholly located within a building and not visible from outside the building.

D. Holiday lights and decorations with no commercial message.

E. Works of art that do not contain a commercial message.

F. Directional signs or menu boards on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs, provided the following standards are met:

1. Directional signs shall not exceed six (6) square feet in area or six (6) feet in height. The number of directional signs permitted on a property shall be the minimum necessary to provide adequate orientation, as determined by the applicable Webber Township representative, board or commission.
2. Customary lettering on, or other insignia which are a structural part of, a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump.

G. Governmental historical designation signs.

H. Flags.

I. Signs located on a parcel upon which a building is under construction. Such sign must be removed when construction is complete.

J. Temporary signs.

K. All yard signs, as defined herein, provided such yard signs shall be limited to one (1) sign per front yard, not greater than six (6) square feet in area. Such signs shall be removed within seven (7) days after the sale on which the event occurs and shall not be posted for more than five (5) consecutive days.

L. Temporary canvass signs mounted on the exterior wall of a retail establishment or restaurant provided that such signs relate to goods sold on the premises and do not cause an inordinate amount of visual clutter.

M. Political signs, subject to the following regulations:

1. All political signs must be erected on private property. The placement or erection of political signs within a public right-of-way is prohibited.
2. No political sign shall be located on Township-owned property.

3. No political sign shall be erected more than one hundred (100) days prior to an election. Candidates and campaign committees shall remove their political signs within fifteen (15) days of the election unless the candidate or election issue is on the ballot for a subsequent election to occur within one hundred (100) days.
4. The Zoning Administrator may remove any political signs placed on public property. The Zoning Administrator shall store all removed signs and provide a schedule for retrieval of the signs by the candidate or campaign committee represented on the signs. All signs not retrieved within fifteen (15) days after an election may be disposed of by the Zoning Administrator.
5. No such sign shall be illuminated.
6. No such sign shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway, or parking space.
7. The painting of any such sign on the exterior surface of any building or structure is prohibited.
8. Every such sign shall have identified on it the name, address, and telephone number of the person or organization/agency who posted or had caused the posting of the sign.

Section 12.05 Prohibited Signs

The following signs shall not be allowed in any District:

A. Signs that do not relate to existing business or products for sale or available on the site, including billboards.

B. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this Ordinance.

C. Searchlights.

D. Signs that are not clean and in good repair, signs that are out of compliance with applicable building and electrical codes, or signs not securely affixed to a supporting structure.

E. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, and which may obstruct a motorist's vision.

F. Roof signs.

G. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, except:

1. Official traffic signs posted by a governmental agency;
2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
3. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way; and
4. Any sign installed by the Township or County Road Commission

Section 12.06 Permitted Signs

A. Signs in the RE and R Districts: The following signs are permitted subject to the following requirements:

1. **For Single-Family Dwellings and Two-Family Dwellings**, the followings sign is permitted subject to the following requirements:

Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Permitted	Minimum Setback
Freestanding	1 per parcel	12 square feet	10 feet	No	25 feet from street right-of-way or 58 feet from street centerline, whichever is greater

2. **For all uses other than Single-Family Dwellings and Two-Family Dwellings**, the following signs are permitted subject to the following requirements:

Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Permitted	Minimum Setback
Freestanding	1 per parcel	32 square feet	10 feet	No	25 feet from street right-of-way or 58 feet from street centerline, whichever is greater
Wall, Marquee or Projecting Sign	1 per street frontage	32 square feet	N/A	No	N/A

B. Signs in the C District: The following signs are permitted subject to the following requirements:

Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Permitted	Minimum Setback
Freestanding	1 per parcel	100 square feet	18 feet	Yes	25 feet from street right-of-way or 58 feet from street centerline, whichever is greater
Wall, Marquee or Projecting Sign	1 per street frontage	100 square feet	N/A	Yes	N/A

C. Signs in the LI District: The following signs are permitted subject to the following requirements:

Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Illumination Permitted	Minimum Setback
Freestanding	1 per parcel	100 square feet	18 feet	Yes	25 feet from street right-of-way or 58 feet from street centerline, whichever is greater
Wall	1 per street	100 square feet	N/A	Yes	25 feet from street right-of-way or 58 feet from street centerline, whichever is greater

Section 12.07 Nonconforming Signs

A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:

A. Expanded or altered so as to increase the degree of nonconformity of the sign;

B. Re-established after its discontinuance for twelve (12) or more consecutive months;

C. Re-established after damage or destruction if the estimated cost of reconstruction exceeds eighty percent (80%) of the appraised replacement cost, as determined by the Zoning Administrator.

ARTICLE XIII – SPECIAL LAND USES

Section 13.01 Purpose and Intent

Special uses are those uses of land that are not essentially incompatible with the uses permitted in a zoning district, but have characteristics or locational qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests for special land uses. The criteria for decisions and requirements in this Article shall be in addition to those required elsewhere in this Ordinance that are applicable to the special use under consideration.

Section 13.02 Application Procedures

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

A. Application. Applications for a special land use shall be submitted not less than twenty-one (21) days prior to the next scheduled Planning Commission meeting. The Zoning Administrator shall review the application for completeness, and when complete transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board.

B. Required Information. An application for a special land use shall be accompanied by the following documents and information:

1. An application form that has been completed in full by the applicant.
2. A site plan, pursuant to the standards of Article XV Site Plan Review.
3. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

C. Public Hearing Required. Upon receipt of the materials required in Section 13.02(B), a public hearing shall be scheduled regarding the proposed special land use in accordance with Section 17.05.

1. Planning Commission Review. Following the public hearing, the Planning Commission shall review the application for a special land use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, and may deny, approve, or approve with conditions the special land use application. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article and any other standards in this Ordinance that are applicable to the proposed special land use.

D. Issuance of a Special Land Use Permit. A special land use permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. The special land use permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the special land use permit to the applicant and the Township Clerk. A site plan submitted as an attachment to a special land use application may

be considered and reviewed in conjunction with said special land use application and shall be processed according to the procedures of Article XV.

E. Performance Guarantee. In authorizing a Special Land Use permit, the Planning Commission may require a performance guarantee pursuant to Section 17.11.

F. Appeals. No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals.

G. Amendments. Amendments to special land use permit shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan may be made to an existing special land use permit with the approval of the Zoning Administrator.

H. Transfers. The special land use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner upon the sale or transfer of the property in question. The original owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.

I. Expiration. A special land use permit shall run with the land and shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special land use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent permitted use or special land use.
2. If the applicant or current owner of the property requests the rescinding of the special land use permit.
3. If the special use is considered abandoned pursuant to Section 13.02(J).
4. If a building permit has not been obtained or if on-site development has not commenced within one (1) year of approval of the special land use.

J. Abandonment. Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:

1. The owner declares or otherwise makes evident his intent to discontinue such use.
2. When the use has been replaced by a different use.
3. The cessation of the permitted special land use for a period of twelve (12) consecutive months or more.

K. Violations. Any violation of the terms, conditions or limitations of a special land use permit shall be cause for revocation or suspension of the permit. The Township Planning Commission may either revoke or suspend, pending correction of the violation, any special land use permit after giving notice to the permit holder, specifying the alleged violation(s) and holding a public hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the special land use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

Section 13.03 Performance Standards

The Planning Commission shall approve a special land use if it finds that the proposed special land use meets all applicable regulations of this Ordinance and complies with each of the of the following standards:

A. The proposed special land use shall be consistent with the adopted Webber Township Master Plan.

B. The proposed special land use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

C. The proposed special land use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.

D. The proposed special land use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools, or persons or agencies responsible for the establishment of the proposed special land use shall be able to provide adequately for such services.

E. The proposed special land use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.

F. The proposed special land use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or the general welfare of the community by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

G. The proposed special land use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

Section 13.04 Adult Business

Adult businesses shall be subject to the following requirements:

A. The proposed Adult Business shall not be located within 450 feet of any residentially zoned property, park, school, child care organization, place of worship or other Adult Business. The distance between a proposed Adult Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed Adult Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Adult Business.

B. Entrances to the proposed Adult Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:

1. "Persons under the age of eighteen (18) are not permitted to enter the premises," and
2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

C. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.

D. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.

E. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

F. All signs shall be in accordance with Article XII of this Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities

G. All parking shall be in accordance with Article XI of this Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the Adult Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.

H. As a condition of approval and continued operation of an Adult Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing.

I. Any booth, room or cubicle available in any Adult Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:

1. Be constructed in accord with the Michigan Building Code, as amended.
2. Be unobstructed by any door, lock or other entrance and exit control device.
3. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
4. Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
5. Have no holes or openings, other than doorways, in any side or rear walls.

Section 13.05 Animal Related Facilities

Animal hospitals shall be subject to the following requirements:

A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Lake County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.

B. The operator of the animal hospital shall maintain at all times, all required state and local licenses and permits for the operation of the hospital. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for an animal hospital.

1. Said use shall be located on a parcel not less than one acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any adjacent property line.
3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a completely enclosed building.

Animal shelters shall be subject to the following requirements:

A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Lake County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.

B. The operator of the animal shelter shall maintain at all times, all required state and local licenses and permits for the operation of the shelter. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for an animal shelter.

C. Animal Shelters shall be located on a parcel not less than one (1) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings. Animal shelters containing farm animals such as horses or cows shall be located on a parcel of at least five (5) acres and shall provide a minimum of 2 ½ acres of roaming or grazing area per farm animal.

D. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any adjacent property line.

E. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.

F. All principal use activities, except outdoor dog runs, roaming or exercise areas, shall be conducted within a completely enclosed building.

Kennels shall be subject to the following requirements:

A. The minimum lot area shall be one (1) acre for the first four (4) animals, and an additional one third (1/3) acre for each animal in addition to the first four (4).

B. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any adjacent property line.

C. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.

D. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a completely enclosed building.

Section 13.06 Commercial Medical Marihuana Facilities

A. A Commercial Medical Marihuana Facility may be authorized to operate within the Township by the holder of a state operating license, pursuant to PA 281 of 2016, as may be amended, the Rules promulgater thereunder, and all applicable local ordinances.

B. No Commercial Medical Marihuana Facility shall be located within 500 feet of any school or public park/playground, with the minimum distance between uses measured between the Facility and the nearest property line of the school or public park/playground.

C. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any facility operation. When required, an outdoor trash container or dumpster shall be subject to the follows:

1. The placement of the container shall be subject to site plan review.

2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
3. All containers shall rest on concrete pads.
4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

D. A commercial Medical Marihuana Facility shall be reviewed in consideration of the following:

1. Lighting: the placement and arrangement of outdoor lighting serving the facility shall provide adequate security and comply with the purpose, objectives and standards set forth in Section 3.24. All lighting shall be downward directed; wall lighting shall use cut off fixtures. Lighting shall not exceed more than 1 foot candle at any property line. The Planning Commission may require submission of a photometric plan with a special use application.
2. Noise: Noise and vibrations shall be minimized in their effect upon the surrounding area by the use of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
3. Odor: Odor shall be minimized in its effect upon the surrounding area by the use of a modern odor control system designed to accomplish such minimization and operational procedures.
4. Environmental: Information on the storage and use of products, water and energy consumption, and waste disposal associated with a facility will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
5. Traffic: A facility shall be located in consideration of the ingress/egress, loading, and travel patterns of the traffic associated with the operation of the facility, with specific attention toward avoiding the creation of traffic through a predominately residential area.
6. Security: Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the facility to adequately provide for public safety.
7. Impact on Neighboring Property: Barriers and/or buffers, facility separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

Section 13.07 Commercial Recreational (Adult Use) Marihuana Establishments

A. A Commercial Recreational (Adult Use) Marihuana Establishment may be authorized to operate within the Township by the holder of a state operating license, pursuant to Initiated Law 1 of 2018 as may be amended, the Rules promulgated thereunder, and all applicable local ordinances.

B. No Commercial Recreational (Adult Use) Marihuana Establishment shall be located within 500 feet of any school or public park/playground, with the minimum distance between uses measured between the Establishment and the nearest property line of the school or public park/playground.

C. Outdoor trash containers or dumpsters may be required to control the disposal of waste or by-products from any establishment operation. When required, an outdoor trash container or dumpster shall be subject to the follows:

1. The placement of the container shall be subject to site plan review.
2. Adequate vehicular access shall be provided to the container which does not conflict with the use of the parking areas or access drives.
3. All containers shall rest on a concrete pad.
4. A solid ornamental screening wall or fence shall be provided around all sides of the container and shall include an access gate. The screening wall or fence and gate shall be of sufficient height to completely screen the container.
5. The container, screening wall or fence, and gate shall be maintained in a neat and orderly manner, free from debris.

D. A Commercial Recreational (Adult Use) Marihuana Establishment shall be reviewed in consideration of the following:

1. Lighting: the placement and arrangement of outdoor lighting serving the establishment shall provide adequate security and comply with the purpose, objectives and standards set forth in Section 3.24. All lighting shall be downward directed; wall lighting shall use cut off fixtures. Lighting shall not exceed more than 1 foot candle at any property line. The Planning Commission may require submission of a photometric plan with a special use application.
2. Noise: Noise and vibrations shall be minimized in their effect upon the surrounding area by the use of modern equipment designed to accomplish such minimization and the use of walls and vegetative buffers/screens.
3. Odor: Odor shall be minimized in its effect upon the surrounding area by the use of a modern odor control system designed to accomplish such minimization and operational procedures.
4. Environmental: Information on the storage and use of products, water and energy consumption, and waste disposal associated with an establishment will be required to allow for an assessment of potential impacts on the site and surrounding area and the applicability of state and local regulations.
5. Traffic: A facility shall be located in consideration of the ingress/egress, loading and travel patterns of the traffic associated with the operation of the establishment, with specific attention toward avoiding the creation of traffic through a predominately residential area.
6. Security: Security measures, such as fencing, access controls, and video surveillance, will be considered in determining the ability of the establishment to adequately provide for public safety.
7. Impact on Neighboring Property: Barriers and/or buffers, establishment separations, and/or operational requirements may be applied to minimize identified injurious or annoying impacts on surrounding properties.

Section 13.08 Contractor's Facility

Contractor's facilities shall be subject to the following requirements:

A. The minimum lot size for contractor's facilities shall be 2 acres.

B. All outdoor storage areas shall be located in the side or rear yard of the lot only.

C. Facilities shall be screened from the right-of-way and adjacent properties by an opaque wall or fence 6 feet in height, or by a landscaped berm as deemed sufficient by the Planning Commission.

D. Driveways, parking areas, and high-traffic storage areas shall be paved or treated with dustless materials.

Section 13.09 Correctional Facility

Correctional facilities shall be subject to the following requirements:

A. The minimum lot area for correctional facilities shall be 20 acres.

B. The minimum setback for all yards shall be 200 feet. Any structures associated with a correctional facilities shall be located a minimum of 1,000 feet from any residential structure.

C. Fencing and security infrastructure shall be visually screened from adjacent properties as deemed sufficient by the Planning Commission.

D. Facilities shall be served by public water and sewer and shall be located on paved arterial or collector roads.

Section 13.10 Day Care, Group Home

Day care group homes shall be subject to the following requirements:

A. An outdoor recreation area shall be provided in accordance with the requirements of the State of Michigan shall be enclosed with fencing having a minimum height of four feet. Such areas shall be located in the rear yard.

B. Off-street parking shall be provided for family members and employees of the facility. Client pick-up and drop-off areas shall be located in such a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.

C. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.

D. The facility shall comply with all applicable state licensing requirements.

Section 13.11 Dwelling, Accessory

Accessory dwelling units (ADUs) shall be subject to the following requirements:

A. Only one (1) accessory dwelling shall be permitted per lot.

B. The lot must contain an existing or proposed single-family home. No ADUs are permitted on lots with two-family or multiple-family dwellings.

C. Either the principal dwelling or the ADU shall be owner-occupied as the primary residence. Documentation of owner occupancy may be required annually or upon change in tenancy.

D. Maximum floor area shall not exceed:

1. 800–1,000 square feet, or
2. 40–50% of the principal dwelling's floor area, whichever is less.

E. Detached ADUs shall not exceed the height of the principal dwelling.

F. ADUs shall have a separate entrance; exterior entrances for internal ADUs should be located on the side or rear when feasible. Shared driveway access is encouraged to minimize curb cuts.

G. ADUs may share utilities with the principal dwelling or have separate metering, subject to utility regulations.

H. ADUs shall be used for long-term residential occupancy only. Short-term rentals (e.g., less than 30 days) shall be prohibited or separately regulated.

I. The ADU shall not be sold separately from the principal dwelling.

Section 13.12 Dwelling, Multiple-Family

Multiple-family dwelling units shall be subject to the following requirements:

A. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.

B. Dwelling unit density for multiple-family dwellings shall not exceed twelve units per acre.

C. A garage serving a multi-family dwelling shall be either:

1. recessed, or
2. placed to the rear of the dwelling with side or rear entry.

D. A minimum separation distance of 15 feet shall be provided between buildings located on the same lot if they are not attached by a common wall use or district. There shall be a 5-foot setback from any paved surface to a property line.

E. There shall be provided easily-accessible and useable open space in the development in an amount of 10% of the site area or 2,000 square feet per each 4 dwelling units, whichever is greater.

F. Only the following accessory uses shall be permitted:

1. One office space not exceeding 1,000 square feet for conducting the business of the development, utility, laundry, and indoor or outdoor recreation areas for tenants, and garages/carports for tenants.

Section 13.13 Home Occupation, Major

Major home occupations shall be subject to the following requirements:

A. The home occupation shall be clearly incidental and subordinate to the principal residential use

B. The dwelling shall remain primarily residential in appearance and function.

C. The use shall be conducted entirely within the principal dwelling or an approved accessory building.

D. Customer or client visits shall be limited to between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday.

E. The following shall generally be prohibited as major home occupations:

1. Auto repair or heavy equipment repair
2. Contractor's yards or outdoor storage businesses
3. Retail businesses with significant on-site inventory or walk-in traffic
4. Uses involving large-scale manufacturing or assembly

Section 13.14 Institutional Uses

Institutional uses shall be subject to the following requirements:

A. Uses shall be served by public water and sewer and shall be located on paved arterial or collector roads.

B. Building size, height, and mass should be compatible with surrounding development, as deemed reasonable by the Planning Commission.

Section 13.15 Live/Work Units

Live/Work units shall be subject to the following requirements:

A. Space devoted to non-residential uses shall be accessible from the dwelling area.

B. The floor area of the dwelling unit shall be at least four hundred (400) square feet in area.

C. The Planning Commission may limit hours of operation of the nonresidential uses to protect the character of the neighborhood.

D. The Planning Commission may require measures to abate nuisances associated with the live/work unit, including sound and odor transmission, and any hazardous or regulated materials and processes.

E. Any change in the nature or activities of a nonresidential use shall be regarded as a new use and shall require a new application.

Section 13.16 Manufacturing, Processing, or Assembly

A. Heavy manufacturing shall be subject to the following requirements:

1. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
2. The applicant shall disclose any hazardous, flammable or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable local, state and federal requirements.
3. Federal, state and local agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
4. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
5. The Planning Commission may require buffering, screening, setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.
6. The applicant shall demonstrate and disclose the following:
    a. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.
    b. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity. The Township Board shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.

c. The potential chemical constituents of all emissions to the air, groundwater and surface waters shall be disclosed.

B. Major wholesale facilities shall be subject to the following requirements:

1. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all such uses and activities on site shall, at all times, comply with applicable state and federal statutes and regulations.
2. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.
3. Any such outdoor storage which abuts property zoned or used for residential purposes shall be screened with fencing or evergreen landscaping sufficient to provide a year-round opaque screen.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
5. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.

C. Slaughterhouses shall be subject to the following requirements:

1. Slaughterhouses shall maintain, at all times, all required state and local licenses and permits.
2. Slaughterhouses shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto adjacent properties.
4. The Planning Commission may establish reasonable hours of operation for slaughterhouses.

Section 13.13 Mining

Mining shall be subject to the following requirements:

A. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a Site Plan in accordance with Article XV. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:

1. Name and address of owner(s) of land which removal will take place.
2 Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
3. Location, size and legal description of the total site area to be mined.
4. The means and routing of access and egress from the site to local, county and state roads.
5. Surface water drainage provisions and outlets.
6. The location and size of any structures on the site

7. A current aerial photograph displaying the area and all lands within 1,320 feet of the site. The aerial map shall show the uses of the lands on the aerial map and the location of the various types and extent of existing natural features, such as soils, vegetation, and water bodies. Appropriate overlays at the scale of the aerial photograph may be used to depict topography, slope hazards, soils, vegetation, wildlife habitat, or any other information the Township requires in order to assess the environmental impact of the proposed extraction activity and restoration plan.
8. A description of the various types and extent of existing major ground vegetation, particularly tree species, and endangered species found within the area proposed for mineral removal.
9. A detailed description of any known, anticipated or likely adverse or detrimental effect upon any aspect of the community or element of the natural and built environment, with respect to both the site of the mineral removal and the surrounding area.
10. A description of the type, quality, and amount of the mineral material at this site and of the current and potential market for the mineral material to be removed.
11. A plan for material extraction for the total project which shall include:
    a. Pre-mining soil survey indicating soil depths and types for future reclamation of the site.
    b. Surface overburden and topsoil stripping and stockpiling plans indicating erosion and runoff control measures, distance from property lines, length of storage time, and pile heights.
    c. Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
    d. The estimated quantity of product in place and to be mined, an overall phasing plan and an approximate timetable for the facility.
    e. The location and types of noise and vibration mitigation including earth berms, fences, vegetation within the required setbacks and other features.
    f. The location and types of dust mitigation tools.
    g. Phasing plan illustrating the portions of the site to be worked and an approximate schedule for opening, operation and closing of each phase.
    h. The portions of the site (if any) that may be used for on-going operations, such as equipment staging, crew areas or other uses.
    i. A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located, including the following information:
        1) A narrative description of proposed land uses at the conclusion of mining activity.
        2) A site plan illustrating a conceptual layout of the site with a conceptual plan for internal vehicular circulation on the site (if any), any areas of open water anticipated, the nature of vegetation to be established.

B. Small Pits. Mines of no more than 5 acres in total area shall not be required to obtain special land use approval, but shall comply with the following standards:

1. The total land area devoted to a Small Pit shall not exceed 5 acres, or 217,800 square feet. The determination of total area shall be cumulative incorporating any areas on the same parcel from which material is extracted.

2. No small pit shall commence operations until a land use permit has been issued therefore pursuant to Section 17.03 based on a site plan prepared in accordance with Article XV. A duly issued land use permit shall remain in effect for a period of five years providing satisfactory compliance with its terms.
3. The Zoning Administrator shall require satisfactory evidence that the operation and restoration of a Small Pit shall at all times be safe.
4. Excavation below the grade of adjacent roads or property lines shall not take place within seventy-five (75) feet from any property line or road right-of-way.
5. A Small Pit shall be graded to slopes which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface whenever excavation operations cease for any period in excess of seven (7) days.
6. A land use permit for a Small Pit shall expire six (6) months following cessation of operations, or five years, whichever occurs first. A land use permit may be extended for additional intervals of not more than two (2) years each, upon application and determination by the Zoning Administrator of continued satisfactory operation.

C. Large Pits. Pits of 5 acres or more in total area shall comply with the following site development requirements:

1. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
   a. Excavation below the existing grade of adjacent roads or property lines shall not take place within seventy-five (75) feet from any adjacent property line or road right-of-way.
   b. No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
2. Fencing: If fencing is required, the Planning Commission shall specify the type, characteristics, and location of the required fencing.
3 Stockpiles of earth materials shall be limited to a height determined by the Planning Commission. Stockpiles shall not be located in any required setback, unless by approval of the Planning Commission.
4. Interior access roads, stockpiles, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind or blown dust.
5. Hours of operation shall be established by the Planning Commission as part of the special use approval.
6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 65 decibels at any property line.
7. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
8. Large pits shall be operated and maintained in such manner so as to eliminate, as far as practicable, excessive erosion that may affect neighboring properties or adjacent rights-of-way.

D. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All excavation shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant stormwater. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of groundwater in the excavation. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to slopes which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than fifteen (15) acres of the site shall be open at any time.

1. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any machinery or equipment or parts thereof, or any material which will, or is likely to impair or harm the air water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.
2. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water consistent with soil makeup depths from pre-excavation samples.
3. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
4. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.

E. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the Township and/or State.

F Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of his intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he shall not declare abandonment.

G. Financial Guarantees: A minimum performance guarantee of $3,000.00 plus a minimum $2,000.00 per excavated acre shall be filed with the Township Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or a performance bond with the Township named as the principal. The bond shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.

H. Extraction Fees. The operator shall, as a condition of the special land use, comply fully with the Township in the payment of any extraction fees that may be established either prior or subsequent to the application for the special land use permit.

I. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities and such successor is found by the Planning Commission to have experience and credentials substantially equivalent to those of the original applicant. At that time, the Special Use permit may be transferred.

J. Permit Expiration: If approval for a Special Use permit is granted by the Planning Commission it shall extend for a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to ensure compliance with the permit and Ordinance.

K. Annual Reports. Each year, the applicant shall provide an annual report to the Zoning Administrator indicating progress in implementation of the material extraction plan as outlined in this Section. In the event the Zoning Administrator determines that progress on the site is not proceeding in general conformance with the material extraction plan or the Zoning Administrator finds that the operations on the site have departed in a material way from the approved Special Use permit, the Zoning Administrator shall require that the applicant submit, within ninety (90) days of being so notified, an amended special land use application pursuant to this Section which shall be reviewed by the Planning Commission as if it were a new application. No more frequently than every five (5) years, the Zoning Administrator may require that the applicant provide at its own expense, an independent certification by a licensed surveyor or engineer, of the quantity of materials removed in the period since the last certification, the quantity of materials imported (if any) and their location on the site, the quantity of materials stockpiled and their location on site, the approximate quantity remaining on site but not yet extracted, the condition of any areas previously mined and reclaimed and the approximate remaining life of the facility.

L. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:

1. Modification of the plan is necessary so that it will conform to the existing laws.
2. It is found that the previously approved plan is clearly impractical to implement and maintain.
3. The approved plan is obviously not accomplishing the intent of the Ordinance.

Section 13.14 Mixed Use Development

Mixed Use Developments shall be subject to the following requirements:

A. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety, and welfare of the Township.

B. The nature of the mixed use development shall be generally consistent with the policies set forth in the Webber Township Land Use Plan.

C. The applicant shall demonstrate that the proposed development will not constitute a nuisance to future inhabitants or users of the development or the Township in general.

D. Off-street parking facilities for such mixed uses may be provided collectively as provided in Article XI.

E. A proposed mixed use development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the Township, and shall:

1. Encourage unique retail, office, and residential use alternatives.
2. Facilitate economic development that will define and strengthen Township and encourage entrepreneurial activity in the Township.
3. Provide for the redevelopment of vacant, abandoned, dilapidated, or otherwise underutilized properties.
4. Facilitate pedestrian oriented development where appropriate using design options such as sidewalk cafes, rear parking, dwelling units above or adjacent to small-scale service or retail uses, and enhanced landscape open spaces F.

F. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, uncongested, and well defined. Shared access to parking areas may be required, where appropriate.

G. A mixed use development shall not infringe unreasonably on any neighboring uses

Section 13.15 Outdoor Business

Outdoor Businesses shall be subject to the following requirements:

A. The minimum frontage shall be 150 feet.

B. Ingress and egress to the business shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.

C. No loading activities shall be permitted 35 feet of any lot line abutting a residential land use.

D. Not more than 70% of the lot shall be covered by buildings and outdoor storage of materials and goods.

E. Storage yards shall be completely obscured from view from public streets and adjacent residential properties

F. The site shall be maintained in a neat and orderly fashion at all times.

G. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainageways.

Section 13.16 Private Wind Energy Facility

Private wind energy facilities shall be subject to the following requirements:

A. Siting and Design Requirements:

1. Visual Appearance
   a. A Private Wind Energy Facility, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the

turbine, tower, and any ancillary facility shall be maintained throughout the life of the Private Wind Energy Facility.

b. A Private Wind Energy Facility shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

c. Private Wind Energy Facility shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

2. Ground Clearance: The lowest extension of any blade or other exposed moving component of a Private Wind Energy Facility shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the Private Wind Energy Facility.
3. Noise. Noise emanating from the operation of a Private Wind Energy Facility shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a Private Wind Energy Facility shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
4. Vibration. Vibrations shall not be produced which are humanly perceptible beyond the property on which a Private Wind Energy Facility is located.
5. Guy Wires. Guy wires shall not be permitted as part of the Private Wind Energy Facility.

B. In addition to the Siting and Design Requirements listed previously, the Private Wind Energy Facility shall also be subject to the following:

1. Height: The height of a Private Wind Energy Facility shall not exceed 75 feet as measured from the highest point structure.
2. Setback: The Private Wind Energy Facility shall be setback from adjacent properties, rights-of-way and public easements a distance that is at least equal to the height of the proposed Private Wind Energy Facility.
3. Location: The Private Wind Energy Facility shall only be placed in the rear yard of a property that has a principal building.
4. Quantity: No more than one (1) Private Wind Energy Facilities shall be installed on any parcel of property.

C. Information Required.

In addition to the site plan requirements of Article XV, the following information shall also be required:

1. The site plan must also include adjoining properties as well as the location and use of all structures.
2. The proposed type and height of the Private Wind Energy Facility to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

3. Documented compliance with the noise requirements set forth in this section.
4. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
5. Proof of applicant's liability insurance
6. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
7. Other relevant information as may be reasonably requested.

D. Safety Requirements

1. If the Private Wind Energy Facility is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The Private Wind Energy Facility shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. A clearly visible warning sign regarding voltage shall be placed at the base of the Private Wind Energy Facility.
4. The structural integrity of the Private Wind Energy Facility shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

E. Signal Interference. The Private Wind Energy Facility shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

Section 13.17 Religious Institution

A. Except for those already in existence on the effective date of this Ordinance, all religious institutions shall have frontage and take access from a major thoroughfare.

B. The site shall be at least one (1) acre in size.

C. No more than 25% of the site area shall be covered by buildings, and no more than 60% of the site shall be covered by impervious surfaces.

D. No day care center, private school, or other use requiring zoning approval shall be permitted without obtaining zoning approval for each use.

Section 13.18 Tourism or Recreational Uses

A. Bed and breakfasts shall be subject to the following requirements:

1. The bed and breakfast shall be compatible with other allowed uses in the vicinity.

2. The impact of the establishment shall be no greater than that of a private home with houseguests.
3. The bed and breakfast shall not provide more than six (6) sleeping rooms rented to transient guests
4. The minimum lot size shall be consistent with the district minimum for a single family dwelling.
5. The establishment shall be the principal dwelling unit on the property and shall be occupied as the residence of the owner and operator at all times.
6. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
7. The bed and breakfast shall not alter the residential character of the building or structure.
8. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
9. No conference/meeting room facilities will be permitted.
10. The bed and breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
11. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

B. Campgrounds shall be subject to the following requirements:

1. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
2. The application shall provide for measures acceptable to the Township Board to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Township Board, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
3. If provided, restrooms and/or shower facilities shall be maintained free from debris and in working order at all times.
4. Electrical and water hook ups, if provided, shall conform to applicable state and county electrical and maintenance regulations.

C. Resorts shall be subject to the following requirements:

1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
2. At resorts consisting of multiple cabins intended for overnight lodging, such cabins shall contain a minimum of 260 square feet.

3. A resort that includes an auditorium or public meeting space shall provide parking to accommodate all uses on the site.
4. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the subject neighborhood.
5. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a resort.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence and lockable gate six (6) feet in height, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

ARTICLE XIV – PLANNED UNIT DEVELOPMENT

Section 14.01 Purpose and Intent

It is the purpose of this section to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects. The basic provisions concerning Planned Unit Development are the subdivision, development, and use of land as an integral unit, combining more than one primary land use and which may provide for single-family residential, multi-family residential, education, business, commercial, recreation, park and common use areas, which are compatible with one another and provide for efficient use of land. The objectives of these Planned Unit Development standards are:

A. To permit flexibility in the regulation of land development.

B. To encourage innovation in land use, the potential for mixed land use, and variety in design, layout, and type of structures constructed.

C. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.

D. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and Township.

E. To encourage the innovative use, re-use, and improvement of existing sites and buildings.

Section 14.02 General Requirements

Planned Unit Developments shall meet the following general standards:

A. The use will be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of Webber Township residents and the benefits of the development are not achievable under any single zoning classification.

B. The use shall be consistent with the Webber Township Master Plan and Future Land Use Map.

C. The use and development is warranted by the design and additional amenities made possible with and incorporated by the development proposal.

D. The development consolidates and maximizes usable open space.

E. Landscaping is provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.

F. Vehicular and pedestrian circulation, allowing, safe convenient, non-congested and well-defined circulation within and access to the development shall be provided.

G. To the extent reasonable, existing important natural, historical and architectural features within the development shall be preserved.

H. To qualify for a Planned Unit Development, the subject site shall be under the ownership of a single entity.

Section 14.03 Dimensional and Use Standards

A. Land in an approved PUD may be used for any permitted or special use authorized in the zoning district in which the proposed PUD lies, except that a PUD rezoning is not permitted for land

zoned AG Agriculture. In addition, the following uses may be approved as a PUD:

1. Group camps and campgrounds, including recreational vehicle parks.
2. Country clubs.
3. Golf courses and outdoor sports facilities.
4. Hospitals.
5. Hotels and motels.
6. Nursing homes and senior citizens housing.
7. Philanthropic institutions.
8. Schools, colleges, and institutions of higher learning.
9. Multi-family residences. (No density bonus would be permitted)
10. Religious institutions.
11. Mixed use developments, traditional and village centered neighborhoods where there are direct relationships between the mix of uses and principal uses permitted within the underlying zoning district.

B. In order to be zoned as a PUD district, the proposed area shall have a minimum area of twenty (20) acres.

C. Maximum Densities: For the purposes of this chapter, maximum densities shall be determined on the basis of the gross area of the proposed PUD District. The maximum density of a PUD shall not exceed one and one half (1.5) times the maximum density of residential living units permitted in the zoning district in which the PUD lies. The increase in density proposed for the PUD shall be justified in the documentation supplied with the PUD application in terms of the design criteria intended for the PUD, including character of the proposed development, provision of public utilities, community services, and open space and recreational amenities provided as part of the PUD.

D. Usable Open Space Requirement. A PUD containing a residential component shall maintain a minimum of 350 square feet of useable open space per dwelling unit, or 20,000 square feet, whichever is greater. Such open space shall be set aside through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, that ensures the open space shall remain undeveloped in perpetuity.

E. Sewer and Water Service: In the event public sewer or water service is not available at the time of the development, PUD may utilize a private sewer or water system, provided such sewer and/or water system is approved by the appropriate Federal, State, County or local agencies and the Township Board.

F. Performance Guarantee. In authorizing a PUD, the Township may require a performance guarantee in accordance with Section 17.11 of this Ordinance.

Section 14.04 Application Procedures

A. Pre-application Conference: Prior to the submission of an application for Planned Unit Development, the applicant shall meet with the Zoning Administrator, and such consultants as deemed appropriate. The applicant shall present at the conference a sketch plan of the proposed Planned Unit Development, and the following information:

1. A legal description of the property in question;
2. The total number of acres to be included in the project;
3. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
4. The approximate number of acres to be occupied and/or devoted to or by each type of use;
5. The number of acres to be preserved as open space or recreation space; and
6. All known natural resources and natural features.

B. Following the above conference, copies of a Site Plan and application for a PUD rezoning request shall be submitted to the Zoning Administrator at least 21 days prior to the next regularly scheduled Planning Commission meeting. The Zoning Administrator shall review the information submitted for completeness. If complete, the Zoning Administrator shall transmit the completed application for PUD rezoning and PUD site plan to the Planning Commission.

In addition to the requirements of Article XV, the PUD site plan shall include the following information:

1. The location and proposed use for all proposed structures on the site.
2. Size and location of all areas devoted to green space.
3. A phasing plan indicating boundaries and uses included to be constructed during the phase.
4. A narrative describing:
   a. The nature of the project.
   b. The proposed density, number, and types of dwelling units if a residential PUD.
   c. A statement describing how the proposed project meets the objectives of the PUD.
   d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
   e. Proof of ownership or legal interest in property.
5. Any other information deemed necessary by the Planning Commission to aid in the review of the proposed PUD.

C. The Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the PUD application and shall be published and conducted in accordance with Section 17.05 of this Ordinance. The Planning Commission shall also transmit the proposed PUD to the Lake County Planning Commission for review as outlined in Section 17.10 of this Ordinance.

D. Following the public hearing, and after providing Lake County at least thirty (30) days to review the application, the Planning Commission shall recommend the Township Board to approve, approve with conditions, or deny the PUD rezoning request and PUD Site Plan.

In making its recommendation, the Planning Commission shall document its findings of fact that the proposed PUD meets (or does not meet) the intent of the PUD district, the general requirements of Section 14.02, and the following standards:

1. Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

2. The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
3. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
4. The Planned Unit Development shall not change the essential character of the surrounding area when compared to permitted uses in the underlying zoning district.
5. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Township.
6. The Planning Commission shall also consider the factors outlined in Section 17.10(C) in making its recommendation.

Section 14.05 Township Board Review and Decision

After receiving the recommendation of the Planning Commission, the Township Board may hold a public hearing for the purpose of receiving comments relative to the PUD application as set forth in Section 17.05 of this Ordinance, though it is not required. Based on all the information gathered from the public hearing and consideration of the recommendation of the Planning Commission, the Township Board shall either approve, approve with conditions, or deny the PUD application and PUD Site Plan.

Section 14.06 Effect of Approval

Approval of a PUD by the Township Board shall constitute an amendment to the Webber Township Zoning Map. The Planned Unit Development including the PUD Site Plan, as approved, and narrative as well as all conditions imposed, if any, shall constitute the land use authorization for the property subject to approval of the Site Plan. All uses not specifically specified in the Site Plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment, except as permitted by Section 14.09. At its discretion, the Township Board may cause a separate ordinance to be created documenting the elements of the PUD.

The applicant shall record an affidavit with the Lake County Register of Deeds that contains the following:

A. Date of approval of the PUD by the Township Board.

B. Legal description of the property.

C. Legal description of the required green space along with a plan stating how this green space is to be maintained.

D. A statement that the property will be developed in accordance with the approved PUD Final Site Development Plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

Section 14.07 Appeals

A decision or condition related to a Planned Unit Development application made by the Planning Commission or Township Board shall not be appealed to the Zoning Board of Appeals.

Section 14.08 Phasing

Each phase of a PUD shall be planned, developed and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

Section 14.09 Amendments

An approved PUD may be amended as follows:

A. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

B. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission and Township Board according to the procedures authorized by this section for approval of a Planned Unit Development.

Section 14.10 Expiration

The PUD approval shall expire two (2) years from date of final approval if the applicant has not commenced substantial construction or has not diligently proceeded to completion. Upon written request stating the reasons therefore, the Planning Commission may extend a Planned Unit Development approval.

Following expiration of the time limit and any extension, the Planning Commission may recommend, following a public hearing with notice provided as required by Section 17.05 of this Ordinance, to the Township Board rezoning of the property to its previous zoning district in accordance with the provisions of Section 17.10.

ARTICLE XV – SITE PLAN REVIEW

Section 15.01 Purpose and Intent

The intent of this section is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish objectives in the utilization of land within the regulations of the Ordinance, with minimum adverse effect on the land, shore, highways, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance.

Section 15.02 Site Plan Required

A. Site plan review and approval shall be required before any change of use, or before any excavation, removal of soil, or placing of any fill on lands contemplated for development; and, except as hereinafter provided, no building permit shall be issued for any building or use, or reduction or enlargement in size or other alteration of any building or change in use of any building including accessory structures unless a site plan is first submitted and approved by the Zoning Administrator pursuant to the provisions of this Article.

B. All uses in the following districts shall require site plan approval:

1. C Commercial District
2. LI Light Industrial District

C. In the RE and R districts, site plan approval shall be required for all uses other than single-family dwellings, their accessory buildings, and farming structures.

D. Site Plan review and approval shall be required for all Special Land Uses, and for all developments, including single-family homes, to be located in wetlands as defined by the EGLE, or with a 100 year floodplain as determined by the Federal Emergency Management Agency (FEMA).

E. Site plan review and approval shall not be required if the construction, alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

Section 15.03 Optional Sketch Plan Review

A. Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator prior to site plan review. The purpose of such procedure is to allow discussion between a developer and the Zoning Administrator, to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
2. Legal description, property parcel number, and street address of the subject parcel of land.
3. Sketch plans showing tentative site and development plans.

B. The Zoning Administrator shall not be bound by any comments or tentative judgments made at this time and may require the applicant to sign an affidavit acknowledging the advisory nature of the sketch plan review process.

Section 15.04 Application Procedure

A request for site plan review shall be made by filing with the Zoning Administrator the following:

A. An application for Site Plan Review consisting of the following:

1. A completed application form, as provided by the Township.
2. Payment of a fee, in accordance with a fee schedule as determined by the Township Board.
3. A legal description of the subject property.
4. Ten (10) copies of the site plan, which shall include and illustrate at a minimum the following information:
   a) Small scale sketch of properties, streets and use of land within one-half (1/2) mile of the area.
   b) A Site Plan at a scale of not more than one (1) inch equals one hundred (100) feet showing any existing or proposed arrangement of:
      1) Existing adjacent streets and proposed streets.
      2) Existing proposed lots.
      3) Parking lots and access points.
      4) Proposed buffer strips or screening.
      5) Natural features including, but not limited to, open space, stands of trees, brooks, ponds, hills and similar natural assets both on the subject property and within one hundred (100) feet of the property lines.
      6) Location of any signs not attached to the building.
      7) Existing and proposed buildings.
      8) Existing and proposed general topographical features including contour intervals no greater than two (2) feet.
      10) Present zoning of the subject property and adjacent property.
      11) Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
      12) Location and type of drainage, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
      13) Existing and proposed water main and sanitary sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
      14) Detail pertaining to proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination.
      15) Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.

c) A narrative describing:

1) The overall objectives of the proposed development.

2) Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives and open spaces.

3) Dwelling unit densities by type, if applicable.

4) Proposed method of providing sewer and water service as well as other public and private utilities.

5) Proposed method of providing storm drainage.

B. Modification of Requirements. The Zoning Administrator or Planning Commission may waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the application.

C. Action on Application and Site Plans.

1. Upon receipt of the application and plans, the Zoning Administrator shall review the application materials for completeness. If complete, the Zoning Administrator shall transmit one copy to to the Fire Department when applicable, one (1) copy to other area review agencies when applicable and retain one (1) copy in the Township offices.

3. The Zoning Administrator may schedule a a public hearing on any application for its plan to be approved by the Planning Commission. The Planning Commission or Zoning Administrator shall set the time and place for such public hearing and arrange for notice of such hearing in accordance with Section 17.05 of this Ordinance.

4. The Zoning Administrator shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required shall be stated writing and delivered to the applicant.

Section 15.05 Site Plan Review Standards

In the process of reviewing a site plan, the Planning Commission shall consider the following:

A. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.

B. That the buildings structures and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

C. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

D. That any adverse effect of the proposed development shall be minimized by appropriate screening, fencing, walls or landscaping.

E. That all provisions of this Ordinance are complied with unless an variance has been granted by the

Zoning Board of Appeals.

F. That all buildings and structures are accessible to emergency vehicles.

G. That a plan for erosion control, storm water discharge, has been approved by the appropriate public agency.

H. That the plan as approved is consistent with the intent and purpose of this Ordinance..

Section 15.06 Approved Site Plans

A. Site Plan Approval. A Site Plan shall be approved if it contains the information required by, and is in compliance with, the Zoning Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Three copies of the approved site plan and any supporting documents shall be signed by the Chairman or Secretary of the Planning Commission and the applicant. Two copies of the approved site plan shall be kept on file by the Township and the other copy shall be retained by the applicant.

B. Conformity to Approved Site Plans. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments or changes thereto which have received the approval of the Planning Commission or Zoning Administrator. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

C. Duration of Approval. An approved site plan shall be valid for a period of two (2) years after the date of approval. Upon written request by the applicant stating the reasons therefore, the Planning Commission may extend a site plan approval for an additional one (1) year period if the evidence shows that all of the following conditions exist:

1. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
2. The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
3. Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
4. There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
5. An application for an extension of a site plan must be filed at least 60 (sixty) days prior to the expiration of the original site plan or the expiration of any extension previously approved by the Township, whichever is applicable.

D. If a site plan expires pursuant to subsection 15.06, C, above, no work may be undertaken until a new site plan has been approved by the Planning Commission pursuant to the standards of this Article.

Section 15.07 Changes to an Approved Site Plan

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator pursuant to the following standards:

A. Minor changes to an approved site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, trafficway, landscaping and building size up to ten (10) percent of the approved area, parking areas, and similar minor changes may be approved by the Zoning Administrator. The Zoning Administrator shall report all administratively approved changes of a site plan to the Planning Commission at their next regularly scheduled meeting.

B. Major changes or amendments to an approved site plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation or of a building, and increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission in the same manner as the original application was submitted, reviewed, and approved.

Section 15.08 Appeals

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

Section 15.09 Performance Guarantees

In approving a Site Plan, the Planning Commission may require a performance guarantee pursuant to Section 17.11.

ARTICLE XVI - NONCONFORMITIES

Section 16.01 Purpose and Intent

It is recognized that there exist within the districts established by this Ordinance and subsequent amendments, lots, uses of land, building or structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such lots, uses, buildings or structures are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconforming lots, uses, buildings or structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the same district, except as permitted in this Article.

No building or structure, or part thereof, shall hereafter be erected, constructed, altered or maintained, and no new use or change of use shall be made or maintained of any building, structure or land, or part thereof, except in conformance with the provisions of this Ordinance. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are brought into conformity, removed, or abandoned.

Section 16.02 General Provisions for Nonconforming Buildings, Structures, Uses and Lots

A. Any lot, use of land, building or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, building or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.

B. An existing lot, use of land, building or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided that such lot, use of land, building or structure is in compliance with this Article.

C. A lawful use of land, building or structure which is under construction at the time of adoption of this Ordinance shall be permitted to continue as a nonconformity, subject to the provisions of this Article.

D. On any nonconforming building or structure, or on any building or structure located on a nonconforming lot or devoted in whole or in part to any nonconforming use, work may be done in on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the building as it existed on the effective date or amendment of this Ordinance, shall not be altered or increased except in compliance with this Article.

   Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

E. A change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or of lots, uses of land, buildings or structures in combination, shall be permitted.

Section 16.03 Nonconforming Uses

A. No part of any nonconforming use shall be moved unless the movement eliminates or reduces the nonconformity.

B. If a nonconforming use is abandoned for any reason for a period of more than three (3) years, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists:

1. Utilities, such as water, gas and electricity to the property, have been disconnected.
2. The property, buildings, and grounds, have fallen into disrepair.
3. Signs or other indications of the existence of the nonconforming use have been removed.
4. Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
5. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

C. A nonconforming use shall not be changed to another use that is also nonconforming unless it is more conforming than the previous use. Once a conforming use is established the prior nonconforming use may not be reestablished.

D. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Planning Commission upon reaching a determination that the proposed enlargement, increase, or greater area:

2. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
3. Complies with all parking, sign, or other regulations applicable the area affected by the proposed enlargement, increase, or greater area.
4. Complies with any reasonable conditions that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

Section 16.04 Nonconforming Buildings and Structures

A. The expansion of a nonconforming structure shall be permitted provided that the addition complies with other provisions of this Ordinance and does not increase the degree of nonconformance.

B. Except as elsewhere provided in this Ordinance, in the event any nonconforming building is damaged either by natural disaster or by any other means, it may be rebuilt or restored to its original nonconforming state regardless of the extent of the damage or the degree of removal. However, in such event, the degree of nonconformance shall not be increased beyond the structure's previously nonconforming state, except that manufactured homes may be replaced in any circumstances provided that the new manufactured home is in better condition and generally, represents an upgrade or improvement to the public health, safety, and welfare compared to the previous nonconforming manufactured home. The replaced manufactured home must be aesthetically compatible with the surrounding neighborhood.

C. A nonconforming building or structure shall not be moved in whole or in part unless the movement eliminates or reduces the nonconformity.

Section 16.05 Nonconforming Lots of Record

A nonconforming lot may be used for the purposes for which it is zoned, provided that:

A. If the lot area or lot width is already less than the minimum requirements of this Ordinance, the lot shall not be divided or reduced in dimensions or area so as to increase the degree of nonconformance with the minimum requirements of this Ordinance.

B. Any principal building on a nonconforming lot shall be located so that at least sixty-six percent (66%) of the setback requirements of the District in which the lot is located are met.

ARTICLE XVII - ADMINISTRATION

Section 17.01 Zoning Administrator

A. The Township Board shall designate an individual to serve as the Zoning Administrator to administer and enforce this Ordinance. The Zoning Administrator may delegate duties to such other persons as may be assigned to assist.

B. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violation, indicating the nature or the violation and ordering the action necessary for correction. He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance or general law to ensure compliance with or to prevent violation of the provisions of this Ordinance.

C. All Township personnel responsible for carrying out their responsibilities under the terms of this Ordinance shall show proper credentials before entering private property for the purposes of carrying out such responsibilities.

Section 17.02 Duties and Limitations of the Zoning Administrator

A. The Zoning Administrator shall have the authority to grant Land Use Permits and to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

B. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Land Use Permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a Land Use Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this Ordinance, be accompanied by a site plan, in accordance with Article XV of this Ordinance.

C. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Land Use Permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.

D. Issuance of a Land Use Permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land, except as such authority may be explicitly provided for in this Ordinance. The Zoning Administrator shall have no authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.

E. The Zoning Administrator shall not refuse to issue a Land Use Permit when the applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants, deed or plat restrictions, or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

Section 17.03 Land Use Permit

A. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building, or to commence the moving, or structural alteration, including an accessory building, exceeding one hundred twenty (120) square feet in floor area, until the Zoning Administrator has issued for such work a Land Use Permit including a certification of his/her opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this Ordinance.

B. It shall be unlawful to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Land Use Permit.

C. In all cases where a building permit is required, application for a Land Use Permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the Zoning Administrator.

D. Any Land Use Permit issued under the provisions of this Ordinance shall be valid only for a period of twelve (12) months following the date of issuance thereof. Any project which has not commenced within the twelve (12) month period will require the re-issuance or extension of the Land Use Permit.

E. When the Zoning Administrator receives an application for a Land Use Permit that requires a special land use approval, variance, or other approval, he/she shall so inform the applicant.

F. Before any Land Use Permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by the Township Board.

G. No building or structure or use for which a Land Use Permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this Ordinance and all other applicable codes are met with and a Certificate of Occupancy has been issued by the Code Official. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

H. The Building Inspector and/or Zoning Administrator shall have the power to revoke and cancel any permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, or in the event of any false statement or misrepresentation in the application for the permit. Notice of such cancellation and revocation shall be securely posted at the construction site. Such posting shall be service of notice upon the permit holder as to the cancellation and revocation of the permit.

Section 17.04 Reapplication

No application for a Special Land Use, Site Plan Review, Planned Unit Development, or Variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence, or unless the site plan is substantially changed in the opinion of the Zoning Administrator.

Section 17.05 Public Hearing and Notice Requirements

Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized or required by this Ordinance or under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.

B. Except as provided in subsection D below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

1. The applicant;
2. The owner or owners of the subject property;
3. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the Township's boundaries; and
4. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

C. The notice of public hearing shall include the following information:

1. A description of the nature of the proposed amendment, application or request.
2. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection D below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
3. State when and where the application or request will be considered.
4. Identify when and where written comments will be received concerning the application or request.
5. In the case of an amendment to the Ordinance or to the Zoning Map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.

D. When a proposed rezoning involves the text of the Zoning Ordinance or 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of subsections B(2), B(3) and B(4), of this Section are not required, and the listing of individual property addresses under subsection C(2) is not required.

E. For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township for the purpose of receiving the notice of public hearing.

F. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

Section 17.06 Rehearing

A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which were relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
3. The Township Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

C. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 17.07 Zoning Board of Appeals

A. There is hereby established a Zoning Board of Appeals in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended, being the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that

there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured.

B. Membership, Terms of Office. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board. The first member of such board shall be a member of the Planning Commission, and the Trustee's term on the board shall be concurrent with their term on the Planning Commission. The Township Board shall appoint the remaining members of the Board. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as Chair of the Zoning Board of Appeals.

The term of office of each member shall be three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Township Board shall seek to stagger the expiration dates of members of the Zoning Board of Appeals so at least one member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next. The Township Board may appoint at least two (2) alternate members, who shall serve for three (3) years.

C. Meetings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify. The Chair or in his absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

D. Duties, Rules, Hearing and Decisions of Appeals, Right to and Grounds of Appeal. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures. It shall also hear and decide appeals from and review any order, requirements, decision or determination made by the administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State. The grounds of every determination shall be stated.

E. Time to and Notice of Appeal: Transmission of Record. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the Township Clerk, the Zoning Administrator or other officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds thereof together with a fee established by Township Board which shall be paid to the Township at the time the notice of appeal is filed. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

F. Stay of Proceedings Pending Appeal. An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer

from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The Zoning Board of Appeals or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.

G. Hearings and Notices, Right to be Heard, Disposition of Appeals, Decision Not Final. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. 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 made in the premises. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court.

Section 17.08 Duties and Powers of the Zoning Board of Appeals

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of intent of this Ordinance, but does have power to act on those matters where by statute or this Ordinance provision is made for an administrative review, interpretation, variance or exception as defined therein.

A. Review. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or the Planning Commission or by any other official in administering or enforcing any provision of this Ordinance. The allegation shall be duly made within thirty (30) days of the date of decision being appealed. The date of decision is presumed to be five (5) days after the literal date of decision.

B. Interpretation. The Zoning Board of Appeals shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts.

C. Variances. The Board shall have the power to authorize, upon an appeal, variances from the requirements of this Ordinance provided it finds that all of the conditions contained in this Section are met. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. In granting a variance, the Zoning Board of Appeals shall find that the variance request meets all of the following conditions:
    a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
    b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.

c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.

d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.

e. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.

f. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

g. The requested variance is the minimum variance that will make possible the reasonable use of the land.

h. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.

i. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

D. Rules. The following rules shall be applied in the granting of variances:

1. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.

2. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a building permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

3. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

E. Performance Guarantee. In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Zoning Board of Appeals may require that a performance guarantee

be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by a stipulated time. Such performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, at the discretion of the Zoning Board of Appeals.

Section 17.09 Planning Commission

A. Webber Township has created a Planning Commission in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

B. Membership

1. The Planning Commission shall consist of five members. Members of the Commission shall be appointed by the Township Supervisor subject to approval by majority vote of the members of the Township Board elected and serving.
2. The term of each member shall be three years, and until a successor is appointed and qualified, except that any Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding three years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
3. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests, as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.
4. Members of the Planning Commission shall be qualified electors of the local unit of government, except that one Planning Commission member may be an individual who is not a qualified elector of the local unit of government.
5. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the Township Board, by ordinance, defines conflict of interest for the purposes of this subsection, the Planning Commission shall do so in its bylaws.

C. Officers of the Planning Commission

1. The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices, as it considers advisable. The Township Board member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under Section 17.09(D)(1).
2. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

D. Procedures of the Planning Commission

1. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
2. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

E. Meetings of the Planning Commission

1. The Planning Commission shall hold not less than four regular meetings each calendar year. At its first meeting of each calendar year, the Planning Commission shall adopt and provide public notice of its regular meetings for the ensuing year in accordance with the Open Meetings Act, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
2. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

F. Duties and Responsibilities of the Planning Commission

The members of the Planning Commission shall have the following principal duties and responsibilities, among others:

1. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
2. To prepare, consider and approve the Township Master Plan, in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.
3. In accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently then every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve any such revisions or amendments.
4. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
5. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
6. To promote understanding of and interest in the Master Plan and this Ordinance.
7. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
8. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
9. To carry out other duties and responsibilities provided by law.

Section 17.10 Amendments

A. Any interested person may request, and the Township may approve or disapprove, an amendment to this Ordinance and/or zoning map. Such requests must be submitted at least twenty-one (21) days prior to the next regularly scheduled Planning Commission meeting.

B. Application Procedure.

1. An amendment to the text of the ordinance shall be submitted for consideration by the Planning Commission in accordance with the Zoning Enabling Act, Act 110 of 2006, as amended. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request shall be included in the petition. For an amendment to the Zoning Map, a description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request shall be included in the petition.
2. When a proposed amendment is received the Planning Commission, the Planning Commission shall schedule a public hearing in accordance with Section 17.05 of this Ordinance.
3. The Planning Commission shall hold the public hearing, noting all comments and reports requested, or noting the absence of such.
4. The Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct technical errors without further hearing. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
5. The proposed amendment shall be forwarded to the Lake County Planning Commission for review. The County shall be provided at minimum of thirty (30) days to review the proposed amendment unless the County has, by resolution, waived its right to review Township Ordinances and amendments as outlined in the Michigan Zoning Enabling Act, as amended.
6. After receiving notice of action by the Lake County Planning Commission if any is provided, the request shall be forwarded to the Township Board for consideration.
7. If the Township Board determines that the proposed amendment should be modified or rejected, it may refer the proposed amendment back to the Planning Commission for further consideration and for comments within a time specified by the Township Board. After receiving the report of the Planning Commission, the Township Board shall grant a hearing on the proposed amendment to a property owner who requests a hearing by certified mail, addressed to the Clerk. Additionally, the Township Board may hold a public hearing on the proposed amendment if considers it necessary. Notice of any such hearing shall be given in accordance with the Section 17.05 of this Ordinance.
8. The Township Board shall either approve or deny the proposed amendment. If approved, Township Board shall publish the Ordinance amendment in its entirety or a summary of the regulatory effect of the Ordinance amendment in a newspaper having general circulation in the Township within fifteen (15) days of adoption, pursuant to the Michigan Zoning Enabling Act. The proposed amendment becomes effective seven (7) days after publication.

C. Applicable Factors.

When reviewing an amendment request, the Township may consider, but shall not be limited to the following:

1. Whether the proposed change is in accordance with the Township's Master Plan.
2. Whether the proposed change represents a form of spot zoning.
3. Whether the proposed use would be incompatible with existing (and/or future) uses in the area.
4. Whether the proposed change would negatively affect the Township's ability to implement or follow the Master Plan for the area.
5. Whether the proposed use would add more acreage than can be justified, thereby detracting from the Township's ability to develop according to the Master Plan.
6. Other factors set forth in the Zoning Enabling Act, Act 110 of 2006, as amended.

D. Public notice of an amendment to this Ordinance shall follow the process set forth in Section 17.05.

Section 17.11 Performance Guarantees

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Webber Township, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Board of Appeals may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

A. Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.

B. When a performance guarantee is required, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a Land Use Permit by the Zoning Administrator for the development and use of the land. Upon the deposit of the performance guarantee, when in the form of a cash deposit or certified check, the Township shall deposit it in an interest-bearing account.

C. In the event a performance guarantee is required, the applicant shall also furnish such authorization as is required by the Township to permit the Township to enter upon the subject property to complete the improvements in the event of default by the applicant.

D. An approved site plan or project shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the Land Use Permit.

E. In the event the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposited funds when one-hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said

applicant to assure compliance with the Zoning Ordinance standards and the specifications of the approved site plan.

F. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

G. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township administrative costs in completing the improvement with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the Township and prior to the issuance of a land use permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

Section 17.12 Fees and Applicant Escrow Accounts

A. The Webber Township Board may establish by resolution, fees for appeals, application for amendments, special uses, site plan reviews, land use permits, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Hall and may be altered only by resolution of the Township Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

B. If the Planning Commission or Zoning Board of Appeals determines that the basic fees provided under Section 17.12A will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.

These additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in

excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

ARTICLE XIII - MISCELLANEOUS PROVISIONS

Section 18.01 Severability

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 18.02 Administrative Liability

No officer, member, agent, or employee of the Township Board, Planning Commission or Zoning Board of Appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause arising out of the discharge of such person's duties and responsibilities pursuant to this Ordinance.

Section 18.03 Penalties and Injunctive Relief

A. Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance, and each day said violation continues may be regarded as a separate violation. Any such violation is hereby declared to be a nuisance, per se. Whoever violates any provision of this Ordinance is guilty of a Municipal Civil Infraction, for which the fine is as follows:

1. Not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250) for the first offense, and;
2. not less than two hundred dollars ($200) and not more than five hundred dollars for subsequent offenses; and
3. all other costs, damages and expenses provided by law.

B. The penalties provided herein shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 18.03 Repealer and Savings

A. Repeal of Former Ordinance. The Webber Township Zoning Ordinance of 2001, including amendments and additions thereto, is hereby repealed as of the effective date of this Ordinance.

B. Savings Clause. The repeal of the Webber Township Zoning Ordinance of 2001, as amended, shall not release any penalty or liability incurred under said Ordinance, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

Section 18.04 Effective Date

This Ordinance shall become effective seven (7) days following publication of a notice of adoption in a newspaper of general circulation in the Township.

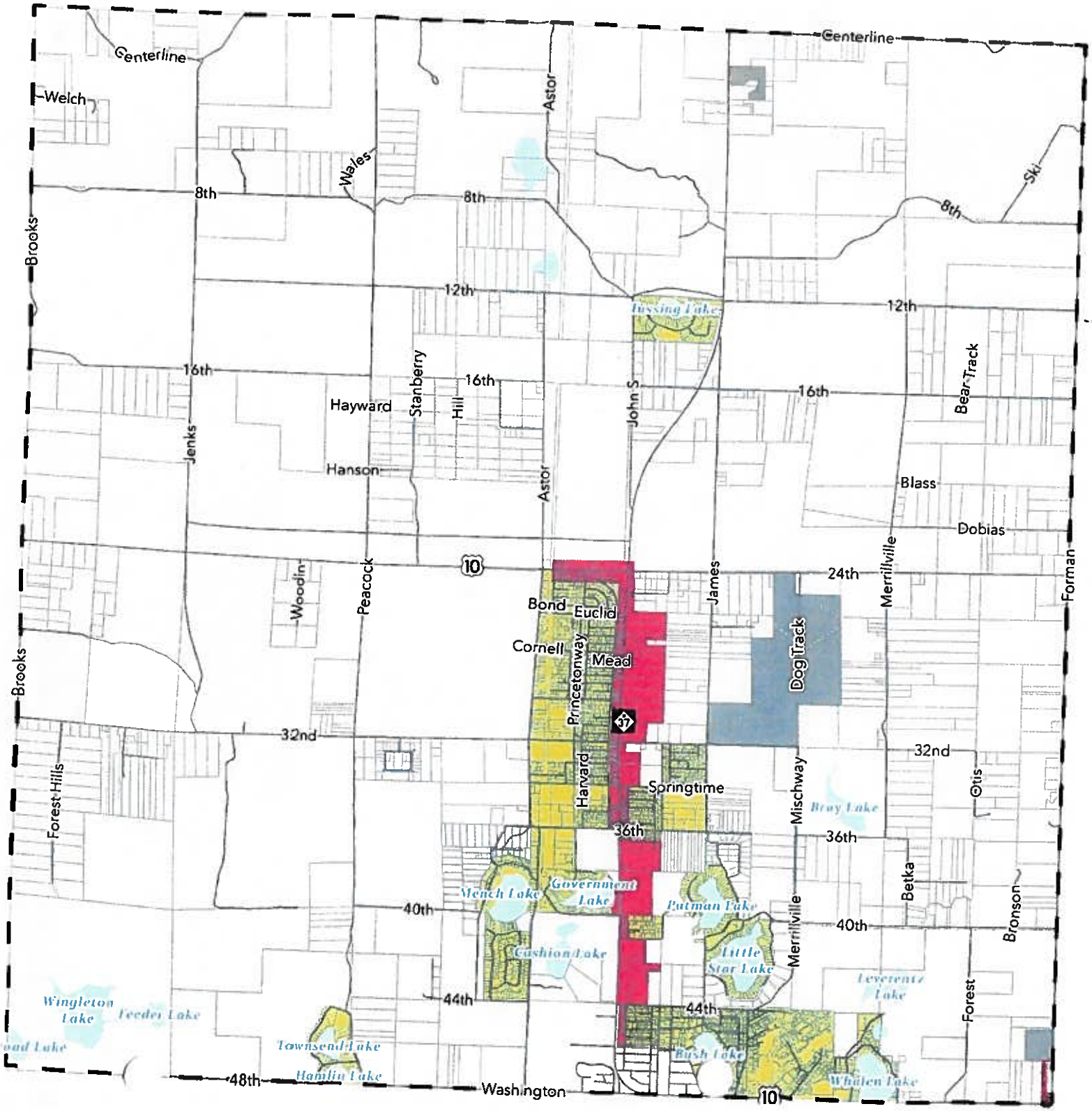
Section 18.05 Adoption

Adopted by the Webber Township Board at a regularly scheduled meeting held on _____, 2026.

Moved by _____, support by _____ to adopt the Webber Township Zoning Ordinance as recommended and approved by the Webber Township Planning Commission.

Ayes:

Nays:



Webber Township

Lake County, MI

DRAFT

Zoning Map

- Recreational
- Residential
- Commercial
- Light Industrial

0 0.25 0.5 1 Miles

1" = 4,000 feet

williams&works
engineers | surveyors | planners

Map Created: May 2026