

**ZONING ORDINANCE OF
HIGHLAND TOWNSHIP
OSCEOLA COUNTY, MICHIGAN**

AS AMENDED – MAY 22, 2025

ARTICLE I

Sec. 1.1. An Act to provide a plan designed to promote the public health, safety, morals and general welfare, to encourage the use of land in accordance with their character and adaptability and to limit the improper use of land, while still recognizing that planning effects each individual and the planning process should not be too far removed from the control of the Township's people.

ARTICLE II

Sec. 2.0. There shall be a permanent TOWNSHIP PLANNING COMMISSION composed of 7 members. The members of said board shall be selected upon the basis of their respective qualification and fitness to serve as members of a planning commission without consideration for their political activities. Minimum qualifications for eligibility to serve as zoning board member are that the candidate must be a full year resident of Highland Township as defined by the Michigan Treasury Department, and that the candidate must be an owner of real property within the boundaries of Highland Township. Of the members first appointed, 3 shall be appointed for terms of 2 years each. The other 3 members shall be appointed for terms of 4 years each. The seventh member of the planning commission shall be a member of the township board, but not the township supervisor. The planning commission 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 terms of the members serving from the Township Board, or Planning Commission, are limited to their other respective terms.

Sec. 2.1. The TOWNSHIP PLANNING COMMISSION shall hold a minimum of 4 regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in Highland Township not more than 15 days nor less than 8 days prior to the meeting, at which meetings any person having interests in the township, or their duly appointed representatives, shall be heard in relation to any matters that should properly come before the planning commission.

Sec. 2.2. There shall be a TOWNSHIP BOARD OF APPEALS composed of 3 members. The first member of the Board of Appeals shall be the Chairman of the Township planning commission. The second member shall be a member of the Township Board appointed by the Township Board, and the third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of Highland Township.

Sec. 2.3. Meetings of the TOWNSHIP BOARD OF APPEALS shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. All meetings of the Board of Appeals shall be open to the public. The board shall maintain a record of its proceedings, which shall be filed in the office of the township clerk and shall be a public record.

Sec. 2.4. The township board of appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with enforcement of any ordinance adopted pursuant to this act.

Sec. 2.5. The TOWNSHIP BOARD OF APPEALS shall fix a reasonable time for the hearing of an appeal and give due notice of the hearing to the parties, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by an agent or attorney. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the authority in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done. The decision of such board shall NOT be final, and any person having an interest affected by any such ordinance shall have the right of appeal to the circuit court on questions of law and fact.

Sec. 2.6. NONCONFORMITIES:

1. Purpose: Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued, damaged or removed but are not encouraged to survive. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district.
2. Regulation: No such nonconforming use of land shall be moved in whole or in part to any other portion of such land, or to a different parcel, not occupied on the effective date of adoption of amendment of this Ordinance, except as provided in Sec. 2.6 #3.
3. Extensions: A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered or expanded during its life; and a parcel may not be used or built upon; except for any one or combination of the following and subject to the following restrictions:
 - A. If the nonconformity is a use which is not otherwise allowed in the zoning district; then the use and the structures upon which the use is associated shall not be expanded, hours of operation or level of service, or any other extension than what exists at the time of adoption of this Ordinance. Under no condition shall the parcel be expanded and use be expanded to a contiguous parcel.
 - B. If the nonconformity is that the parcel is too small and already has existing uses and structures; then the structures shall not be expanded. Any expansion of the structure shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the respective zoning district.

- C. If the nonconformity is that the parcel is too small, and the parcel is vacant; then a use or structure shall not be permitted unless contiguous land is added to the parcel to make the parcel large enough, except a variance is granted by the Appeals Board.
- D. If the nonconformity is that the structure is too small; then the use shall not be expanded. Nothing here is intended to prevent any amount of addition to the size of the structure, if:
 - 1. The size of the structure is the only nonconformity; and
 - 2. The addition results in the structure being in full compliance, or as a second choice, closer to compliance.
- 4. Repairs and Maintenance: Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of nonconforming buildings, structures, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation; to prevent compliance with the provision of the P.A. 230 of 1972, as amended, (being State Construction Code Act, M.C.L. 125.1501 et seq.), relative to the maintenance of buildings or structures, provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed sixty (60) per cent of the replacement value of such building at the time such work is done; and provided, further, there shall be no change of use which would expand the nonconformity of such building at the time such work is commenced, and provided, further, there shall be no change of use of said building or part thereof.
- 5. Building Damage: No Building damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full amount insured) shall be repaired or rebuilt Except:
 - A. In conformity with the non-use provisions of this Ordinance, and in conformity with the permitted and/or special use provisions of this ordinance, or
 - B. Reconstruction, repair or restoration of the original use shall be completed within one (1) year following the damage and resumption of use take place within ninety (90) days of completion. The one (1) year may be extended by the Appeals Board if it finds one of the following conditions to exist:
 - a. The delay was not avoidable due to the weather,
 - b. The delay was a result of a criminal investigation;
 - c. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance, or
 - d. Property held in probate.
- 6. Non-Use: Any building, structure or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall not thereafter be used unless it conforms to the provisions of this Ordinance. An extension may be granted by the Appeals Board for any one of the following reasons:
 - A. Property held in Probate;
 - B. Insurance settlement in dispute; or
 - C. Criminal investigation.
- 7. Change of Tenancy or Ownership: There may be change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

8. Nonconforming Uses: The administrator shall survey the Township and file with the Township Board (or planning commission) a written statement of the nature and extent of the nonconforming uses after adoption of this Ordinance, or any amendments thereto. The determination of when a nonconforming use may be replaced, extended substituted or substandard parcels used shall be determined in the first instance by the administrator. Any determination concerning nonconformities may be appealed to the Appeals Board.

Sec. 2.7. The lawful use of any dwelling, building or structure and of any land or premise as existing and lawful at the time of enactment of this act, or, in the case of an amendment of this act, then at the time of such amendment, may be continued although such use does not conform with the provisions of this act. This includes the completion, restoration, reconstruction, extension or substitution of nonconforming uses where such nonconforming use was lawful and in existence prior to the enactment of this act.

Sec. 2.8. Insofar as the provisions of this ordinance are inconsistent with the provisions of ordinances adopted under any other law, the provisions of this Ordinance shall be controlling.

ARTICLE III

Sec. 3.1. PURPOSE:

1. To preserve and develop land use in accordance with its soil capabilities and to encourage development of forestry and recreation areas.
2. To encourage residential and commercial development.
3. To preserve essential agricultural areas.
4. To preserve low-density population in agricultural areas.

DISTRICTS

AGRICULTURAL DISTRICT

Sec. 3.10. It is recognized that the various agricultural activities found in this district do, at various times of the day and seasons, create noises, odors, dust, etc. which are a by-product of agricultural activities and, as such, are also a normal part of the character of the district.

DEFINITION; these are lands in the township that are retained solely for agricultural purposes. They have low population density.

Sec. 3.11. PERMITTED USES ARE AS FOLLOWS:

1. Agriculture, including the raising of livestock.
2. Harvesting of forest products.
3. Occupations or small business that can be carried out in a residential structure.
4. Residences, subject to Sec. 3.13.

Sec. 3.12. SPECIAL USE PERMIT REQUIRED:

1. Sanitary landfill.

2. Waste treatment or disposal plants.
3. Auto salvage yards.
4. Mobile home parks. A mobile home park, for purposes of this act, is any parcel of land upon which 2 or more trailers or mobile homes are located.
5. By special permit, any commercial business that contributes to the needs of agriculture.
 - A. This business must comply with the requirements of the commercial district.
 - B. This business must be located on a distinct lot of record separated from the agricultural land upon which it is situated.
6. Communication Towers.
7. Commercial Utility Grid Wind Energy Systems
8. Off-Site Solar Energy Facilities (OSS)

Sec. 3.13. DWELLINGS: All agricultural uses shall be characterized by the feature of low density in numbers of residences. The following are requirements for the creation of a new residence in an agricultural district:

1. All new residences shall be constructed on a lot separated of record from the agricultural land it is to be constructed upon.
2. All such lots shall contain a minimum of one acre.
3. All such lots shall abut a state or county highway or road.
4. All dwellings must meet all State and Local building codes and health requirements.
5. In the case of a dwelling, all construction and plumbing, electrical apparatus, and insulation with and connected to said dwelling shall meet all State and Local building codes and health requirements. Such a dwelling shall be not less than 720 square feet living space exclusive of porches and other add-ons.
6. All buildings, and dwellings, placed or so constructed must be at least 10 feet from any side boundary and not less than 10 feet from the road right-of-way.
7. A farm includes one residence. Any other dwelling constructed on farm property must meet the above residential requirements.

RESIDENTIAL DISTRICT

Sec. 3.20. It is recognized that the various agricultural activities found in this district do, at various times of the day and seasons, create noises, odors, dust, etc. which are a by-product of agricultural activities and, as such, are also a normal part of the character of the district.

Sec. 3.21. DEFINITION: A residential district shall include the following:

1. A registered subdivision properly platted.
2. Lot sizes shall include a minimum of 21,780 square feet (1/2acre) with access to road frontage.
3. Residences shall be single family dwelling only and shall not be less than 720 square feet of living space, exclusive of porches and other add-ons.
4. All dwellings shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being MCL 125.1501 et. Seq., 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 Michigan building code, then and in that event such federal or state standard shall apply.

5. All buildings, dwellings, placed or so constructed must be at least 10 feet from any side boundary and not less than 10 feet from the road right-of-way.

Sec. 3.22. PERMITTED USES ALLOWED ARE:

1. Dwelling
2. Occupations or small business may be carried on in a residential structure.

COMMERCIAL DISTRICT

Sec. 3.30. It is recognized that the various agricultural activities found in this district do, at various time of the day and seasons, create noises, odors, dust, etc., which are a by-product of agricultural activities and, as such, are also a normal part of the character of the district.

Sec. 3.31. DEFINITION: Lands in the township that are designated for commercial business purposes. A commercial business is a business operated on set hours in a building separate from a dwelling. A commercial business also includes the selling of services or manufacture of products.

1. Any structure in a land area designated commercial must be erected at least 40 feet from a front lot line or right-of-way, as the case may be.
2. No less than 50% of the lot line shall be kept free of any building or accessory structure.
3. Any commercial lot or structure must meet all existing state and local building codes and health regulations.
4. Side yards shall not be required along interior side lot lines if all walls abutting or facing such lot line are of fire proof masonry construction and wholly without windows or other openings.
5. Side yards of not less than 10 feet shall be provided when any wall facing such sidelines contain windows or other openings. A side yard of not less than twenty feet shall be provided on any lot or premises abutting a residential district or any premises occupied as a dwelling.

Sec. 3.33. SPECIAL USE PERMIT REQUIRED:

1. Taverns
2. Dance Halls
3. Outdoor Theaters
4. Bowling Alleys
5. Junk and Salvage Yards
6. Communication Tower Facilities
7. Adult Bookstores, subject to Article IV
8. Adult Mini Motion Picture Theaters, subject to Article IV
9. Adult Motion Picture Theaters, subject to Article IV
10. Adult Smoking or Sexual Paraphernalia, subject to Article IV
11. Host or Hostess Establishments, subject to Article IV
12. Off-Site Solar Energy Facilities (OSS)

Sec. 3.34. DEFINITION of Junk or Salvage Yards: An open area where waste, used, or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to scrap iron, and other metals, paper, rags, rubber tires, and bottles, also any premises upon which 2 or more unlicensed motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more. A junkyard includes automobile wrecking yards and includes any area of more than two hundred square feet for storage, keeping, or abandonment of Junk, but does not include uses established entirely within enclosed buildings.

FORESTRY AND RECREATION DISTRICT

Sec. 3.40. It is recognized that the various agricultural activities found in this district do, at various times of the day and seasons, create noises, odors, dust, etc., which are a by-product of agricultural activities and, as such, are also a normal part of the character of this district.

Sec. 3.41. DEFINITION: Woodlands and open spaces designated as forestry and recreation district.

Sec. 3.42. PERMITTED USES ARE AS FOLLOWS:

1. Agriculture and livestock grazing where soils permit.
2. Residential.

Sec. 3.43. SPECIAL USE PERMIT REQUIRED:

1. Communication Tower Facilities
2. Commercial Utility Grid Wind Energy Systems

Sec. 3.44. Residential purposes are subject to the following qualifications to maintain low population density in so designated areas:

1. A permanent residential lot shall contain a minimum of one (1) acre.
2. A permanent residential lot shall abut a state or county highway or road.
3. A dwelling or duplex shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being MCL 125.1501 et. Seq., including minimum heights for habitable rooms. Where a dwelling is required 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 Michigan building code, then and in that event such federal or state standard or regulation shall apply.
4. Framing, structural, insulation, shall comply with said State Construction Code, or in the case of "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same.
5. Single family dwellings shall contain a minimum of 720 square feet living space.
6. Permitted are Recreational Trailers on a parcel of land containing a minimum of 5 acres. Any such qualifying parcel of land shall have access to road frontage on a county or state highway or road.

No such recreational trailer shall be used as a dwelling for more than 30 consecutive days. An Annual Renewal permit is required to be obtained from the Township Zoning Administrator before such use is permitted.

INDUSTRIAL DISTRICT

Sec. 3.50. It is recognized that the various agricultural activities found in this district do, at various times of the day and seasons, create noises, odors, dust, etc., which are a by-product of agricultural activities and, as such, are also a normal part of the character of the district.

Sec. 3.51. DEFINITION: Any area located in the township designated as an industrial area. Conversion of an existing land use to a permitted industrial land use, and the erection, use and alteration of the following buildings and accessory structures will be given due consideration. Applications for future industrial zoning will be handled on an individual basis.

Sec. 3.52. The following are PERMITTED USES and anticipated uses:

1. The production, processing, assembly, manufacturing or packaging of any goods or materials, including the testing, repair, storage, distribution, and sale of such product at wholesale.
2. Ready-Mix concrete and asphalt plants.
3. Reduction, conversion, & disposal of waste materials, but not as dumps.
4. Warehouses.
5. Wholesale contractor's yards.
6. Because the nature of commercial and light industrial development will increase traffic, noise, lights, odors, dust, etc., they should NOT be located in residential areas. Limited commercial and light industrial development has taken place in the unincorporated portions of the county. The planning commission foresees that improved transportation facilities, especially highways, will bring an increase in population and a resulting increase in commercial and light industrial development, especially near intersections of the thoroughways in the township. Due to the dependence of commercial and industrial development upon adequate utilities, much commercial and/or industrial development will occur in or near the incorporated portions of the township where these services are available.

Sec. 3.53. SPECIAL USE PERMIT REQUIRED:

1. Communication Tower Facilities
2. Commercial Utility Grid Wind Energy Systems
3. Off-Site Solar Energy Facilities (OSS)

ARTICLE IV

Sec. 4.1. THE TOWNSHIP PLANNING COMMISSION SHALL REGULATE CERTAIN BUSINESS AND CONDUCT. Because some actions and uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses, and occupants, and a disruption in neighborhood development, it is considered necessary and in the best interest of the orderly and better development of the community to regulate the following:

1. Adult Book Stores Adult Motion Picture Theaters, Adult Mini Motion Pictures for public viewing, Adult Smoking or Sexual Paraphernalia Store, Host and Hostess Establishments offering socialization with a host, or hostess, or employees for a consideration, are business uses for which a Special Use Permit must be procured.

Sec. 4.2. For the purpose of interpreting the application of the foregoing limitations, the following shall apply: DEFINITIONS:

1. ADULT BOOKSTORES: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", or any establishment with a segment or section devoted to sale or display of such material.
2. ADULT MINI MOTION PICTURE THEATERS: An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
3. ADULT MOTION PICTURE THEATERS: An enclosure with a capacity for more than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
4. ADULT SMOKING OR SEXUAL PARAPHERNALIA: An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal; for smoking, ingesting or inhaling marijuana, narcotics, or other stimulants or hallucinogenic drug-related substances.
5. HOST OR HOSTESS ESTABLISHMENTS: Establishments or clubs offering socialization with a host or hostess, or employees thereof, for a consideration to the host, hostess, or employees, or for an admission or membership fee.

Sec. 4.3. NO PERSON SHALL ENGAGE IN PUBLIC NUDITY. No business or establishment, including but not limited to owners, officers, person in charge or in control of the premises shall permit persons to engage in public nudity. It is unlawful to assist, aid, abet, or encourage any other person to appear nude in public. For the purpose of interpreting the application of the foregoing limitations, the following shall apply. DEFINITIONS:

1. PUBLIC NUDITY: Shall mean knowingly or intentionally displaying in a public place, or for a payment or promise of payment by a person including, but not limited to, payment or promise of an admission fee, any individual's genitals or anus with less than fully opaque covering, or a female individual's breasts with less than a fully opaque covering of the nipple and areola . Public nudity does not include a woman's breastfeeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.

Sec. 4.4. In order to prevent undesirable concentration of such uses, the above uses and activities shall not be located within 1000 feet of any other such commercial uses or within 1000 feet of any resident as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed specified uses and activities and between such uses and the adjoining residential, commercial, agricultural, industrial, or forestry and recreation districts.

ARTICLE V

ADMINISTRATION OF ACT

Sec. 5.1. ZONING ADMINISTRATOR: The provisions of this Act shall be administered by a Zoning Administrator who shall be appointed by the Township Board. The Zoning Administrator shall not be a member of the Appeals Board or planning commission. In the case of a conflict of interest, or absence, then the Deputy Zoning Administrator shall be the acting Zoning Administrator.

Sec. 5.2. DUTIES OF ZONING ADMINISTRATOR

1. Issue Land Use Permits and maintain records thereof.
2. Conduct inspections and use of land subject to the provisions of this Ordinance.
3. Provide information to the public relative to matters arising from the administration of this Ordinance.
4. Take proper action to prevent violation of this Ordinance.

Sec. 5.3. Before proceeding with the use, erection, or alteration of any building or structure subject to the provisions of this ordinance, the owner shall first apply to the Zoning Administrator for a Land Use Permit. This requirement shall not apply to the interior of a building, provided no change is made in the foundations or the outside perimeter of the building.

Application shall be made in duplicate forms provided by the Township Board and shall be accompanied by a LEGAL DESCRIPTION OF THE PROPERTY; A BLUE PRINT OR NEAT INK DRAWING to approximate scale must accompany the application and include the following:

1. Shape, area and dimensions of property.
2. The kind, dimensions and height of all proposed buildings.

3. On examination of any site, the Zoning Administrator MAY require a boundary survey and staking of the premises by a competent surveyor.

If the Zoning Administrator finds that the application conforms to the requirements of the Act, he shall issue, sign and date the Land Use Permit and keep a record of the same.

If the Zoning Administrator denies the Land Use Application and he/she determines the request is for a Special Use, he shall request a Special Use Application in accordance with Sec. 6.2. et. seq.

Sec. 5.4. FEES for Land Use Permits may be recommended by the Planning Commission or the Zoning Board of Appeals and determined by the Township Board.

ARTICLE VI

SPECIAL USE REVIEW AND APPROVAL

Sec. 6.0. PURPOSE:

THIS ORDINANCE DIVIDES THE TOWNSHIP INTO DISTRICTS IN WHICH SPECIFIC USES ARE PERMITTED WHICH ARE MUTUALLY COMPATIBLE. IN ADDITION, THERE MAY BE CERTAIN OTHER USES, WHICH MAY BE APPROPRIATE TO INCLUDE IN A DISTRICT DUE TO THE SPECIFIC CIRCUMSTANCES SURROUNDING THE USE, THE IMPACT ON NEIGHBORING USES AND PUBLIC FACILITIES. SUCH USES, BECAUSE OF THE PARTICULAR LOCATION OR THE PARTICULAR NATURE OF THE SERVICE OFFERED, MAY BE ESTABLISHED IN A DISTRICT THROUGH A SPECIAL USE PERMIT.

Sec. 6.1. AUTHORITY TO GRANT PERMITS: The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Planning Commission, the administrator shall issue these permits.

Sec. 6.2. APPLICATION AND FEE: If a use is listed as a possible special use in any district, anyone with an interest in the property may apply for a Special Use Permit. A Special Use Permit application shall be made on a form provided by the administrator and submitted to the administrator along with required information and the required fee. The fee will be established from time to time by the Township Board. Any additional costs incurred in processing the application, beyond that covered by the fee, shall be paid by the applicant before the permit is issued. No portion of the fee shall be refundable.

1. An escrow account is authorized for complex applications in an amount estimated to cover the costs and expenses of professional review for engineers, community planners, lawyers, and any other professionals whose expertise, the Planning Commission values and hires to review an application. The amount of escrow shall be established from time to time by the Township Board. If the actual professional review costs exceed the amount of the escrow account, the applicant shall pay the balance due prior to receipt of any Permit. If any unexpended balance remains in the escrow account, it shall be returned to the applicant.

Sec. 6.3. INFORMATION REQUIRED IN APPLICATION:

1. An application for Special Use Permit shall include:
 - A. The applicant's name and address.

- B. A signed affidavit that the applicant is the owner, or has an ownership interest, or is acting on the owner's behalf.
 - C. The address and legal description of the property.
 - D. A specific statement and supporting information regarding the required findings for the Special Use Permit. as stated in this Ordinance.
 - E. A complete description of the proposed development including Area of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, and related material as applicable.
 - F. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment volume of water consumption related to groundwater reserves or community system capacity, changes in the traffic volume on adjacent roads and other factors that may apply to the particular development.
 - G. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
2. A Site Plan. The site plan shall be drawn to scale and shall be on paper, which measures at least 8.5 inches by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements waived are not reasonably related to the proposed use. The following shall be shown on the Site Plan:
- A. The property, identified by parcel lines and location and size.
 - B. Name and address of the property owner(s), developer(s) and designer(s). and their interest in said properties.
 - C. The Scale and north point.
 - D. Natural features such as wood lots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage, and similar features.
 - E. The location of proposed and main and accessory building and square footage of floor space.
 - F. The proposed driveway, if any.
 - G. The parcel's legal description.
 - H. Boundary dimensions of natural features such as wood lots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
 - I. Location and dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm. sewer and sanitary sewer lines, storm drainage and retention lines.
 - J. Neighboring driveways and other vehicular circulation features within and adjacent to the site, also the location, size, and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and snow storage areas.
 - K. Any proposed alterations to the topography and other natural features shall be indicated.
 - L. Any proposed location of connections to existing utilities and proposed extensions thereof.

- M. A description of the proposed development.
 - N. A vicinity map showing the location of the site in relation to the surrounding street system.
 - O. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the planning commission issues a Special Use Permit shall also be changed in accordance with procedures established in the Ordinance for minor adjustments or amendments to Special-Use Permits.)
 - P. Evidence of having received or having an agreement for, or concurrent approval for what is shown on the site plan for any other necessary permits required prior to a Construction Code Permit.
3. In addition the applicant may be required to furnish:
- A. Elevations on all buildings, including accessory buildings.
 - B. An environmental assessment
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
5. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

Sec. 6.4. REVIEW FOR COMPLETENESS: Upon receipt of the Special Use Permit application, the administrator will review the application and determine if the application is complete or not.

- 1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
- 2. If the application is complete, except for the site plan pursuant to this Ordinance, at the applicant's option, the administrator may find the application is not complete or the administrator shall find the application is complete for purposes of reviewing and issuing a preliminary Special Use Permit only.
- 3. If the application is complete, the administrator and chairman shall establish a date to hold a public hearing on the Special Use Permit application.

Sec. 6.5. NOTICE OF PUBLIC HEARING.

- 1. The administrator shall notify the following persons of the public hearing not less than five (5) nor more than fifteen (15) days prior to the date that the application will be considered.
 - A. The applicant.
 - B. The owner of the property, if different
 - C. The owners of real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll.
 - D. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested.
 - E. The general public by publication in a newspaper which circulates in the township.
 - F. The members of the planning commission.
- 2. The Notice shall include:
 - A. The nature of the Special Use Permit being requested.

- B. The property for which the request has been made.
- C. The location where the application documents can be viewed and copied prior to the hearing.
- D. The date, time and location of the public hearing.
- E. The address at which written comments should be directed prior to the hearing.
- F. For members of the planning commission only, a complete copy of the Special Use Permit application.

Sec. 6.6. HEARING AND DECISION:

- 1. The planning commission shall hold a public hearing to receive input on the Special Use Permit application.
- 2. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant the planning commission) the planning commission shall either grant, grant with condition, or deny the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:
 - A. A summary of public comments made at the hearing.
 - B. Formal determination of the facts.
 - C. The conclusions derived from the facts (reasons for the decision) and
 - D. The decision which shall be one of the following:
 - a. Grant a Special Use Permit
 - b. Grant with conditions the Special Use Permit (including a written list of all conditions upon which a permit is issued or occupancy is allowed).
 - c. In the case of a preliminary Special Use Permit application only, pursuant to this Ordinance, issue a Special Use Permit with a written list of conditions, which at a minimum shall include final approval of the site plan, pursuant to this ordinance within one (1) year.
 - d. Deny the Special Use Permit.
- 3. A Special Use Permit and Site Plan shall be approved simultaneously, or a Special Use Permit is issued prior to approval of a site plan and conditioned upon approval of the site plan.

Sec. 6.7. SPECIAL USE PERMIT STANDARDS: The standards for determining if a Special Use Permit is to be granted or not are:

- 1. Is the use reasonable and designed to protect the health, safety and welfare of the community.
- 2. Is the use consistent with the intent and purpose of the district.
- 3. Is the use compatible with adjacent land uses.
- 4. Is the use designed to ensure that public services and facilities are capable of accommodating increased loads caused by the land use or activity; and
- 5. Does the use comply with other general and specific standards in this Ordinance, the respective district, and general provisions of this Ordinance.

Sec. 6.8. SPECIAL USE PERMIT CONDITIONS:

- 1. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the planning commission. Any conditions, limitations or requirements upon which approval is based shall be:

- A. Reasonable and designed to protect natural resources, the health, safety and welfare of the public;
 - B. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto, and of the community as a whole;
 - C. A valid exercise of the police power
 - D. Related to the purposes which are affected by the proposed use or activity,
 - E. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District, or
 - F. Designed to insure compatibility with adjacent uses of land and the natural environment, designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. The planning commission shall have the right to limit the duration of a Special Land Use where the same is for mining or Sweetening Plat operations and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use.

Sec. 6.9. RECORD OF SPECIAL USE PERMIT: A notice of the Special Use Permit in recordable form, as provided by law shall be recorded with a property description with the county Register of Deeds, miscellaneous records. The application and all other information relating to the Special Use Permit shall be filed with the township clerk by the administrator.

Sec. 6.10. SECURITY REQUIREMENT

1. To ensure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the administrator or planning commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the administrator, upon advice and consent of the planning commission may require:
 - A. A cash deposit,
 - B. A certified check.
 - C. An irrevocable bank letter of credit. or
 - D. A surety bond, in an amount and under the conditions permitted by law.
2. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the administrator or planning commission may authorize a rebate of any cash deposit in reasonable proportion to the ration of the work completed as the work progresses.
3. Such security shall not exceed the estimated cost of the required conditions, limitations, requirement for which the security is designed to ensure compliance with.

Sec. 6.11. AMENDMENT OF SPECIAL USE PERMITS: Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit Application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the township and the applicant, if done prior to the issuance of an occupancy permit.

Sec.6.12. TRANSFER OF SPECIAL USE PERMIT: A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new owner. The responsibility for affecting the

transfer shall be on the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc. required by the Special Use Permit. The original owner, upon transferring the Special Use Permit shall advise the zoning administrator of said transfer in order to insure the continued validity of the permit.

Sec. 6.13. CONSTRUCTION CODE PERMIT: A Special Use Permit shall be required prior to the issuance of a Michigan State Construction code Permit issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, MCL 125.1501 et. Seq.)

Sec.6.14. EXPIRATION OF SPECIAL USE PERMITS: Special Use Permits shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent Special Use Permit,
2. If replaced or superseded by a permitted use,
3. If the applicant requests the rescinding of the Special Use Permit,
4. If the use is not used. moved or vacated for a period of one year. Notice of the expiration shall be given to the property owner in writing,
5. If the special use permit was issued, conditioned upon approval of a site plan and evidence of obtaining all other necessary permits, pursuant to this Ordinance, and the site plan was not submitted after one year.

Sec.6.15. VIOLATION OF PERMIT: Any violation of the terms, conditions or limitations of a Special Use Permit shall be cause for revocation or suspension of the Permit. The planning commission may either revoke or suspend pending correction of the violation, any Special Use Permit. The act to revoke or suspend the Permit shall occur after giving notice to the permit holder, specifying the violations(s) alleged to exist and when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the Permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit the planning commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

ARTICLE VII

SPECIAL USE REGULATIONS

Sec. 7.1. ON SITE WIND ENERGY SYSTEMS:

Definition: Small wind turbines that are utilized to produce energy for individual homes, farms, or small businesses. Generally considered to be 20 watts to 100 kilowatts (kW). ON SITE WIND ENERGY SYSTEMS shall be limited according to SMI Section 1074 B.

Districts: ON SITE WIND ENERGY SYSTEMS can be utilized in all zoning districts subject to ARTICLE VII - SPECIAL USE REGULATIONS

Standards: Setbacks

1. The tower is to be set not less than one(1) times the total height of the tower to the tip of the blade, from any property line, roads or buildings.
2. The tower must comply with all building codes, electrical codes and the existing Zoning Ordinance.

Sec. 7.2. COMMERCIAL UTILITY GRID WIND ENERGY SYSTEMS.

DEFINITIONS:

A land used for generating power by use of wind at multiple tower locations in a community and included accessory use such as but not limited to a SCADA Tower, electric substation. A COMMERCIAL UTILITY GRID WIND ENERGY SYSTEM is designed and built to provide electricity to the electric utility grid.

SETBACKS:

1. The tower is to set not less than one and a half (1.5) times the total system height of the tower to the tip of the blade, from any property line or buildings. A lesser setback may be approved if the intent of this Ordinance will be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited property.
2. Each wind turbine shall be set back from the nearest public road a distance of no less than 1.5 times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.

STANDARDS:

1. Must comply with all F.A.A. and F.C.C. regulations as well as Michigan Tall Structures Act. P.A. 259 of 1959, to the minimal level only.
2. Each system must meet all State and Local Electrical Codes and Building Codes, along with Michigan Public Service Commission Regulations and utility Interconnection requirements.
3. Must comply with all provisions of the Special Uses Section herein.
4. Safety: All Commercial Utility Grid Wind Energy Systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower and/or Operations and Maintenance Office Building that will contain emergency contact information.
5. Visual Impact: All Commercial Utility Grid Energy Systems in a project shall be finished in a single non reflective matte finished color without any added advertising. CUGWES shall be devoid of added advertising or graphics.
6. Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include; 1) the anticipated life of the project, 2) the established decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for the decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

Sec 7.3. OFF-SITE SOLAR ENERGY FACILITIES:

DEFINITIONS:

OFF-SITE SOLAR ENERGY FACILITY (OSS) is a principal use facility constructed for the purpose of converting solar energy into electrical energy and transmitting that electrical energy for off-site use through the electric grid. OSS may include integral facilities for electrical energy storage, voltage transformation and DC to AC inversion.

SETBACKS:

All above ground equipment integral to the OSS must be a minimum of 300 feet from property lines unless the property line is shared by contiguous parcels within the OSS. All above ground equipment integral to the OSS must be a minimum of 300' feet from any roadway or highway centerline.

STANDARDS:

1. Parcel size: Each OSS must be located within a single parcel or multiple contiguous parcels that collectively comprise a maximum of 80 acres.
2. Height restrictions: The maximum height of solar panels shall be 25 feet.
3. Ground cover: The ground cover within the OSS must be a vegetative cover to allow for absorption of stormwater to reduce erosion.
4. Safety:
 - A. All aspects of the OSS, regarding safety, must meet all State Electrical and Building Codes.
 - B. All OSS must be designed to prevent unauthorized access to hazardous electrical components. Fencing must be installed if necessary to satisfy National Electric Code requirements.
 - C. A sign(s) shall be posted that will display emergency contact information.
 - D. The equipment layout must allow access for emergency vehicles including fire control vehicles
5. Visual impact: All equipment must be of low light-reflective quality. All OSS must be devoid of added advertising or graphics. The applicant will take reasonable measures to install greenbelt plantings to mitigate the view of the OSS from non-participating property owner dwellings.
6. Decommissioning and restoration: The applicant shall submit a decommissioning and restoration plan which must include the following:
 - A. The anticipated useful life of the OSS.
 - B. The anticipated steps for decommissioning and site restoration.
 - C. The estimated decommissioning and restoration cost in terms of present value.
 - D. Details on how the cost of decommissioning and restoration was calculated, including salvage value projections.
 - E. Specific conditions that trigger the decommissioning and restoration process.
7. Periodic updating: The decommissioning and restoration plan must be updated every five years, starting from date of issue of the Special Use Permit, taking into consideration changes in labor/project costs, inflation, and salvage value projections.
8. Financial Security Requirement: To ensure that funds are available for decommissioning and restoration, OSS owners must provide one of the following: A surety bond (preferred), cash security, letter of credit, or other form of financial security.

- A. The financial security amount shall equal the decommissioning and restoration costs for the OSS and shall be updated periodically per items 6 and 7 above.
 - B. The financial security shall remain valid until the decommissioning and restoration obligations are met.
- 9. Enforcement and penalties.
 - A. Violations of this ordinance shall be subject to penalties as outlined in the Ordinance.
 - B. The Highland Township Zoning Administrator shall oversee the enforcement and compliance of the Ordinance.

Sec. 7.4. COMMUNICATION TOWER FACILITIES:

DEFINITIONS:

Communication Tower Facility means a facility, which includes transmitters, antenna structures, towers and other types of equipment necessary for, but not limited to, providing radio broadcasts, television broadcasts, dispatching, wireless services and all commercial mobile services including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are radio and television broadcasting stations, repeater stations, radiotelephone, telegraph, cable television receiver stations, dispatching, Personal Communications Systems (PCS), telecommunications (5133). Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wire line local exchange providers. Communication tower facilities do not include antennas and their towers at a person's home for his personal use for television and radio reception, and citizen band or HAM radio hobby activity.

SETBACKS:

1. Shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.
2. All guy wires/cables and anchors shall meet the zoning setback standards of the district.

STANDARDS:

1. No antenna or similar sending /receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. Wireless Communication Facilities may be permitted if it is found that there is no reasonable opportunity to be built as permitted use and complies with this ordinance. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure.
3. The proposed height meets FCC and/or FAA regulations.

4. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.
5. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.
6. New towers should be engineered as appropriate for future co-location of at least five (5) additional tenants with their antennae. Depending on tower height, additional co-located antennae may be required by the Commission. These antennae sites shall be made available at a fair market value on a need or basis to anyone wanting to mount commercial communication equipment. This commitment shall be reflected as a condition in the special use permit for the tower. No new construction will be approved unless it can be demonstrated that space on existing towers is unavailable or unsuitable.
7. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
8. The proposed height meets FCC and FAA regulations so that the tower does not have lights, or the Planning Commission finds it is more desirable to have a single taller tower to avoid multiple unlit towers.
9. A tower shall not be located closer than:
 - A. For a mono pole (including wood utility pole) tower which is less than seventy-five (75) feet tall, one thousand five hundred (1500) feet from any other tower, for a guy and lattice tower which are under two hundred (200) feet tall; two (2) miles from all towers except mono pole towers which are less than seventy-five (75) feet tall.
 - B. Any tower two hundred (200) feet or taller; four (4) miles from other towers over two hundred (200) feet or taller.
10. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).

ARTICLE VIII

Sec. 8.1. VIOLATIONS, SANCTIONS AND ENFORCEMENTS

1. The Zoning Administrator shall inspect and investigate any alleged violations and shall be the official in charge of pursuing prosecution of all violations, and shall order in writing any corrections to the owner of the premises.
2. All violations must be corrected within 30 days from the date of the written notice of the violation.

Sec. 8.2. MUNICIPAL CIVIL INFRACTIONS: A use of land, or a dwelling or building or structure, used, erected, razed, or converted in violation of this Ordinance is a MUNICIPAL CIVIL INFRACTION. Any person who violates any of the provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Enforcement Officer, planning commission, Zoning Board of Appeals, or the Township Board issued under this Ordinance is responsible for the Municipal Civil Infraction as defined by Michigan Law.

Sec. 8.3. FINES: A finding or admission of responsibility shall subject the violator to a fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st violation within 3 year period	\$50.00	\$500.00
2nd violation within 3 year period	\$125.00	\$500.00
3rd violation within 3 year period	\$250.00	\$500.00
4th or subsequent violation within 3 year period	\$400.00	\$500.00

Sec. 8.4. COSTS: Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation.

-Sec. 8.5. A SEPARATE VIOLATION, NON-COMPLIANCE, NOT EXCUSED: Each day a violation continues to exist constitutes a separate violation. The imposition of any fine shall not exempt an offender from compliance with provisions of this ordinance.

Sec. 8.6. OTHER REMEDIES NOT WAIVED.: The foregoing sanctions shall not prohibit the Township from seeking injunctive relief against a violator for abatement of nuisance or such other relief or remedies as may be provided by law or in equity.

ARTICLE IX

Sec. 9.1. AMENDMENTS: Amendments to this Act may be adopted from time to time as may be desirable. Such amendments may be initiated by the Planning Commission, Township Board or by the written petition of a property owner having property assessed for taxes in the township or by their authorized agent. Amendments may be made in the same manner as enacting this ordinance per The Michigan Zoning Enabling Act (PA 110 of 2006, as amended, being MCL 125.3101 *et seq.*)

ARTICLE X

Sec. 10.1. VALIDITY: Should any article, section or provision of this Ordinance be found unconstitutional or invalid by the Courts, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be unconstitutional or invalid.

ARTICLE XI

Sec. 11.1. ENACTMENT AND EFFECTIVE DATE; This Ordinance, as amended, shall take effect on May 22, 2025 after publication of Notice of Adoption in a paper of general circulation in the Township.