

**SHERMAN TOWNSHIP
OSCEOLA COUNTY
MICHIGAN**

**ZONING
ORDINANCE**

SHERMAN TOWNSHIP ZONING ORDINANCE

TABLE OF CONTENTS

CHAPTER

SECTION

CHAPTER 1 – PREAMBLE

1.1 TITLE

1.2 PURPOSE

1.3 SCOPE

1.4 AUTHORITY

1.5 VALIDITY AND SEVERABILITY

1.6 EFFECTIVE DATE

CHAPTER 2 – RULES AND DEFINITIONS

2.1 RULES APPLYING TO THE TEXT

2.2 DEFINITIONS

CHAPTER 3 – NONCONFORMITIES

3.1 INTENT AND PURPOSE

3.2 NONCONFORMING LOTS

3.3 NONCONFORMING USES OF LAND

3.4 NONCONFORMING STRUCTURES

3.5 REPAIR AND REPLACEMENT OF STRUCTURES
HOUSING NONCONFORMING USES

3.6 CHANGE OF TENANCY OR OWNERSHIP

3.7 ABANDONMENT OF NONCONFORMING USES AND
STRUCTURES

CHAPTER 4 – DISTRICT REGULATIONS

4.1 DIVISION OF THE TOWNSHIP

4.2 OFFICIAL ZONING MAP

4.3 INTERPRETATION OF BOUNDARIES

4.4 CLASSIFICATION OF USES NOT LISTED

4.5 AGRICULTURE "A" DISTRICT

4.5A USES PERMITTED BY RIGHT

4.5B USES PERMITTED BY SPECIAL USE PERMIT

4.5C DIMENSIONAL REQUIREMENTS

4.6 AGRICULTURE/RURAL RESIDENTIAL "A/R" DISTRICT

4.6A USES PERMITTED BY RIGHT

4.6B USES PERMITTED BY SPECIAL USE PERMIT

4.6C DIMENSIONAL REQUIREMENTS

4.7 DIGHTON AREA "DA" DISTRICT

4.7A USES PERMITTED BY RIGHT

4.7B USES PERMITTED BY SPECIAL USE PERMIT

4.7C DIMENSIONAL REQUIREMENTS

4.75 COMMERCIAL AND LIGHT INDUSTRIAL "C"
DISTRICT

4.75A USES PERMITTED BY RIGHT

4.75B USES PERMITTED BY SPECIAL USE PERMIT

4.75C DIMENSIONAL REQUIREMENTS

4.8 RESIDENTIAL CLUSTER "RC" AND MIXED USE
"PUD" DISTRICTS

4.8A USES ALLOWED BY DISTRICT

4.8B TABLE OF DISTRICT REGULATIONS

4.8C DIMENSIONAL REQUIREMENTS

4.8D SUBMISSION OF CONCEPTUAL SITE PLAN

4.8E REVIEW PROCEDURE

4.8F APPLICATION FOR REZONING

4.8G SITE PLAN REVIEW REQUIRED

4.9 TABLE OF DIMENSIONAL REQUIREMENTS

CHAPTER 5 – GENERAL PROVISIONS

5.1 INTENT AND PURPOSE

5.2 ACCESSORY BUILDING

5.3 LOT ALLOCATION

5.4 CORNER CLEARANCE

5.5 FENCES, WALLS OR SCREENS

5.6 PORCHES AND DECKS

5.7 NUMBER OF DWELLING UNITS PER LOT

5.8 ESSENTIAL SERVICES

5.9 SATELLITE DISH ANTENNAS, ANTENNAS AND
SIMILAR STRUCTURES

5.10 ACCESS AND DRIVEWAY REQUIREMENTS

5.11 TEMPORARY OUTDOOR USES

5.12 BUILDING PERMITS

5.13 REQUIRED WATER SUPPLY AND SANITARY
SEWERAGE FACILITIES

5.14 STANDARDS APPLICABLE TO SINGLE FAMILY
DWELLINGS

5.15 SUBSTANDARD LOTS

5.16 CORNER LOTS

5.17 RECREATIONAL TRAILERS

5.18 ON-SITE WIND ENERGY SYSTEM

CHAPTER 6 – PARKING

6.1 INTENT AND PURPOSE

6.2 TABLE OF OFF STREET PARKING REQUIREMENTS

6.3 USES NOT LISTED

6.4 BUILDING, STRUCTURE, OR USE EXPANSIONS OR
ADDITIONS

6.5 JOINT PARKING

6.6 PARKING AREA CONSTRUCTION REQUIREMENTS

CHAPTER 7 – SPECIAL USES

- 7.1 PURPOSE AND INTENT
- 7.2 AUTHORITY TO GRANT SPECIAL USE
- 7.3 APPLICATION AND FEE
- 7.4 REQUIRED INFORMATION
- 7.5 SPECIAL USE PERMIT PROCEDURE
- 7.6 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS
- 7.7 CONDITIONS AND SAFEGUARDS
- 7.8 APPEAL OF SPECIAL USE PERMIT DECISIONS
- 7.9 SPECIAL USES REQUIRING ADDITIONAL STANDARDS
- 7.10 SITE PLAN APPROVAL REQUIRED
- 7.11 ENFORCEMENT

CHAPTER 8 – SITE PLAN REVIEW

- 8.1 INTENT
- 8.2 USES, BUILDINGS, AND STRUCTURES SUBJECT TO SITE PLAN REVIEW
- 8.3 APPLICATION AND FEE
- 8.4 REQUIRED INFORMATION
- 8.5 SITE PLAN REVIEW PROCEDURE
- 8.6 STANDARDS AND REQUIREMENTS FOR SITE PLAN APPROVAL
- 8.7 CONDITIONS AND SAFEGUARDS
- 8.8 APPEAL OF SITE PLAN REVIEW DECISIONS
- 8.9 SPECIAL USES AND CONCURRENT APPROVALS
- 8.10 AMENDMENTS TO APPROVED SITE PLANS

CHAPTER 9 – SIGNS AND BILLBOARDS

- 9.1 INTENT AND PURPOSE
- 9.2 DEFINITIONS
- 9.3 BILLBOARDS
- 9.4 SIGNS
 - 9.4A ZONING PERMIT REQUIRED
 - 9.4B SIGNS AND ACTIVITIES EXEMPT FROM PERMIT
 - 9.4C PROHIBITED SIGNS
 - 9.4D GENERAL SIGN STANDARDS
 - 9.4E PERMITTED SIGNS BY DISTRICT
- 9.5 NONCONFORMING SIGNS

**CHAPTER 10 – ADMINISTRATION AND
ENFORCEMENT**

- 10.1 ZONING ADMINISTRATOR
- 10.2 ZONING PERMIT REQUIRED
- 10.3 APPLICATION FOR ZONING PERMIT
- 10.4 ISSUANCE OF ZONING PERMIT
- 10.5 DENIAL OF ZONING PERMIT
- 10.6 REVOCATION OF ZONING PERMIT
- 10.7 APPEALS OF DECISION OF THE ZONING
ADMINISTRATOR
- 10.8 ENFORCEMENT
- 10.9 NOTICE OF PUBLIC HEARING

CHAPTER 11 – ZONING BOARD OF APPEALS

- 11.1 AUTHORIZATION
- 11.2 MEMBERSHIP AND DUTIES
- 11.3 VARIANCES
- 11.4 ADMINISTRATIVE REVIEW
- 11.5 INTERPRETATION
- 11.6 APPEALS PROCEDURE

CHAPTER 12 – AMENDMENTS

- 12.1 AUTHORIZATION
- 12.2 INITIATION OF AMENDMENTS
- 12.3 PROCEDURE

CHAPTER 13 – RESERVED

**CHAPTER 14 – REPEAL OF
PRIOR ORDINANCE AND
CERTIFICATION OF ORDINANCE**

- 14.1 REPEAL OF PRIOR ORDINANCE
- 14.2 CERTIFICATION OF ORDINANCE

CHAPTER 1- PREAMBLE

ZONING ORDINANCE OF SHERMAN TOWNSHIP

OSCEOLA COUNTY, MICHIGAN

An Ordinance to establish zoning districts and enact provisions governing the unincorporated portions of Sherman Township, Osceola County, Michigan. Authorization for the division of the Township into districts, administration, creation of a Zoning Board of Appeals, treatment of nonconformities, and all other provisions of this Ordinance is derived from Act 184 of 1943, The Township Rural Zoning Act. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.) hereinafter referred to as the "Michigan Zoning Enabling Act."

SECTION 1.1 TITLE

This Ordinance shall be known as the "Zoning Ordinance of Sherman Township" and may be referred to as "this Ordinance."

SECTION 1.2 PURPOSE

This Ordinance is based on the Sherman Township Master Plan and is intended and designed to regulate the use of land and structures, and to accomplish all of the following objectives:

- A. To promote the public health, safety, and welfare.
- B. To ensure that the uses of land shall be situated in appropriate locations and relationships.
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation, and other public facilities.
- D. To facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
- E. To encourage the use of lands and natural resources in accordance with their character and adaptability.
- F. To limit the improper use of land.
- G. To provide for the orderly development of the Township.

- H. To provide for the reasonable use of the lands within the Township.
- I. To accomplish the objectives of the Township's Master Plan.
- J. To reduce potential hazards to life and property.

In order to effectively meet these objectives, Sherman Township is divided into districts of such number, shape, area, and of such common unity of purpose, adaptability or use, as are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the Township as a whole, preserve the property owners' right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish the purpose and objectives as outlined above by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures, defining maximum residential density, specifying the percentage of a site available for a building, providing for basic site design standards to ensure that land is developed in a functional and aesthetically attractive manner, and requiring building and parking setbacks from property lines and public street rights-of-way.

SECTION 1.3 SCOPE

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of any ordinance, subject to applicable law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- B. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement.
- C. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.
- D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions that are 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 herein.
- E. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may be subject to a change in ownership.
- F. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 1.4 AUTHORITY

This Ordinance is enacted in accordance with P.A. 100 of 2006, as amended, the Michigan Zoning Enabling Act.

SECTION 1.5 VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

SECTION 1.6 EFFECTIVE DATE

This Ordinance was adopted by the Sherman Township Board on December 11, 1995, amended on July 13, 2010, and shall take effect seven days after publication on July 26, 2010. It was further amended on August 23, 2016, and shall take effect seven days after publication on September 7, 2016. It was further amended on April 09, 2019 and shall take effect seven days after publication on April 15, 2019.

(Ord. No. 12 adopted April 2019)

CHAPTER 2 - RULES AND DEFINITIONS

SECTION 2.1 RULES APPLYING TO THE TEXT

The following rules shall apply to the text of the Ordinance:

- A. The illustrations contained within this Ordinance are intended to illustrate hypothetical applications of the provisions which refer to them, and shall not have the effect of enlarging or restricting the terms and provisions which refer to them. In the event of any conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.
- B. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. A “building” or “structure” includes any part thereof.
- E. The word “person” shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity, or a combination of any of them, as well as a natural person.
- F. The words “used” and “occupied”, as applied to any land, building or structure, shall be construed to include the phrases “intended to be”, “arranged to be”, or “designed to be” used or occupied.
- G. The words “erected” or “erection” as applied to any building or structure, shall be construed to include the words “built”, “constructed”, “reconstructed”, “moved upon”, or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed, or moved upon, such as excavation, filling, drainage, or the like.
- H. The particular shall control the general.
- I. Terms not herein defined shall have the meanings customarily accepted.

SECTION 2.2 DEFINITIONS

For the purpose of their application in this Ordinance, the following terms and words are defined as follows:

Accessory building, structure, or use is a building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use.

Adjacent Property Owner – An owner of property that abuts to and shares a common property line with the subject property.

Adult Foster Care Facility – A private home licensed by the State of Michigan that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped and who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act (1979 PA 218), MCL 400.701, et seq.; MSA 16.610 (61), et seq., as amended. An “Adult Foster Care Family Home” is further defined as having six (6) or fewer adults, an “Adult Foster Care Small Group Home” as having twelve (12) or fewer adults, and an “Adult Foster Care Large Group Home” as having at least thirteen (13) but not more than twenty (20) adults.

Agriculture is farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

Ambient Sound Level – The amount of background noise at a given location prior to an installation of a sound producing device or structure or land use change which may include, but not be limited to traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

ANSI – American National Standards Institute.

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

Building is any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals, or personal property, or for carrying on business activities or other similar uses.

Building height is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip, or gambrel roof. (See Figure 1)

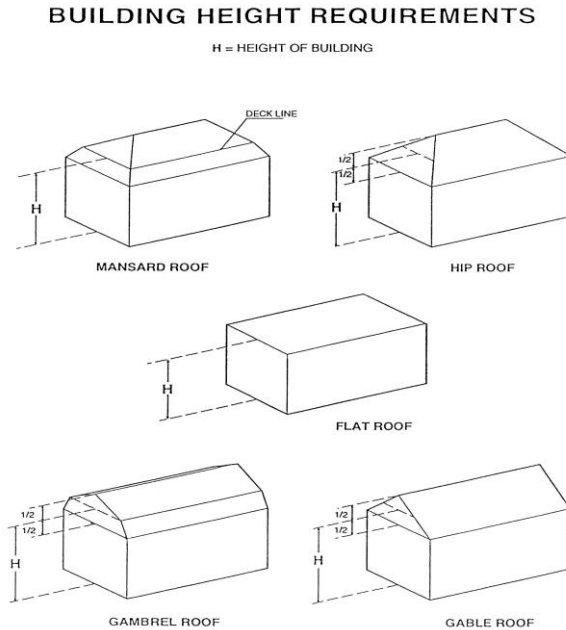


Figure 1

Clinic is an establishment housing facilities for medical, dental, or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing, and injured persons who are not kept overnight on the premises.

dB(A) – The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

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

Drive-through business is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Driveway – A private roadway providing access for vehicles to a parking space or to a parking structure.

Dwelling, multiple family is a building containing three (3) or more dwelling units designed for exclusive used and occupancy by three (3) or more families.

Dwelling, single family is a building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

Dwelling, two family is a building containing two (2) separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family.

Elderly Housing – A building or group of buildings containing dwelling units where the occupancy of dwellings is restricted to persons fifty-five (55) years of age or older, or couples where either the husband or wife is fifty-five (55) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, water, sewer, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, stations, and other similar equipment and accessories used in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Family is an individual or group of two (2) or more persons related by blood, marriage, or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character, and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Family Child Care Home – A state-licensed (regulated by PA 116 of 1973, as amended), owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended

by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

Farm is a tract of land which is directly devoted to agricultural purposes for growing of cash crops including but not limited to greenhouses, plant nurseries, orchards, aviaries, raising of farm animals, or raising of farm fowl.

Farm animals are cattle, sheep, swine, goats, horses, ponies, and similar large animals.

Floor area, residential shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways, and enclosed or unenclosed porches.

Floor Area, Useable – That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors. (See Figure 2)

Floor Area, Gross – The floor area of space on all floors including basements, intermediate floor tiers, and penthouses, measured from the exterior faces of exterior walls. "Gross floor area" does not include covered walkways, open roofed-over areas, porches, pipe trenches, exterior terraces or steps, chimneys, roof overhangs, parking garages and unheated basements. (See Figure 3)

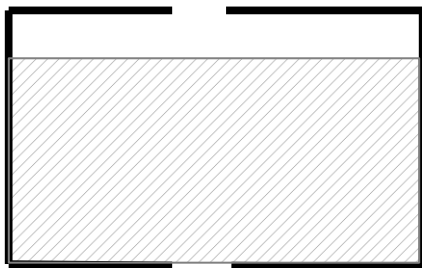


Figure 2
Useable Floor Area

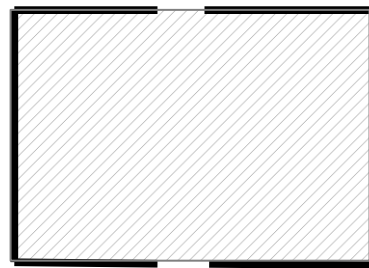


Figure 3
Gross Floor Area

Frontage is the continuous length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Group Child Care Home – A state-licensed (regulated by PA 116 of 1973, as amended), owner-occupied, private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

Habitable Structure – Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

Home occupation is an occupation or profession carried on by an occupant of a residential property as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Home based business – A business operation conducted from a residential property which is subordinate to and incidental to the residential nature of the property, and which involves business activities generally expected to be conducted within a commercial or business location.

Hotel or Motel is any establishment in which individual cabins, courts, rooms, suites, or similar structures or units are rented to transients for temporary periods of time. A “hotel” shall include tourist cabins and dwelling units and motels, but shall not include bed and breakfast establishments.

Hub Height – When referring to a Wind Energy System, the distance measured from ground level to the center of a wind turbine hub.

IEC – International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

Inoperable vehicle is a vehicle or part of a vehicle which is unregistered, unlicensed, or non-functioning for any reason.

ISO – International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

Junk is any scrap, waste, debris, or reclaimable material which is not housed in a building.

Junkyard is any area, lot, building, or structure which is devoted to the storage, purchase, sale, or disposal of junk.

Kennel is any land, building, or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred, or sold.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium development; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance.

Lot area is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way or governed by easement.

Lot, Corner – A lot abutting two (2) intersecting streets. (See Figure 4)

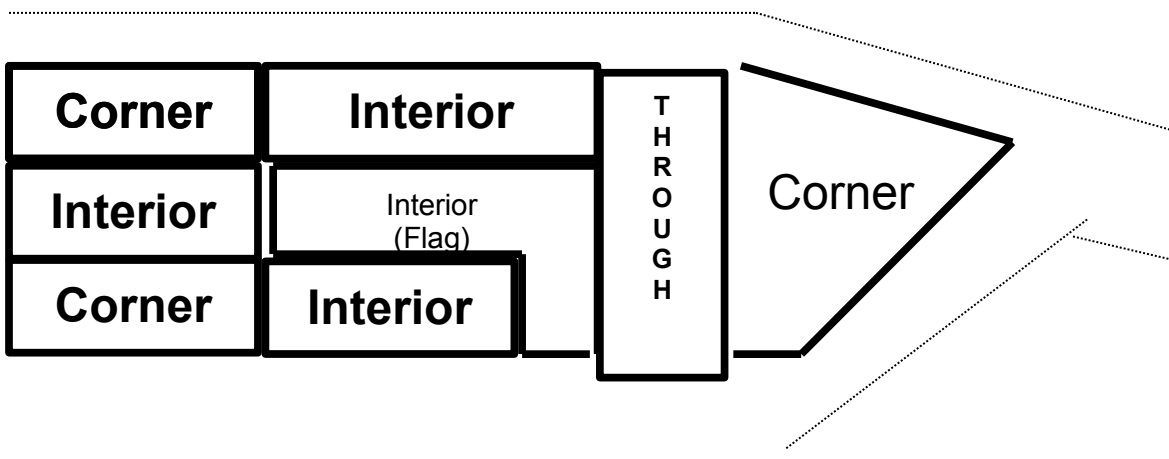


Figure 4
Lot Types

Lot coverage is a part or percent of a lot occupied by buildings or structures.

Lot depth is the arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 5).

Lot, Interior – An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

Lot line is a line of record bounding a lot or parcel from another lot or parcel, from a public or

private road, or from any other public space. Lot line, front - The line separating a lot or parcel from a road right-of-way or road easement (See Figure 5).

Lot line, rear - That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 5).

Lot line, side - Any lot line not a front 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 (See Figure 5).

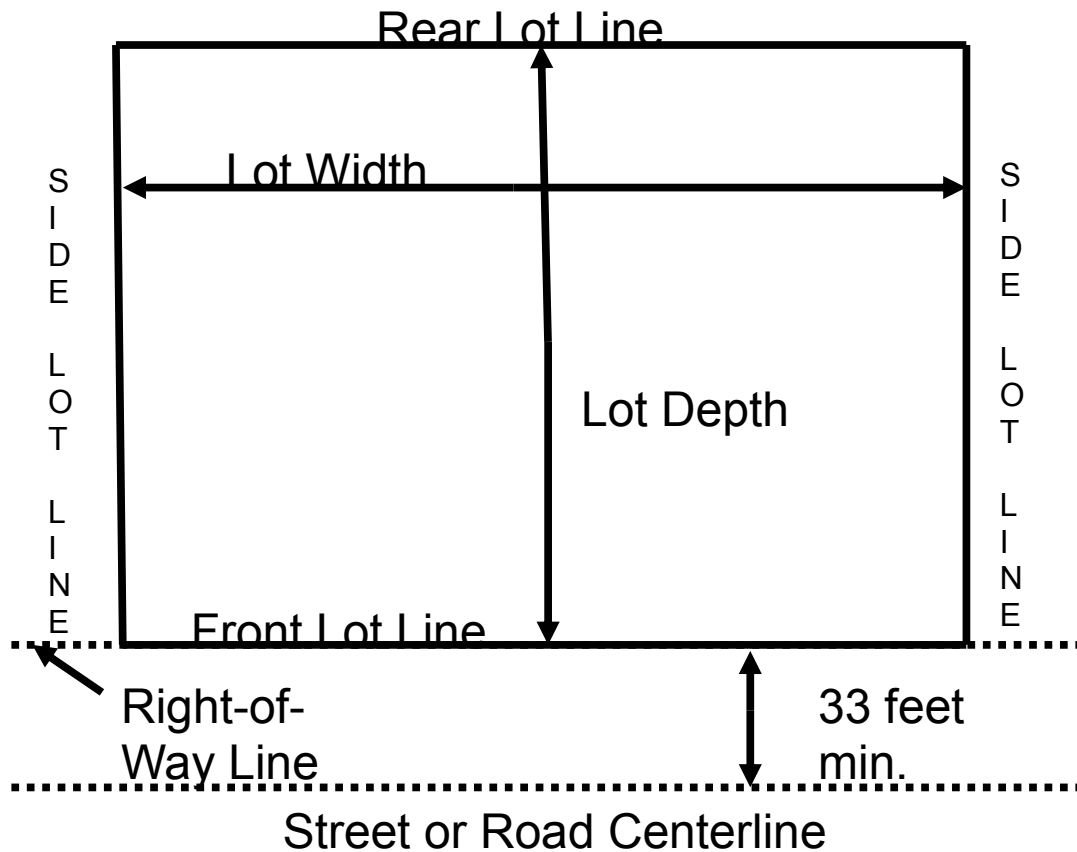


Figure 5
Lot Lines

Lot of Record – A parcel of land, the dimensions of which are shown on a document or map on file with the Osceola County Register of Deeds or in common use by county and community officials and which actually exists as shown; or any part of such parcel held in a record of ownership separate from that of the remainder thereof.

Lot, Waterfront – A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage.

Lot width – The horizontal distance between the side lot lines, measured at the two (2) points where the required front yard setback line intersects the side lot lines.

Manufactured home is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

Mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home.

Mobile/Manufactured home community is a parcel or tract of land under the control of a person, upon which three or more mobile homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a temporary trailer park.

Motor vehicle sales and/or repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pickup trucks, recreational vehicles, or travel trailers; or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission, or suspension systems, glass or upholstery replacement, or the painting or undercoating of vehicles.

Motor vehicle service facility is any establishment engaged in any or all of the following: the direct retail sale of gasoline or other engine fuels, motor oil or lubricants; performing interior or exterior cleaning; sale of tires, parts, or accessories; inspection; lubrication; engine tuning; minor repair for automobiles, vans, pickup trucks, or other motor vehicles.

Nacelle – The protective casing of a wind turbine, covering the gearbox, generator, blade hub, and other parts.

Nonconforming use is the use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform to the use regulations of the district in which it is located.

Nonconforming structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements

of the zoning district in which it is located.

On-Site Wind Energy System – This system is intended to primarily serve the needs of the consumer, and is less than 45 meters (148 feet) in height, and is rated up to 100 kilowatts in capacity.

Parking space is a designated space for parking of motor vehicles.

Principal use is the main use to which the premises are devoted and the principal purpose for which the premises exist.

Private road is any road, highway, street, easement, or thoroughfare for vehicular traffic which is privately owned and maintained, and which provides the principal means of access to abutting properties.

Public road is a road, highway, street, easement, or thoroughfare dedicated to the public which affords the principal means of access to abutting properties.

Recreational vehicle is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all-terrain vehicles, and similar vehicles or trailers. The term “recreational vehicle” shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Retail store is any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way is a street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Rotor – An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Salvage yard is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “salvage yard” includes automobile wrecking yards, junkyards and the like.

Satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra-terrestrially-based sources. This definition includes, but is not limited to what are commonly referred to as satellite earth stations, TVRO’s (Television Reception Only satellite antennas), and satellite microwave antennas.

SCADA Tower – A freestanding tower, containing instrumentation such as anemometers, that is designed to provide present-moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Screen is a structure such as a fence or wall, providing a visual barrier between the area and the adjacent property.

Setback is the required minimum horizontal distance between a front, rear, or side lot line and a building line. (See Figure 6.)

Setback, Front Yard – The minimum required unoccupied distance, extending the full lot width, as measured from the front lot line. (See Figure 6.)

Setback, Rear Yard – The minimum required unoccupied distance, extending the full lot width, as measured from the rear lot line. (See Figure 6.)

Setback, Side Yard – The minimum required unoccupied distance, extending from the front yard setback to the rear yard setback, as measured from the side lot line(s). (See Figure 6.)

Illustration of Zoning Terms
Setbacks

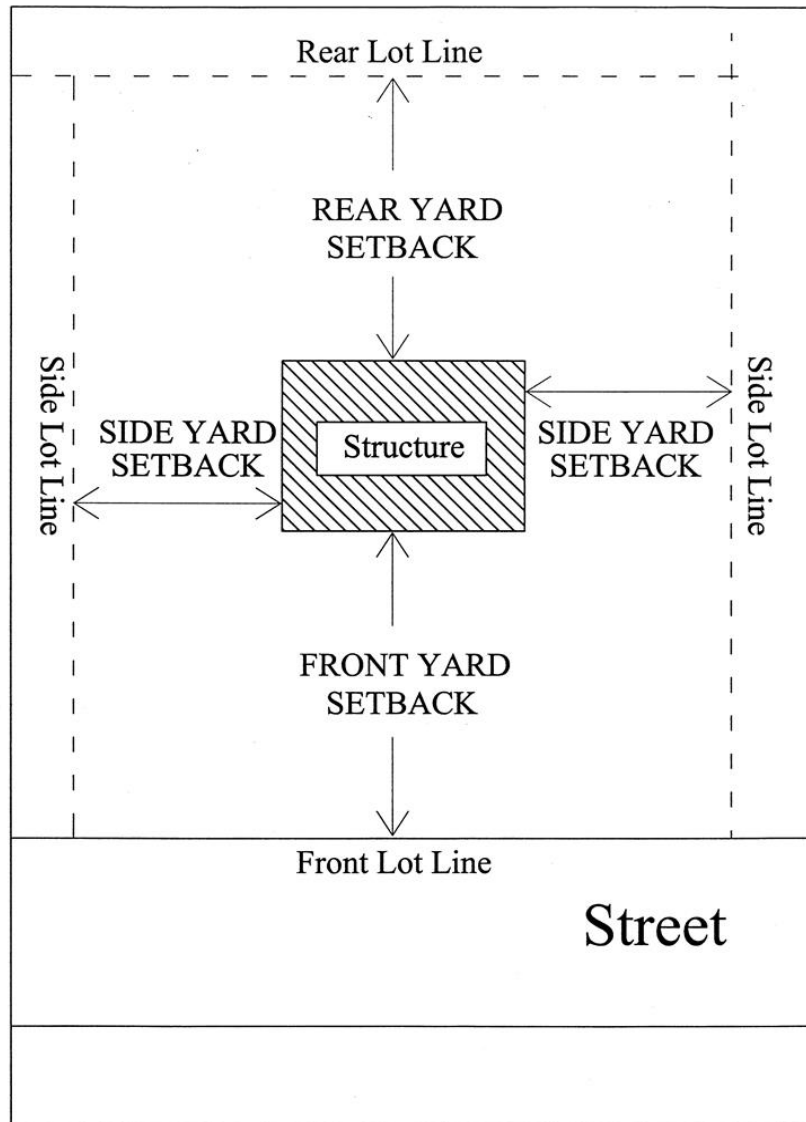


Figure 6
Setbacks

Shadow Flicker – The moving shadow created by the sun shining through the rotating blades of a wind energy system. The amount of shadow flicker created by a wind energy system is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

Sound Pressure – Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level – The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

State Licensed Residential Facilities are those facilities which provide resident services for six (6) or fewer persons under 24 (twenty-four) hour supervision or care. Such facilities are licensed pursuant to Act No. 287 of 1972 and Act 116 of 1973.

Story – That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. (See Figure 7.)

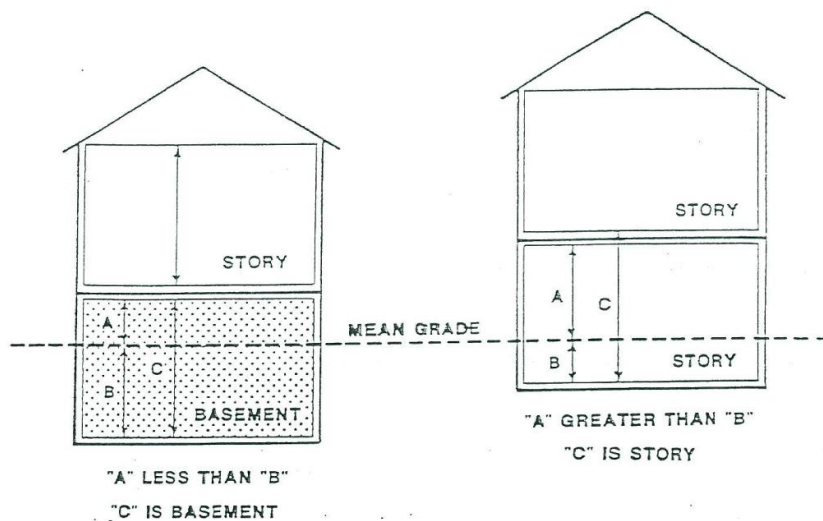


Figure 7

Street refers to public road or private road.

Structure is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground. The word "structure" shall not apply to wires and their supporting poles or frames, or electrical or telephone utilities, or to service utilities below the ground.

Tip Height – When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.

Use is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is, or may be occupied.

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

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

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

Wireless Communication Facilities – A radio, telephone, cellular telephone, or television relay structure of skeleton framework, or a monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunications signals.

Yard is a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Yard, front is a yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard (see Figure 8).

Yard, rear is a yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (see Figure 8).

Yard, side is a yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (see Figure 8).

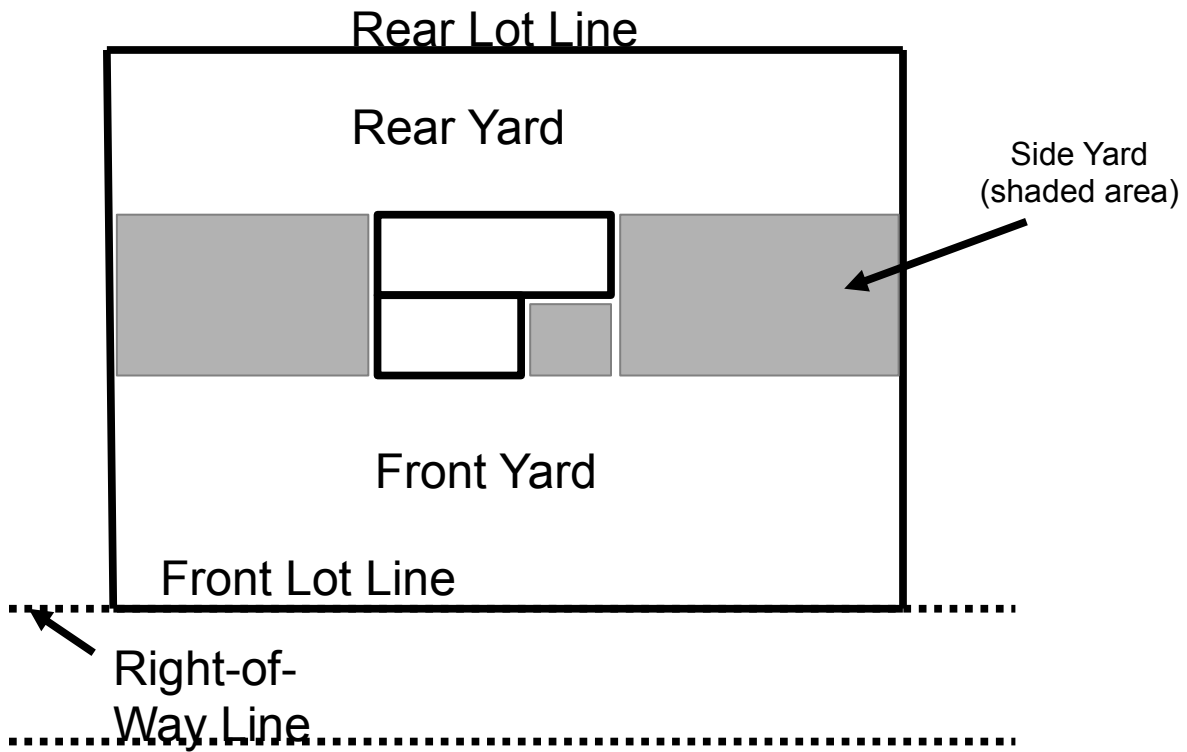


Figure 8
Types of Yards

Zoning Act – The Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

Zoning Administrator – Officer appointed by the Sherman Township Board to effect proper administration and enforcement of this Zoning Ordinance.

Zoning Board of Appeals – The Sherman Township Zoning Board of Appeals created by the township Board under the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

(Ord. No. 12 adopted April 2019)

CHAPTER 3 - NONCONFORMITIES

SECTION 3.1 INTENT AND PURPOSE

It is recognized that within the districts created by this Ordinance, and amendments thereto, there exist buildings, structures, premises, and uses of land which would be prohibited, restricted, or regulated under the terms of this or amendments to this Ordinance. These buildings, structures, premises, and uses of land are hereby referred to as nonconformities.

It is the intent of this Ordinance to allow nonconformities to continue, provided that the use of the building, structure, premises or land was existing and lawful at the time of effective date of this Ordinance, or of amendments to this Ordinance. In no instance shall uses that were not lawful on the effective date of this Ordinance, or of subsequent amendments, be entitled to the provisions of this Chapter.

Such lawful nonconforming buildings, structures, premises, and uses of land are declared by this Ordinance to be incompatible with the uses, buildings, and structures permitted in the zoning district. It is further the intent of the Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, or be used as justification for other uses prohibited elsewhere in the same zoning district.

SECTION 3.2 NONCONFORMING LOTS

Refer to Section 5.15

SECTION 3.3 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that becomes nonconforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel which was in place and for such use at the effective date of adoption or amendment of this Ordinance.

SECTION 3.4 NONCONFORMING STRUCTURES

Where an existing lawful structure becomes non-compliant upon the effective date of adoption or amendment of this Ordinance, and where that structure could not be lawfully built under the terms of this Ordinance or its Amendments by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure, or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in any way which increases its nonconformity (see below).

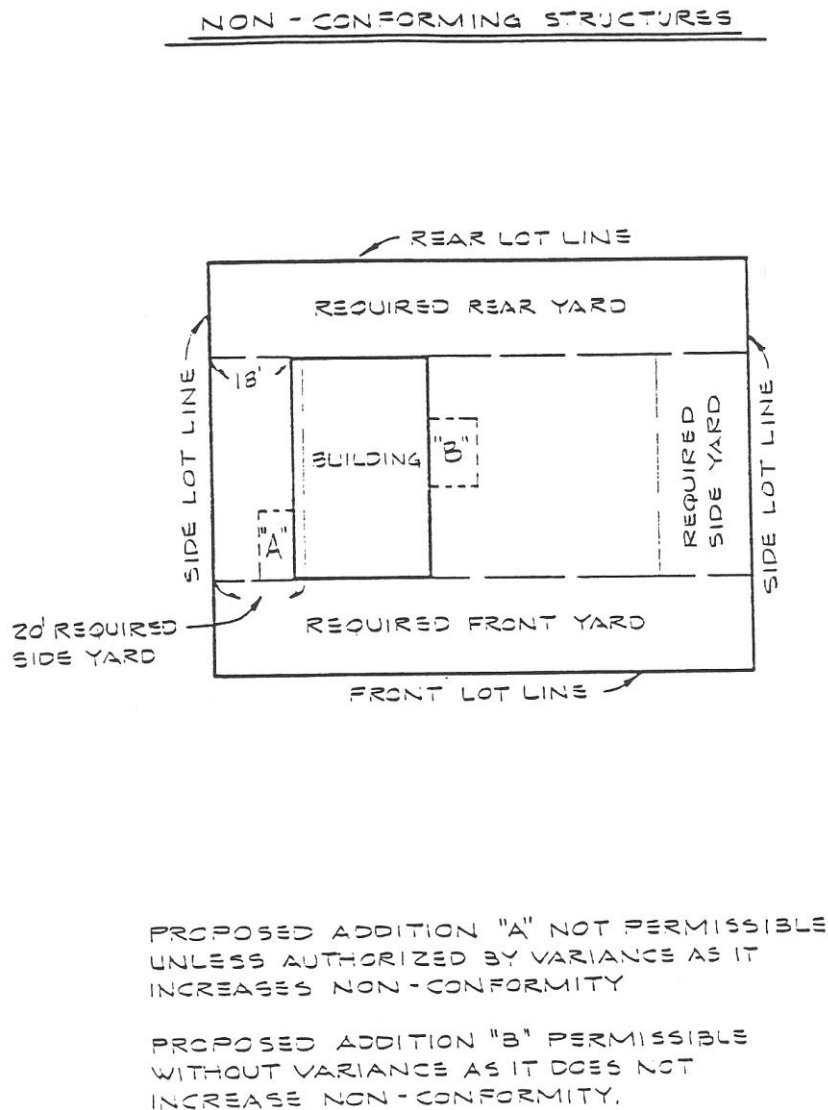


Figure 9

- B. Should such structure be destroyed by any means to an extent of more than its State Equalized Value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

SECTION 3.5 REPAIR AND REPLACEMENT OF STRUCTURES HOUSING NONCONFORMING USES

On any structure devoted in whole or in part to any nonconforming use, ordinary maintenance may be completed. Replacement of walls, fixtures, wiring, or plumbing shall not exceed an aggregate cost of 50 percent of the assessed value of the building in any 12 month period. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. No. 12 adopted April 2019)

SECTION 3.6 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing nonconforming use of land, structure, or premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 3.7 ABANDONMENT OF NONCONFORMING USES AND STRUCTURES

- A. If, for any reason, a nonconforming use is abandoned or discontinued for a period greater than 365 consecutive days, the use shall not be allowed to re-establish, and any subsequent use shall conform to all requirements and provisions of the Ordinance. In cases where unusual circumstances exist, a petition may be made to the Zoning Board of Appeals to extend the time frame or re-establish the nonconforming use.
- B. If for any reason the use of a nonconforming structure ceases to exist or is discontinued for a period of more than 365 consecutive days, no use shall be allowed to occupy the structure unless authorized by the Zoning Board of Appeals.

CHAPTER 4 - DISTRICT REGULATIONS

SECTION 4.1 DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, all land within Sherman Township, excepting streets and alleys, is divided into the following zoning districts:

A	Agriculture
AR	Agriculture/Rural Residential
DA	Dighton Area
C	Commercial & Light Industrial
RC & PUD	Residential Cluster and Planned Unit Development

For the specific regulations and requirements of each of the districts listed above, refer to Sections 4.5 through 4.9 of this Chapter.

SECTION 4.2 OFFICIAL ZONING MAP

The boundaries of zoning districts are defined and established as shown on a map entitled the "Sherman Township Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Township Clerk.

SECTION 4.3 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply.

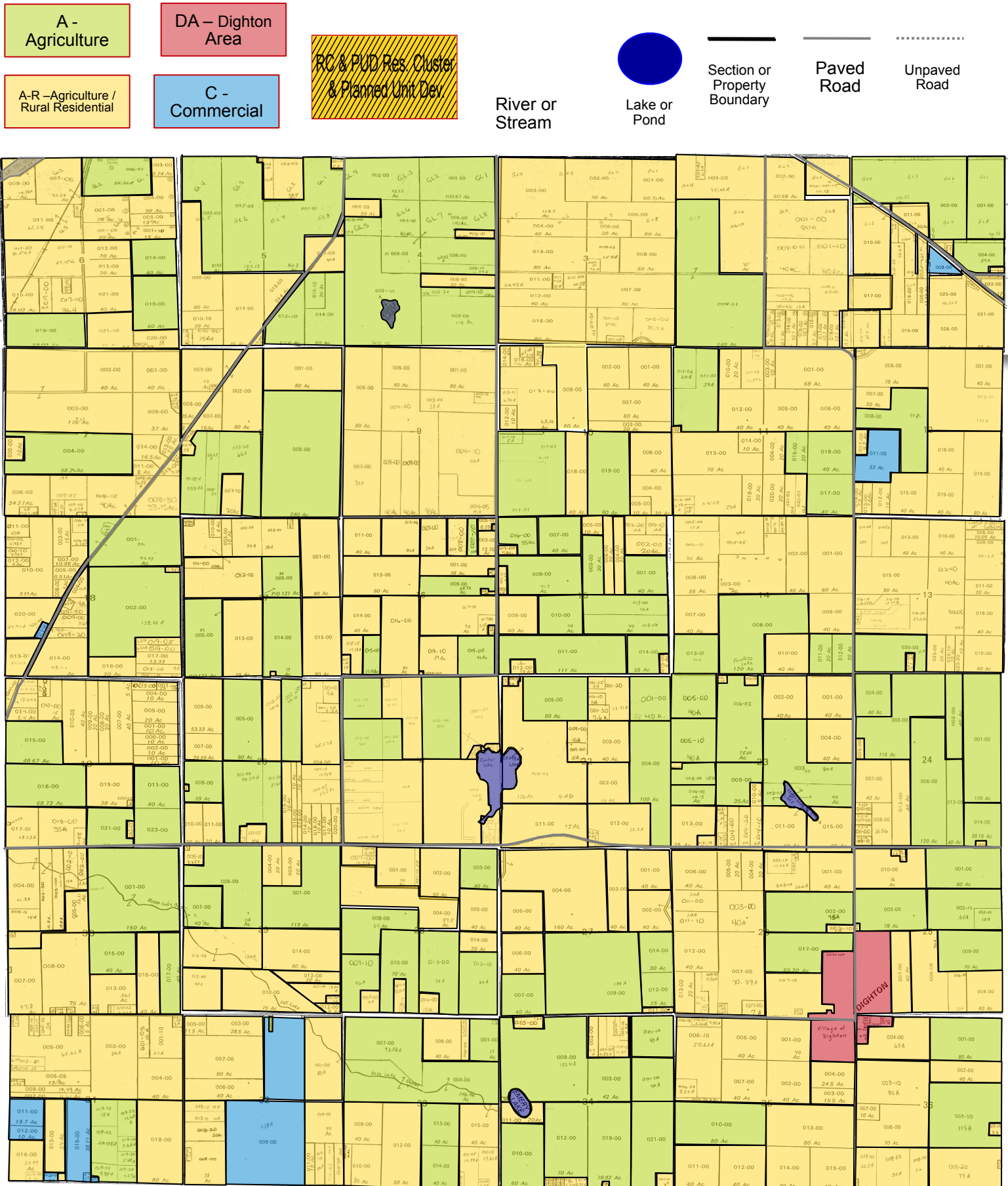
- A. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of these roadways.
- B. Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow these lines.
- C. Boundaries indicated as approximately parallel to the center lines of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

SECTION 4.4 CLASSIFICATION OF USES NOT LISTED

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in Section 11.5 of this Ordinance. Said use shall be treated in a like manner with comparable uses permitted or prohibited by the District Regulations for each Zoning District.

Zoning Map for Sherman Township, Osceola County, Michigan

Effective April 22, 2019



This map was made from 36 hand-drawn section maps from the county equalization office.

SECTION 4.5 AGRICULTURE “A” DISTRICT

This district is made up of those areas in the Township which are devoted to, and which should continue to be devoted to agriculture and related uses. The regulations set forth in this Section are intended to protect existing agricultural uses of land, and to promote new agricultural and related uses. It is the intent of this Section to prohibit the introduction of land uses which conflict with agricultural and related uses. In addition, this zoning district is intended to promote sustainable development, renewable energy, and other practices to responsibly use natural resources.

SECTION 4.5A USES PERMITTED BY RIGHT

1. Farms and farming operations.
2. Commercial forestry, including tree farms and forest products industries.
3. Greenhouses and plant nurseries.
4. Single family dwellings.
5. Family Child Care Home, for six (6) or fewer children.
6. State licensed residential facility, providing residential services for six (6) or fewer individuals.
7. Home occupations.
8. Bed and Breakfast establishments.
9. Customarily accessory uses and structures which are ancillary to the principal use.
10. On-Site Wind Energy System, up to 148 feet in height, and when in conformance with Section 5.18.

SECTION 4.5B USES PERMITTED BY SPECIAL USE PERMIT

1. Veterinary clinics.
2. Group Child Care Home, for seven (7) but not more than twelve (12) children.
3. Kennels.

4. State licensed residential facilities.
 5. Riding stables, including boarding of horses.
 6. Public and Private Schools.
 7. Churches.
 8. Commercial gravel pits, commercial sand and commercial topsoil removal operations.
(Refer to Section 7.10A)
 9. Junkyards, salvage yards, and storage of inoperative vehicles. (Refer to Section 7.10B)
 10. On-Site Wind Energy System, when greater than 148 feet but not to exceed 199 feet in height, and when in compliance with Sections 5.18 and 7.6.
 11. Wireless communication facilities.
 12. Home based businesses.
 13. Other uses which are not listed in any other Section of this Ordinance, which are, in the opinion of the Township Planning Commission, similar in nature to the uses listed above.
- (Ord. No. 12 adopted April 2019)

SECTION 4.5C DIMENSIONAL REQUIREMENTS

Refer to Section 4.9 Table of Dimensional Requirements.

SECTION 4.6 AGRICULTURE/RURAL RESIDENTIAL "A/R" DISTRICT

This district is made up of those areas in the Township which are devoted to a mix of agricultural, rural residential, forestry, and recreational uses. The regulations set forth in this Section are intended to protect and preserve such uses. In addition, this zoning district is intended to promote sustainable development, renewable energy, and other practices which responsibly use natural resources.

SECTION 4.6A USES PERMITTED BY RIGHT

1. Farms and farming operations.
2. Commercial forestry, including tree farms and forest products industries.
3. Greenhouses and plant nurseries.

4. Single family dwellings.
5. Family Child Care Home, for six (6) or fewer children.
6. State licensed residential facility, providing residential services for six (6) or fewer individuals.
7. Home occupations.
8. Public and private schools.
9. Bed and Breakfast establishments.
10. Customarily accessory uses and structures which are ancillary to the principal use.
11. On-Site Wind Energy System, up to 148 feet in height, and when in conformance with Section 5.18.

SECTION 4.6B USES PERMITTED BY SPECIAL USE PERMIT

1. Veterinary clinics.
2. Group Child Care Home, for seven (7) but not more than twelve (12) children.
3. Kennels.
4. State licensed residential facilities.
5. Home based businesses.
6. Riding stables, including boarding of horses.
7. Cemeteries.
8. Clubs, lodges, and community centers.
9. Multiple-family dwellings.
10. Manufactured home parks. (Refer to Section 7.9C)
11. Public and private parks and recreation facilities.
12. Public and private campgrounds.
13. Churches.

14. Two family dwellings.
15. Commercial gravel pits, commercial sand and commercial topsoil removal operations.
(Refer to Section 7.9A)
16. Junkyards, and storage of inoperative vehicles. (Refer to Section 7.9B)
17. Clinics and health care institutions.
18. Radio, television, telephone, and similar communication towers. (Refer to Section 7.9D)
19. Wireless communication facilities.
20. Other uses that are not listed in any other section of this Ordinance, which are, in the opinion of the Township Planning Commission, similar in nature to the uses listed above.
21. On-Site Wind Energy System, when greater than 148 feet but not to exceed 199 feet in height, and in compliance with Sections 5.18 and 7.6.

(Ord. No. 12 adopted April 2019)

SECTION 4.6C DIMENSIONAL REQUIREMENTS

Refer to Section 4.9 Table of Dimensional Requirements.

SECTION 4.7 DIGHTON AREA “DA” DISTRICT

The purpose and intent of this district is to allow for compatible uses in the Dighton Area. This district recognizes the differences between the Dighton Area and the rest of the Township.

SECTION 4.7A USES PERMITTED BY RIGHT

1. Single family dwellings.
2. Two family dwellings (duplex). See footnote (1).
3. Home occupations.
4. State licensed residential facilities providing care to six (6) or fewer individuals.
5. Bed and Breakfast establishments.
6. Raising and keeping of farm animals. See footnote (2).
7. Customarily accessory uses and structures which are ancillary to the principal use.

SECTION 4.7B USES PERMITTED BY SPECIAL USE PERMIT

1. General retail, offices, financial and service businesses.
2. Restaurants and taverns.
3. Churches and schools.
4. Other uses that are compatible with uses in the Dighton Area.
5. Home care facilities.
6. Home based businesses.

(Ord. No. 12 adopted April 2019)

SECTION 4.7C DIMENSIONAL REQUIREMENTS

Refer to Section 4.9 Table of Dimensional Requirements.

(1) Requires 30,000 sq. ft. minimum lot size.

(2) The minimum lot or parcel size required to raise or keep farm animals shall be one (1) acre in this zoning district.

SECTION 4.75 COMMERCIAL AND LIGHT INDUSTRIAL "C" DISTRICT

The purpose and intent of this district is to provide for a controlled mixture of commercial and light industrial uses in areas where the infrastructure is adequate to support such uses. This district is intended to allow for retail and service-oriented businesses to serve both residents and visitors.

SECTION 4.75A USES PERMITTED BY RIGHT

1. General retail stores, offices, financial and service businesses.
2. Restaurants and taverns, but not including drive-thru restaurants.

SECTION 4.75B USES PERMITTED BY SPECIAL USE PERMIT

1. Building supply yards, warehouses, and wholesale businesses.
2. Drive-thru businesses, including drive-thru restaurants.
3. Motor vehicle service facilities, including gas stations and car washes.

4. Motor vehicle sales and/or repair facilities.
5. Self-service storage facilities.
6. Contractors and builders establishments.
7. Hotels and motels.
8. Commercial recreation such as bowling alleys, skating rinks, and arcades.
9. Theaters.
10. Coin-operated laundries.
11. Mortuaries.
12. Manufacturing, processing, assembling, packaging, treatment or use of previously prepared materials (must be conducted in a completely enclosed building).
13. Other uses which are not listed in any other Section of this Ordinance, which are, in the opinion of the Township Planning Commission, similar in nature to the uses listed above.

SECTION 4.75C DIMENSIONAL REQUIREMENTS

Refer to Section 4.9 Table of Dimensional Requirements.

SECTION 4.8 RESIDENTIAL CLUSTER - "RC" AND MIXED USE - "PUD" DISTRICTS

The purpose and intent of these districts is to allow for innovative and alternative development design which preserves natural resources, takes advantage of the "lay of the land," and reduces development costs by allowing development to be concentrated. Manufactured home parks, condominiums, site condominiums, and mixed use developments are appropriate for, and are allowed in the "RC" and "PUD" zoning districts.

Because these districts allow flexibility in design and generally have less restrictive regulations, a conceptual plan must be submitted and approved prior to the filing for rezoning to "RC" or "PUD." The purpose for the submission of a conceptual plan is to allow the Township and the developer to agree on the correct design and utilization of the land in question.

SECTION 4.8A USES ALLOWED BY DISTRICT

1. RC - Residential Cluster
 - a. Single family dwellings
 - b. Multiple family dwellings
 - c. Residential condominium developments
 - d. Manufactured home parks*
 - e. Customarily accessory uses and structures which are ancillary to the principal use
2. PUD - Mixed Use Planned Unit Development
 - a. Uses listed in 1 above in combination with the uses permitted by right in the "C" zoning district (refer to Section 4.75A).
 - b. Any other combination of uses that are listed in the district regulations of this Ordinance that are deemed appropriate by the Planning Commission.

*No special use permit is required for manufactured home parks under this Section, however, refer to Section 7.9C for manufactured home park development standards.

SECTION 4.8B TABLE OF DISTRICT REGULATIONS

Zoning District	Minimum project area	Minimum continuous project frontage (1)	Max. DU/ Developable Acreage (2)	Required Percent of Project as Open Space (3)	Area, Yard and other Requirements
RC	15 acres	125 feet	1	50%	see Section 4.9
PUD	15 acres	125 feet	1	30%	see Section 4.9

Footnotes:

1. Frontage must be on a paved county road.
2. When calculating the number of dwelling units permitted for the project, regulated wetlands and flood hazard areas shall not be considered developable acreage.
3. The following shall not be applied in satisfying the open space requirements: public or private easements and right-of-ways, drives, streets or driveways, parking areas or required yards.

SECTION 4.8C DIMENSIONAL REQUIREMENTS

Refer to Section 4.9 Table of Dimensional Requirements.

SECTION 4.8D SUBMISSION OF CONCEPTUAL SITE PLAN

Prior to the filing of an application for rezoning, any person wishing to obtain "RC" or "PUD" zoning shall submit nine (9) copies of a conceptual site plan to the Planning Commission. The Zoning Administrator shall forward at least one (1) copy of the conceptual site plan to the Township Board. The conceptual site plan shall at a minimum contain the following:

1. The applicants name, address, and phone number.

2. The size of the property and property dimensions.
3. Approximate size and location of natural features such as wetlands, water bodies, forested areas, farm land, etc.
4. Approximate location of existing buildings and structures.
5. The location and number of all proposed dwelling units, buildings, and structures.
6. The location and size of driveways, roads, easements, and other points of access.
7. The proposed use of the land, dwelling units, buildings and structures.

SECTION 4.8E REVIEW PROCEDURE

- A. The Planning Commission shall review and discuss the conceptual site plan in an open meeting. The Planning Commission shall review the site plan to ensure that:
 1. The uses, buildings and structures shown on the conceptual site plan are not in conflict with the Master Plan of current adoption.
 2. That the proposed uses, buildings, and structures are compatible with surrounding uses of land, or that measures to adequately mitigate non-compatible uses have been included on the conceptual site plan.
 3. That the number of dwelling units, buildings or structures is in accordance with Section 4.8B of this chapter.
- B. Based on the findings of its review, the Planning Commission shall do one (1) of the following:
 4. Grant conceptual site plan approval.
 5. Grant conceptual site plan approval subject to specified conditions and the submission of a revised site plan.
 6. Reject the conceptual site plan, stating the specific reasons for the rejection.

SECTION 4.8F APPLICATION FOR REZONING

Once the Planning Commission has granted approval or approval subject to conditions, an application for "RC" or "PUD" may be filed and processed in accordance with Chapter 12 of this Ordinance. The approved conceptual site plan shall be made part of the application, and shall be considered as part of the rezoning request.

SECTION 4.8G SITE PLAN REVIEW REQUIRED

Prior to any construction activity, earth moving or alteration of the site, site plan approval as set forth in Chapter 8 shall be obtained.

SECTION 4.9 TABLE OF DIMENSIONAL REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM FRONTAGE REQUIREMENT (FEET)	MINIMUM FRONT SETBACK (FEET)	MINIMUM SIDE SETBACK (FEET)	MINIMUM REAR SETBACK (FEET)	MAXIMUM LOT COVERAGE (%)	MAXIMUM STRUCTURE HEIGHT (FEET)	MAXIMUM ACCESSORY STRUCTURE HEIGHT (FEET) (1)
A	20 ACRES	660	50	50	50	30	35	100 (3)
A/R	2 ACRES	165	50	15	40	30	35	35
C	43,560 SQ. FT.	100	25	10	30	35	35	35
DA	15,000 SQ. FT. (2)	65	25	10	25	35	35	35
RC & PUD	15,000 SQ.FT.	100	25	TOTAL 20', NO LESS THAN 5'	30	30	35	35

FOOTNOTES:

1. This regulation shall not apply to church spires, flag poles, antennas and antenna support structures, and similar structures.
2. Two family dwellings (duplex) requires minimum lot area of 30,000 sq.ft.
3. Refer to Section 5.2A and 5.2D.

CHAPTER 5 - GENERAL PROVISIONS

SECTION 5.1 INTENT AND PURPOSE

In addition to the minimum requirements set forth in Chapter 4, other standards and requirements are necessary to ensure that the development of land occurs in an efficient, orderly and controlled manner. It is the intent of this Chapter to set forth provisions that will regulate the uses allowed in all districts.

SECTION 5.2 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in the Ordinance, shall be subject to the following regulations:

- A. Exemption of Accessory Farm Buildings and Structures. The provisions of this Ordinance shall not apply to the erection, repair, or use of customary accessory farm buildings and structures, such as barns, unattached garages, sheds, pens, fence and the like, provided that no such building or structure other than open fences, through which there shall be clear vision, shall hereafter be erected, moved or maintained less than 50 feet from any highway (see public roads) right-of-way line abutting the premises. (Footnote: Formerly Section 1.03B)
- B. Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations applicable to the main building.
- C. Accessory Buildings shall be subject to the front yard setback requirement for principal structures.
- D. The minimum setback requirement for accessory buildings from any side or rear yard is 10 feet. For accessory buildings exceeding 10 feet in height, there shall be a one (1) foot increase of the minimum setback requirement for each one (1) foot increase of accessory building height above 10 feet.
- E. Accessory Buildings may be constructed, erected, or placed on lots where they are clearly incidental to the principal use. A maximum of two (2) separate accessory buildings may be placed on a vacant lot or parcel, provided that they satisfy all required setbacks and other dimensional requirements in Section 4.9. Conversion of accessory buildings to buildings intended for occupancy shall comply with all Township, County and State requirements.

SECTION 5.3 LOT ALLOCATION

No portion of any lot or parcel used once in complying with the provisions of this Ordinance for yards, lot area, or any other requirement herein, shall be used a second time to satisfy said requirements for any other structure or building.

SECTION 5.4 CORNER CLEARANCE

No solid visual obstruction shall be permitted within a triangular area formed by the intersection of any road right-of-way lines at a distance along each such line of 20 feet from their point of intersection.

SECTION 5.5 FENCES, WALLS OR SCREENS

Fences, walls or screens of not more than six (6) feet in height are permitted in all yards. Fences, walls or screens made up of living plant material shall not be subject to this provision.

SECTION 5.6 PORCHES AND DECKS

Open, unenclosed, and uncovered porches, decks or paved terraces may project into a required rear or side yard provided that the porch, deck or terrace is located no closer than eight (8) feet from any lot line.

SECTION 5.7 NUMBER OF DWELLING UNITS PER LOT

Unless otherwise permitted by this Ordinance, only one (1) dwelling unit shall be constructed or placed on one (1) lot meeting the minimum lot area requirements set forth in Section 4.9. In the case of condominium developments, unit area and limited common areas may be used to satisfy lot area requirements. General common areas shall not be applied toward satisfying minimum lot area requirements.

SECTION 5.8 ESSENTIAL SERVICES

Essential service transmission lines such as electric, telephone, gas, or other similar utilities, are permitted in all districts, provided that the services are authorized, regulated, and in compliance with all other applicable laws, ordinances and regulations. Buildings accessory to such services, however, are subject to the requirements set forth in the Ordinance.

SECTION 5.9 SATELLITE DISH ANTENNAS, ANTENNAS AND SIMILAR STRUCTURES

Satellite dish antennas, television antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following:

- A. Four satellite dish antennas shall be allowed per lot or parcel.

- B. All satellite dish antennas, amateur radio antennas and other similar structures shall satisfy the minimum yard setback requirements.
- C. Satellite dish antennas are subject to accessory building height limitations.

SECTION 5.10 ACCESS AND DRIVEWAY REQUIREMENTS

- A. All lots shall have access to a public road under the jurisdiction of the Osceola County Road Commission or State of Michigan. Such access may be provided by way of driveway, approved private road, or approved easement. In the case of private roads and easements, the width of the road or easement shall not be less than twenty (20) feet in width and shall be approved by the Sherman Township Board. All lots located on private roads or easements shall satisfy the frontage requirements set forth in Section 4.9.
- B. All buildings, structures, and uses of land utilizing lots created after the effective date of this Ordinance shall be accessed by means of a driveway. Said driveway shall be contained entirely within the lot for which the building, use, or structure is proposed and access to a public road shall be in compliance with Section 5.10A above.

SECTION 5.11 TEMPORARY OUTDOOR USES

A Zoning Permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by the event sponsor. The Zoning Administrator shall determine the off street parking requirements for the event. Temporary outdoor uses may be permitted in any zoning district, provided, that the temporary use is similar in nature to those uses that are allowed by right in the district. A Zoning Permit authorizing a temporary outdoor use shall be valid for up to six (6) months.

SECTION 5.12 BUILDING PERMITS

- A. No construction activity requiring a building or grading permit shall commence until a Zoning Permit and Building or Grading Permit has been issued.
- B. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within 90 days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.

SECTION 5.13 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office,

business, industry, or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to the requirements of the County Health Department and applicable State agencies.

SECTION 5.14 STANDARDS APPLICABLE TO SINGLE FAMILY DWELLINGS

All single family dwellings shall comply with the following standards:

- A. The minimum dwelling size shall be 720 square feet of habitable floor area that is fully enclosed and heated.
- B. If the dwelling is a manufactured home, the manufactured home must either be: a) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or b) used and certified by the County Building Official to be safe and fit for residential occupancy.
- C. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes which are or may be adopted by the Township; provided however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards are different than those imposed by Township codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the County Building Official.
- D. The dwelling unit shall comply with all requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yards, and maximum building height limitation of the zoning district in which it is located.
- E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed and the skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
- F. The dwelling unit shall be attached to a permanent foundation constructed on the building site. The foundation shall be constructed of such materials and type as required by the County Building Code for on-site construction of single family dwellings.
- G. If the dwelling unit is a manufactured home, it shall be installed on the foundation referenced in accordance with F above, pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device

complying with the rules and regulations of the Michigan Mobile Home Commission, as adopted or amended, or any similar or successor agency having regulatory responsibility for manufactured home parks.

SECTION 5.15 SUBSTANDARD LOTS

Any residential lot or parcel created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot does not comply with the dimensional requirements of this Ordinance, provided:

- A. That the lot or parcel is at least 65 feet in width and complies with Section 5.10 of this Chapter.
- B. That the proposed building, structure or use satisfies the yard requirements set forth in Chapter 4 of this Ordinance.
- C. That the approvals set forth in Section 5.13 of this Chapter are delivered to the Zoning Administrator.

SECTION 5.16 CORNER LOTS

Lots or parcels which have continuous frontage on two (2) or more roads shall be subject to the following: (See below)

- A. All yards having frontage on a road shall be considered front yards for the purposes of satisfying dimensional requirements.
- B. The lot or parcel owner shall designate which yard shall be considered the front yard for the purposes of establishing the rear and side yards.

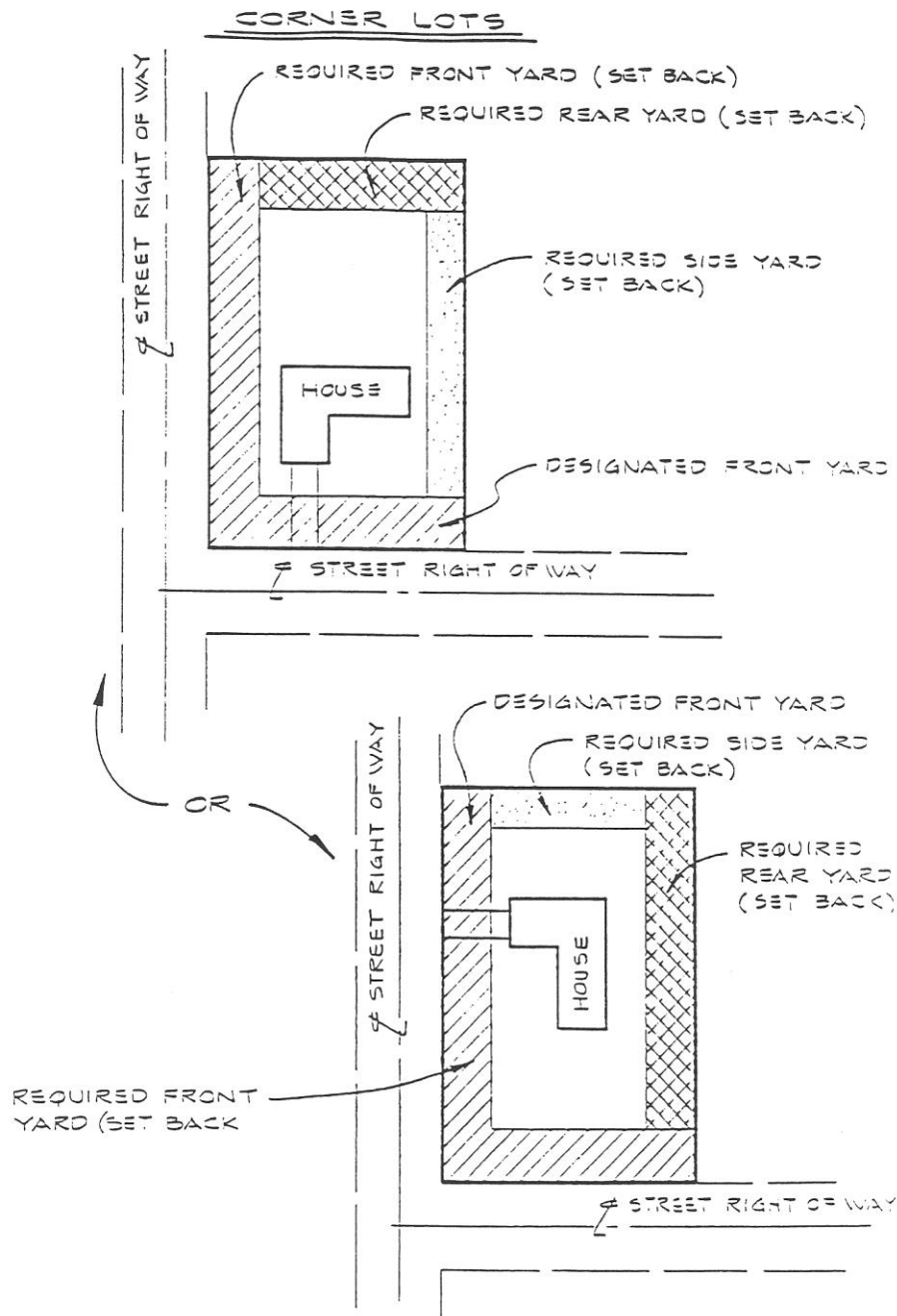


Figure 11

SECTION 5.17 RECREATIONAL TRAILERS

Completely self-contained recreational trailers or those hooked to facilities approved by the Health Department may be placed on a year round basis and occupied on a non-permanent basis not to exceed three (3) consecutive months, provided:

- A. That the recreational trailer is not designed for permanent occupancy and has no more than 500 square feet of living area.
- B. That the recreational trailer is set up in a location that satisfies the minimum setback requirements for the zoning district in which it is located.
- C. That an annual permit is obtained from the Zoning Administrator prior to setting up that recreational trailer. Prior to the issuance of any permit, the appropriate fees shall be paid.
- D. Recreational trailers satisfying the above condition may be placed on a year round basis.

SECTION 5.18 ON-SITE WIND ENERGY SYSTEM

- A. An on-site wind energy system is intended to primarily serve the needs of the consumer. An on-site wind energy system with a maximum tip height of 45 meters (148 feet) is a use permitted by right in the Agriculture (A) and Agriculture/Residential (A/R) districts and shall conform to the provisions of this section. An on-site wind energy system with a tip height of greater than 148 feet but not exceeding 199 feet in height is a use permitted by special use permit in the Agriculture (A) and Agriculture/Residential (A/R) districts and shall conform to the provisions of this section and Section 7.6. An on-site wind energy system shall be limited to one (1) turbine per lot.
- B. Anemometer towers used to conduct a wind site assessment for possible installation of an on-site wind energy system must conform to requirements of the Sherman Township zoning ordinance.
- C. Prior to the installation of an on-site wind energy system, an application for a Zoning Permit shall be filed with the Zoning Administrator that will include:
 - 1. Applicant identification including name, address, and contact information.
 - 2. A general description of the proposed project including a legal description of the property on which the project would be located.
 - 3. A general site plan with a map showing the physical features, land uses, and the location, height, and dimensions of all existing and proposed structures and fencing of the project area.
 - 4. Documentation that sound-pressure level, construction code, tower requirements, and safety requirements have been met.

5. Certification that applicant has complied with, or will comply with all applicable state and federal laws and regulations.

Installation of an anemometer tower also requires a Zoning Permit to be filed with the Sherman Township Zoning Administrator. The Zoning Permit application will include the same information noted above for an on-site wind energy system application.

D. An On-Site Wind Energy System shall meet the following standards and requirements:

1. Property Setback
 - a) The distance between an on-site wind energy system and the owner's property lines shall be at least 1.25 times the height of the wind energy system tower including the top of the blade in its vertical position (tip height).
 - b) The distance between an anemometer (met) tower and the owner's property lines shall be at least 1.25 times the height of the tower.
 - c) The wind energy system structure, including guy wire anchors, shall conform to the zoning district's setback requirements.
2. Other Required Setbacks
 - a) The distance between an on-site use wind energy system and a road or a public right-of-way shall be at least 1.25 times the height of the wind energy system tower including the top of the blade in its vertical position (tip height).
 - b) The distance between an anemometer (met) tower and a road or a public right-of-way shall be at least 1.25 times the height of the tower.
 - c) The wind energy system structure, including guy wire anchors, shall conform to the zoning district's setback requirements for roads or public rights-of-way.
3. Sound Pressure Level
 - a) The sound pressure level generated by an on-site wind energy system shall not exceed 55 dB(A) from 7:00 a.m. to 9:00 p.m. and 40 dB(A) from 9:00 p.m. to 7:00 a.m., measured at the property line closest to the wind energy system.
 - b) This sound pressure level shall not be exceeded for more than 3 minutes in

any hour of the day.

- c) If the ambient sound pressure level exceeds the above levels, the standard shall be ambient dB(A) plus 3 dB(A).

4. Construction Code and Tower Requirements

- a) On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements.
- b) On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations.
- c) An interconnected on-site wind energy system shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid systems are exempt from this requirement.

5. Safety

- a) An on-site wind energy system shall have a governing, or a feathering system to prevent uncontrolled rotation or over speeding.
- b) All wind towers shall have lightning protection.
- c) If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
- d) The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

CHAPTER 6 - PARKING

SECTION 6.1 INTENT AND PURPOSE

It is the purpose of these regulations to ensure that adequate parking facilities are provided for, and that they are adequately maintained. Off street parking as required by this Ordinance shall be in accordance with the following provisions.

SECTION 6.2 TABLE OF OFF STREET PARKING REQUIREMENTS

Total parking required is the sum of spaces for all land uses proposed on the site, plus employee parking, as defined below.

THE FOLLOWING USES MAY HAVE GRAVEL SURFACED PARKING

<u>LAND USE</u>	<u># SPACES</u>	<u>PER ACTIVITY UNIT</u>
- 1 & 2 Family Homes	2	Dwelling Unit
- Campground/RV Park	1	Campsite
- Animal Boarding	1	5 Animals Boarded
- Riding Stable	1	2 Horses Housed on site
- Roadside Produce Stand	5	Stand
- Grain Elevator	4	Business
- Cemetery	2	Acre
- Game Area, Nature Preserve	1	10 Acres
- Fishing Site	1	20 Ft. Dock or Waterfront
- Boat Launch	10*	Ramp (10' x 45'/Car & Trailer)
- Picnic Area	1	Picnic Table
- Tennis	2	Court
- Team Sports	12	Court or Field
- Park, Golf Course	1	2 Acres
- Driving Range	1	Tee
- Gun Club	4	Range, Skeet or Trap House
- General Aviation	1	Tie Down or Hangar Space

TABLE OF OFF STREET PARKING REQUIREMENTS (CONTINUED)

<u>LAND USE</u>	<u># SPACES</u>	<u>PER ACTIVITY UNIT</u>
- Mobile Home Park, Apartments	2	Dwelling Unit
- Senior Citizen Housing	1	3 Dwelling Units
- Day Nursery	1	4 Children, per License
- Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
- Retail, Office, Service, Financial	1	150 sq. ft. of Public Area
- Vehicle Sales	1	500 sq. ft. of Public Area
- Vehicle Service/Wash, Gas Station	3	Wash, Stall, or Fuel Pump
- Truck Stop	5*	Fuel Pump (12' x 70' / Truck)
- Barber Shop or Beauty Salon	2	Chair
- Bar or Restaurant (Not Drive-In)	1	2 Seats
- Drive-In Restaurant	1	20 sq. ft. Gross Floor Area
- Hotel or Motel	1	Guest Room
- Meeting or Bingo Hall, Skating Rink, Community Center, Gymnasium	1	4 persons allowed in bldg. based on Fire Code rules
- Bowling Alley	4	Lane
- Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
- Church, Theater, Arena, Stadium Auditorium	1	3 Seats or 6 feet of Bench or Pew Seating
- Grade School	1	10 Students
- High School	1	5 Students
- College, Technical School	1	3 Students
- Hospital, Visitor Parking	1	3 Beds
- Hospital, Doctors Parking	1	2 Medical Staff Members
- Nursing Home	1	6 Beds
- Library, Museum, Gallery, Post Office	1	600 sq. ft. Gross Floor Area
- Private Club	1	2 Member Families
<hr/>		
- Any Employment Site	1**	Employee on Peak Shift

* Spaces must be sized as noted.

** Employee parking surface type shall be the same as for the main use.

SECTION 6.3 USES NOT LISTED

The Zoning Administrator shall determine the number of parking spaces required for uses not listed in the table above. The Zoning Administrator's determination shall be based on a comparison of the proposed use and a similar use that is listed in the Table of Off Street Parking Requirements. In the event that there is a dispute over the number of spaces required, the matter shall be referred to the Zoning Board of Appeals for review and decision.

SECTION 6.4 BUILDING, STRUCTURE, OR USE EXPANSIONS OR ADDITIONS

Additional parking shall be provided in accordance with the table above for any increase in floor area, change in use, addition, or expansion of a building site.

SECTION 6.5 JOINT PARKING

The use of joint parking is to be encouraged when it can be demonstrated that the parking areas will be occupied at different times by different uses.

SECTION 6.6 PARKING AREA CONSTRUCTION REQUIREMENTS

- A. The parking area shall be surfaced with a material that provides a durable and smooth surface which shall be graded to drain and dispose of storm water.
- B. Each parking space shall be constructed to satisfy the requirements of this Chapter and shall be a minimum of 180 square feet in size.
- C. Storm water collection, drainage, and retention structures meeting all requirements of the Osceola County Road Commission and the Osceola County Drain Commissioner shall be installed for all off street parking areas.
- D. Driveways and aisles for any off street parking area shall be clearly defined, meeting the following requirements:
 - 1. Width - Each driveway shall be a minimum of 15 feet and a maximum of 20 feet in width per direction.
 - 2. Angle - The driveways shall intersect the abutting street at a 90 degree angle.
 - 3. Aisles - Aisles shall be at least 20 feet wide.

- E. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each 300 feet of frontage, or fraction thereof. Where more than one driveway is allowed, the driveways shall be located at least 150 feet apart. No driveway shall be located within 30 feet of a neighboring property line, or within 50 feet of a street intersection.
- F. All lighting of a required off street parking area shall be arranged in such a manner that the illumination is directed toward the ground and is not directed toward a public thoroughfare or adjacent properties.
- G. Parking and loading areas shall be located no closer than 20 feet from any road right-of-way and shall not be located any closer than 10 feet from any lot line.
- H. Any parking area larger than 10 spaces shall have a visual screen not less than five (5) feet high when adjacent to property zoned for agricultural or agricultural/residential uses.
- I. A Building Permit and Zoning Permit shall be required for construction of any parking lot.

CHAPTER 7 - SPECIAL USES

SECTION 7.1 PURPOSE AND INTENT

The formulation and enactment of this Ordinance is based upon the division of Sherman Township into districts. Each district allows for uses that have been deemed compatible, and those uses are permitted by right, provided that they satisfy all applicable dimensional requirements. Other uses, however, may also be compatible in these districts based on their particular location and their impact on the surrounding area. The special use shall be authorized only after it has been found that it is in compliance with the standards and requirements set forth in this Chapter.

SECTION 7.2 AUTHORITY TO GRANT SPECIAL USE

The Planning Commission shall have the authority to grant special uses. The granting of a special use shall be known as a special use permit. The Planning Commission shall attach any conditions it deems necessary to the special use permit to ensure that the spirit and intent of this Chapter is complied with.

SECTION 7.3 APPLICATION AND FEE

An application for a special use permit shall be made by filing the application form, required information and the required fee with the Zoning Administrator. Once deemed complete, the Zoning Administrator shall forward the application and fee to the Township Clerk.

The application fee shall be set by resolution of the Sherman Township Board. Once accepted by the Clerk, no portion of the fee shall be returned to the applicant, unless authorized by the Township Board.

SECTION 7.4 REQUIRED INFORMATION

- A. Application. The application for a special use permit shall at a minimum include the following:
1. The applicant's name, address and telephone number
 2. The names and addresses of all owners of record and proof of property ownership or interest
 3. The signed authorization of the property owner if the applicant is someone other than the owner
 4. Legal description, address, and tax parcel number of the property

- 5. A scaled and accurate survey drawing showing all existing buildings, drives, and other improvements
- 6. A detailed description of the proposed use
- B. Site plan. Five (5) copies of a site plan meeting the requirements in Chapter 8 shall be submitted.

SECTION 7.5 SPECIAL USE PERMIT PROCEDURE

- A. Once forwarded to the Township Clerk by the Zoning Administrator, the Clerk shall forward the application and any supporting materials, including the site plan as required above in Section 7.4(B), to the Planning Commission.
- B. The Planning Commission shall review the application and materials for completeness. Once deemed complete, the Commission shall schedule a public hearing.
- C. Upon receipt of an application for a special use, the Planning Commission shall hold a public hearing in the manner described in Section 10.9 of this zoning ordinance.
- D. The Planning Commission shall review the request and shall establish that the standards and requirements of this Chapter are satisfied.
- E. Following its review of the request, the Planning Commission shall take one of the following actions:
 - 1. Issue the special use permit if it is found to satisfy the requirements of this Chapter.
 - 2. Place conditions on the special use permit to ensure that it complies with the requirements of this Chapter.
 - 3. Deny the special use permit if it is found that the proposed use fails to satisfy the requirements of this Chapter. In the event of denial, the applicant shall be informed of the decision in writing, with the reasons for denial contained in the letter.

The Planning Commission shall generally render its decision within 30 days from the date the application was received by the Township Clerk. The 30 day time period may be extended by the mutual consent of the applicant and the Planning Commission.

- F. The decision on a special use shall incorporate a statement containing the findings and

conclusions relative to the special use under consideration. The statement shall specify the basis for the decision and any conditions recommended.

(Ord. No. 12 adopted April 2019)

SECTION 7.6 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

Every request for a special use permit shall be reviewed with the following considerations:

- A. The proposed use will be harmonious with and in accordance with the general and specific objectives of the Sherman Township Master Plan and any amendments thereto.
- B. The proposed use, including any buildings constructed in association with it, will be designed, constructed, operated, and maintained to harmonize with the existing or intended character of the general vicinity for which it has been proposed.
- C. The proposed use will not change the essential character of the area in which it is to be located.
- D. The proposed use will not be disturbing to, or hazardous to current or future neighboring uses or residents.
- E. The proposed use, and any future expansions of the use, can be adequately served by essential public services or facilities. In the event that public services or facilities are not available, the applicant can ensure that adequate similar coverage be provided.
- F. The proposed use will not create excessive public costs and will not jeopardize the economic welfare of the Township.
- G. The proposed use will be consistent with the intent and purpose of this Ordinance.

SECTION 7.7 CONDITIONS AND SAFEGUARDS

To ensure the protection of public health, safety, and welfare and to protect adjacent property owners' rights, it may be necessary in some instances to impose conditions and safeguards as part of the authorization for the special use. Said conditions and safeguards may also be necessary for the use to conform to the requirements and standards of this Chapter.

SECTION 7.8 APPEAL OF SPECIAL USE PERMIT DECISIONS

Any person aggrieved by the decision of the Planning Commission in the granting or denial of a special use permit may appeal said decision to the Zoning Board of Appeals (ZBA). The appeal fee shall be set by a resolution of the Township Board. The fee shall entitle the appellant to a decision. The appellant shall file a letter with the Township Clerk, within twenty (20) days of the

decision of the Planning Commission. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

- A. In its review of the decision, the ZBA shall consider the following:
 - 1. The appellant's letter and validity of grounds for appeal.
 - 2. The minutes of the public hearing held on the special use permit request by the Planning Commission.
 - 3. Any other documentation presented to the Planning Commission prior to its decision on the special use permit.
 - 4. Any verbal or written information submitted to the ZBA in response to a request for said information by the ZBA.
- B. In its determination of the appeal, the ZBA may take any one of the following actions:
 - 1. Affirm the decision of the Planning Commission with or without modification.
 - 2. Refer the matter back to the Planning Commission for further consideration, study or hearings. The ZBA shall inform the Planning Commission of the issues that it believes are in need of further consideration, study or hearings. Once the Planning Commission has examined the issues it shall reaffirm its original decision, modify its original decision, or reverse its original decision.
 - 3. Reverse the decision of the Planning Commission if the decision is not in accordance with the intent and purposes of this Ordinance or was a special use permitted in the zoning district.
- C. The ZBA shall generally render a decision on the appeal within 60 days from the date the Township Clerk received the appeal. The 60 day time period may be extended by the mutual consent of the appellant and the ZBA.

(Ord. No. 12 adopted April 2019)

SECTION 7.9 SPECIAL USES REQUIRING ADDITIONAL STANDARDS

The following uses have been listed in certain district regulations as requiring a special use permit. Due to the nature and intensity of these uses, they shall meet the following minimum requirements:

- A. Gravel pits, sand and topsoil removal operations and quarries. The removal of soil, sand, gravel and other like materials shall be in accordance with the following:

1. There shall be only one (1) entranceway of any kind from a public road or right-of-way.
 2. No activities shall take place before sunrise or after sunset, unless specifically authorized by the special use permit.
 3. No extraction or excavating shall occur closer than 100 feet from any lot line and these activities shall not affect neighboring properties.
 4. To the greatest extent possible, odors, smoke, fumes, and dust shall be confined to the site and not affect neighboring properties.
 5. All machinery and equipment shall be located at least 100 feet from any lot line.
 6. A fence of not less than four (4) feet shall be erected around the entire area that is subject to excavation or extraction activities.
 7. A detailed plan acceptable to the Planning Commission shall be submitted showing the restoration of the area proposed for excavation or extraction. The plan shall include the proposed restored grade, landscaping, erosion control measures and future use of the area.
 8. The applicant shall file with the Township a bond to insure that the restoration plan will be completed. The bond shall be released only upon verification by the Township Zoning Administrator and/or the Township Supervisor that restoration of the site has been completed in accordance with the plan.
- B. Junkyards and storage of inoperative vehicles.
1. There shall be only one (1) entranceway of any kind from a public street or right-of-way.
 2. A solid screen, wall or fence of not less than six (6) feet shall be erected around the entire perimeter of the site. If in combination with an earth berm, the total height of the berm and screen, fence, or wall shall not be less than six (6) feet.
 3. All storage or placement of materials whether operative or inoperative shall be in accordance with the setback requirements of the applicable zoning district in which the use is located.
 4. All stored or placed materials whether operative or inoperative shall not exceed the height of the solid screen, fence or wall as required by Number 2 above.

C. Manufactured home parks

1. All manufactured home parks shall be developed and licensed in accordance with Act 96 of the Public Acts of 1987, as amended, the Mobile Home Commission Rules of current adoption, and published current standards set forth by the Michigan Department of Public Health.
2. The entire perimeter (including along public right-of-ways) of the manufactured home park shall be screened. The screening may be made of acceptable landscape materials or of other materials that will form an effective screen. The screen shall be a minimum of five (5) feet in height at the time of construction. The Planning Commission may waive this requirement if it is determined that the screening is not necessary or that existing vegetation forms an effective screen.
3. Each manufactured home site (lot) is at least 5,500 square feet.
4. No manufactured home pads shall be located within any 100 year Flood plain boundary.
5. Each manufactured home shall be skirted in accordance with the requirements set forth for skirting in the Mobile Home Commission Rules of current adoption.
6. Each manufactured home shall be anchored in accordance with the requirements set forth for anchoring in the Mobile Home Commission Rules of current adoption.
7. All structures located within a manufactured home park shall be located no closer than ten (10) feet from any manufactured home park property line.
8. All structures located within a manufactured home park shall be located no closer than 50 feet from any abutting right-of-way.
9. All private and public utilities shall be placed underground.

D. Radio, television, telephone and similar communication towers and antennas.

1. The parcel size must meet the minimum requirements for the district in which it is to be located and the parcel shall be at least twice the length and width of the height of the tower, including any antennas.
2. The tower shall be anchored properly according to applicable codes.
3. The tower and any accessory buildings shall be maintained to ensure that they

do not become unsightly or unsafe.

4. That the tower is located on a portion of the parcel that minimizes both aesthetic and potential safety impacts.
5. No strobe lighting or intense flashing lights are permitted.
6. Accessory buildings shall satisfy setbacks for principal buildings for the district in which they are to be located.

SECTION 7.10 SITE PLAN APPROVAL REQUIRED

- A. All uses and construction authorized by special use permit shall submit a site plan for review by the Planning Commission or designate thereof. The special use permit shall not become effective until such time that a site plan meeting the requirements of Chapter 8 has been reviewed and approved by the Planning Commission.
- B. Nothing in this Ordinance shall be construed to discourage the concurrent review of the special use permit and the site plan.

SECTION 7.11 ENFORCEMENT

- A. **TERMS OF PERMIT.** A Special Use Permit issued pursuant to this Chapter consists of the application and site plan described in Section 7.4 which specifies the Special Use that is to be allowed and any conditions which were attached by the Planning Commission.
- B. **REVOCATION.** The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described in this Chapter. The permit remains valid as long as all of those conditions are met.
 1. **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the Special Use Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease
 2. **APPEALS PROCESS.** Any person who believes the Zoning Administrator's Notice of Violation was issued in error may appeal this determination to the Zoning Board of Appeals as provided elsewhere in this ordinance.
 3. **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as Nonconforming.

4. **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission's meeting will occur before the thirty (30) day period of the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
5. **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
6. **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

(Ord. No. 12 adopted April 2019)

CHAPTER 8 - SITE PLAN REVIEW

SECTION 8.1 INTENT

In order to reduce the significant impacts of development on natural resources and adjacent land uses and to ensure that public services and infrastructure are utilized in an efficient manner, it is the intent of this Chapter to require approval of a site plan for certain uses that can be expected to impact natural resources and surrounding land uses.

SECTION 8.2 USES, BUILDINGS, AND STRUCTURES SUBJECT TO SITE PLAN REVIEW

- A. Uses, buildings, and structures permitted by right in the C zoning districts.
- B. Uses, buildings, and structures permitted by special use permit in all districts.
- C. Residential subdivisions and condominium developments in the A and AR zoning districts.
- D. Uses, buildings, structures and land divisions in the RC and PUD districts. This provision shall not apply to single family homes and accessory structures where site plan review has been granted to the project.

SECTION 8.3 APPLICATION AND FEE

An application for site plan review shall be made by filing the application form, required information, and the required fee, including any fees to be deposited in an escrow account, with the Zoning Administrator. Once deemed complete, the Zoning Administrator shall forward the application and fee to the Township Clerk. Such fees are necessary to pay for professional services related to site plan review, engineering reviews, and staffing planning commission meetings.

The application fee and any additional fees to be deposited in an escrow account to pay for professional planning and engineering services shall be set by resolution of the Sherman Township Board. Once accepted by the Clerk, no portion of the application fee shall be returned to the applicant, unless authorized by an action of the Township Board.

SECTION 8.4 REQUIRED INFORMATION

The submission for site plan review shall at a minimum contain the following:

- A. The applicant's name, address, and tax parcel number of the property.
- B. Legal description, address, and tax parcel number of the property.

C. Five (5) copies of a site plan at a scale of not less than one (1) inch equals 100 feet. The site plan shall illustrate the following:

1. All property dimensions
2. Topographic elevations at two (2) foot intervals when deemed necessary by the Zoning Administrator or the Planning Commission
3. Existing vegetation
4. Water courses and waterways, including man made improvements
5. Existing natural features to be retained and/or removed. Locations of natural features, including woodlands and areas with slopes greater than 10% (1 foot vertical elevation for every 10 feet of horizontal distance).
6. Existing public and private rights of way, pavements, and easements
7. Existing and proposed buildings, structures, grading, and uses, and their relationship to required setbacks
8. Zoning classifications of adjacent properties
9. The name and address of the person or firm that prepared the plan, and the date it was completed.

SECTION 8.5 SITE PLAN REVIEW PROCEDURE

- A. Once forwarded to the Township Clerk by the Zoning Administrator, the Clerk shall forward the application and supporting materials to the Planning Commission.
- B. The Planning Commission shall review the application and site plan for completeness. In the event that the application is not considered complete, the applicant shall be informed why it is incomplete.
- C. The Planning Commission shall review the site plan for conformance to the standards and requirements set forth in this Chapter.
- D. The Planning Commission may request/require written statements assessing the potential impacts of the proposed use and structures from the local school district, or any other agency or department that may have jurisdiction or an interest in the project.

- E. Following its review of the proposed site plan, the Planning Commission shall take one of the following actions:
1. Approve the site plan if it is found to satisfy the requirements of this Chapter.
 2. Place conditions on the site plan approval to ensure that it satisfies the requirements of this Chapter and this Ordinance.
 3. Deny the site plan if it is found that the proposed site plan fails to satisfy the requirements of this Chapter and this Ordinance. In the event of denial, the applicant shall be informed of the decision in writing, with the reasons for denial contained in the letter.

The Planning Commission shall generally render its decision within 30 days from the date the application was received by the Township Clerk. The 30 day time period may be extended by the mutual consent of the applicant and the Planning Commission.

SECTION 8.6 STANDARDS AND REQUIREMENTS FOR SITE PLAN APPROVAL

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise, and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of the criteria are inapplicable:

- A. All uses, structures, and buildings satisfy all the minimum dimensional requirements for the district for which the uses, structures, or buildings are located.
- B. To the greatest extent possible, the existing topography and vegetation shall be preserved. The site shall be developed in a manner which limits the destruction of natural features.
- C. The site plan shall provide for visual screening between uses that are located in different districts. Fences and landscape materials shall be used as screening materials.
- D. All storm water shall be detained on site for controlled release. Special attention shall be given to proper site drainage such that the controlled release of storm waters will not adversely affect neighboring properties. Parking areas shall be designed so storm water drains from the parking area.
- E. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not cause dangerous conditions along public roads or streets.

- F. All buildings and groups of buildings or structures are arranged to allow emergency access to and from all sides.
- G. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, the separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and that do not, insofar as practicable, detract from the design of the proposed buildings and structures and the neighboring properties.
- H. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.
- I. Natural resources including lakes, ponds, streams, woodlands, farmlands, and wildlife habitat are not destroyed or adversely impacted by the proposed uses, structures or buildings.
- J. That the uses, structures and buildings are appropriately designed and scaled for the site for which they are proposed.
- K. That all necessary permits or authorization from other regulatory agencies have been obtained or are in the process of being obtained such as, though not limited to, soil erosion control, storm water discharge, wells, and septic systems
- L. That the proposed uses, structures and buildings are not in conflict with other provisions of this Ordinance, other Township Ordinances, or County, State and Federal statutes and regulations.

SECTION 8.7 CONDITIONS AND SAFEGUARDS

To ensure the protection of public health, safety and welfare, and to protect adjacent property owners' rights, it may be necessary to impose conditions and safeguards as part of the authorization for site plan approval. Said conditions and safeguards may also be necessary for the uses, structures and buildings to conform to the requirements and standards of this Chapter.

SECTION 8.8 APPEAL OF SITE PLAN REVIEW DECISIONS

Any person aggrieved by the decision of the Planning Commission in the approval or denial of a site plan review may appeal said decision to the Zoning Board of Appeals (ZBA). The appeal fee shall be set by a resolution of the Township Board. The fee shall entitle the appellant to a decision. The appellant shall file a letter with the Township Clerk within 10 days of the decision

of the Planning Commission on the site plan. The appellant's letter shall specify the grounds for the appeal, and the appeal shall be limited to the issues raised in the letter.

- A. In its review of the decision, the ZBA shall consider the following:
 - 1. The appellant's letter and validity of grounds for appeal.
 - 2. The minutes taken during the Planning Commission's review of the site plan.
 - 3. Any other documentation presented to the Planning Commission prior to its decision on the site plan.
 - 4. Any verbal or written information submitted to the ZBA in response to a request for the information by the ZBA.
- B. In its determination of the appeal, the ZBA may take any of the following actions:
 - 1. Affirm the decision of the Planning Commission with or without modification.
 - 2. Refer the matter back to the Planning Commission for consideration, study or additional documentation. The ZBA shall inform the Planning Commission of the issues that it believes are in need of further consideration, study or documentation. Once the Planning Commission has examined the issues it shall refer the matter with a report back to the ZBA for a decision.
- C. The ZBA shall generally render a decision on the appeal within 60 days from the date the Township Clerk received the appeal. The time period may be extended upon the mutual consent of the appellant and the ZBA.

SECTION 8.9 SPECIAL USES AND CONCURRENT APPROVALS

The Planning Commission may choose to review special use permit and site plan review submittals concurrently. In the event of concurrent review, the Planning Commission shall make sure that both the site plan and special use submittals satisfy all requirements of the Ordinance.

SECTION 8.10 AMENDMENTS TO APPROVED SITE PLANS

Any proposed addition, modifications or alterations to any uses, structures or buildings approved on a site plan, shall be reviewed by the Zoning Administrator. The Zoning Administrator shall make a determination whether the proposed addition, alteration or modification is a minor or major amendment. Minor amendments may be approved by the Zoning Administrator, provided that a revised and dated site plan is submitted and made part of the project file. Major amendments shall be reviewed by the Planning Commission in accordance with the standards set forth in this Chapter.

CHAPTER 9 - SIGNS AND BILLBOARDS

SECTION 9.1 INTENT AND PURPOSE

The intent of this section is to regulate the type, number, physical dimension, erection, and placement of signs in Sherman Township. The purpose of these regulations is to:

- A. Promote the public health, safety, and welfare of residents and visitors.
- B. Reduce hazardous distractions to motorists, pedestrians, and air traffic.
- C. Protect commercial districts from visual clutter and chaos.
- D. Protect property values.
- E. Protect the rural character and natural beauty of Sherman Township.

SECTION 9.2 DEFINITIONS

Billboard - A billboard is an outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as “off-premises signs” and “outdoor advertising.”

Sign - A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display or illustration which is affixed or applied to or represented directly or indirectly upon a building structure or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization or business.

Sign Area - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle or any combination of these figures, which includes all the of display area of the sign including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.

Directional Sign – A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the “logo” of the business for which the directional signs are associated.

Freestanding Sign - A sign supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as “pole” signs. Freestanding signs include billboards.

Illuminated sign - Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.

Portable sign - Any sign so constructed as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include “trailer” signs.

Wall sign - A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 18 inches from the wall, but which may or may not project above the roof or parapet. (See also canopy sign.)

SECTION 9.3 BILLBOARDS

Billboards are permitted only in those areas of the Township which are adjacent to state highways and which are located in the C (Commercial and Light Industrial) Zoning District. Billboards erected in these areas shall conform to all requirements of the Highway Advertising Act (P.A. 106 of 1972, as amended) **and** the requirements of this Ordinance:

- A. Maximum Sign Area. A billboard shall have a sign area of no greater than 300 square feet.
- B. Maximum height. A billboard shall have a height of no greater than 25 feet, as measured from the ground surface to the highest point of the sign, including any borders or trim.
- C. Minimum clearance. A billboard shall have a minimum clearance of 10 feet between the ground surface and the lowest point of the sign.
- D. Minimum setback. A billboard shall have a minimum setback of 25 feet from a public street right-of-way line.
- E. Minimum Spacing Standard. A billboard shall not be established within 1,000' of another billboard on the same side of the road.

SECTION 9.4 SIGNS

The following regulations shall apply to on-premises signs.

SECTION 9.4A ZONING PERMIT REQUIRED

Unless a sign is exempt from permit requirements as specified in Section 9.4B, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

SECTION 9.4B SIGNS AND ACTIVITIES EXEMPT FROM PERMIT

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Ordinance.

1. Temporary Construction Signs. One (1) construction sign for each street frontage at a construction project, not to exceed 32 square feet in sign area per sign. Such signs may be erected no more than 30 days prior to commencement of construction and must be removed no longer than 30 days after completion of construction.
2. Directional and Informational Signs. On-premises directional and informational signs, not to exceed five (5) square feet per sign, shall be permitted as a means of directing traffic to parking, loading, customer and business services, and related areas. Signs prohibiting trespassing, hunting, or similar activities are exempt, so long as they do not exceed two (2) square feet per sign.
3. Political Signs. Political signs shall not exceed 20 square feet in area per sign. Such signs shall be placed only on private property and only with permission of the property owner. Signs may be erected no sooner than the deadline to file for the coming election and must be removed within 14 days following the election or referendum.
4. Public Signs or Notices. Public signs or notices of Sherman Township, Osceola County, the State of Michigan or the United States Government may be erected as deemed necessary and appropriate by the unit of government.
5. Real Estate Signs. Real estate signs not exceeding 32 square feet of display area per side.
6. Name Plates and Location Signs. One (1) nameplate sign per premises not to exceed four (4) square feet in sign area, plus an address location or house number sign near the road and another on the building.
7. Special Sale Signs. Special sale signs including but not limited to garage, yard, rummage, and estate may be erected no more than twenty-one (21) days prior, and shall be removed within 24 hours after the sale.

8. Memorial Signs or Tablets. Especially those containing the names of building and dates of construction shall be permitted, not to exceed six (6) square feet in area.
9. Centennial Farm Signs. Centennial Farm signs, not to exceed six (6) square feet in area, are exempt from permits.

SECTION 9.4C PROHIBITED SIGNS

Any sign not specifically permitted is prohibited. The Zoning Board of Appeals shall have the authority to classify signs not specifically permitted.

SECTION 9.4D GENERAL SIGN STANDARDS

1. Illumination, if permitted, shall be by a non-flashing reflective light. Said source of illumination shall be shielded from direct view of adjacent properties.
2. All signs shall be subject to the Building and Safety Codes of Sherman Township.
3. All signs shall be setback a minimum of 10 feet from all lot lines, except where otherwise required by this Ordinance.
4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this Ordinance, provided however, ground mounted signs shall not exceed five (5) feet in height.
5. Freestanding signs shall have a minimum clearance of five (5) feet between the ground surface and lowest point of the sign.
6. No signs shall be placed in required clear-vision areas.
7. No person shall erect or relocate or cause to be erected, any sign or billboard without first obtaining a sign-erection permit.
8. No person shall repair or alter, or cause to be repaired or altered, any sign or billboard without obtaining a Zoning Permit if one-half (½) of the replacement value of the sign or billboard will be exceeded.
9. Any sign directing to, or advertising a business or service shall be removed within 90 days after that business or service ceases to be offered or provided at that location. After that time, the township will charge the property owner for the cost of removal of the sign.

SECTION 9.4E PERMITTED SIGNS BY DISTRICT

All signs shall be erected and in conformance with the Table of Sign Size Regulations.

TABLE OF SIGN SIZE REGULATIONS

Agricultural - A and Agricultural/Residential - AR Districts

	Maximum display area per side (sq.ft.)	Maximum height of freestanding sign (feet)
Home businesses including home occupations	8	6
Farms and general farming operations	16	10
Commercial forest operations	16	10
Tree farms and forest product industries	16	10
Family day care homes	8	10
State licensed residential facilities	8	10
Schools	16	10
Churches	16	10
Veterinary Clinics	16	10
Kennels	16	10
Riding Stables	16	10
Cemeteries	16	10
Clubs, lodges and community centers	16	10
Manufactured home community	16	10
Parks	16	10
Campgrounds	16	10
Bed and breakfast establishments	16	10
Clinics and Health care institutions (AR district only)	16	10
All other uses allowed in the A & AR Districts	16	10

Commercial and Light Industrial - C District

General retail office, financial and service businesses	32	25
Hotels and motels	32	25
Restaurants	32	25
Commercial recreation	32	25
Theaters	32	25
Coin-operated laundries	32	25
Mortuaries	32	25
Manufacturing	32	25
Building supply yards, warehouses and wholesale businesses	32	25
Drive-thru businesses	32	25
Motor vehicle service facilities	32	25
Motor vehicles sales or repair facilities	32	25
Self service storage facilities	32	25
Contractors and builders establishments	32	25
All other uses allowed in the C District	32	25

SECTION 9.5 NONCONFORMING SIGNS

A nonconforming sign or sign structure existing and in place as of the date of the enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a nonconforming sign existing on the day of enactment of this Chapter **SHALL NOT** unless authorized by the Zoning Board of Appeals:

1. Be changed to another nonconforming sign.
2. Be structurally altered so as to prolong the life of the sign or change the shape, size, location, type, or design of the sign.
3. Be re-established after the activity, business, or use to which it relates has been discontinued for thirty (30) days or longer.
4. Be re-established after damage by any means if the damage is in excess of the State Equalized Value (SEV) of the sign, as determined from its most recent assessed valuation.

CHAPTER 10 - ADMINISTRATION AND ENFORCEMENT

SECTION 10.1 ZONING ADMINISTRATOR

Unless designated under a specific provision of this Ordinance otherwise, the Zoning Administrator shall be responsible for the administration of this Ordinance. The Zoning Administrator shall be a qualified individual appointed to the position by the Sherman Township Board. The terms, conditions, and rate of compensation shall be determined by the Board. All authority granted to the Zoning Administrator has been delegated by the Sherman Township Board. In the event that the Sherman Township Board appoints a Deputy Zoning Administrator, the Deputy Zoning Administrator shall assume the role of Zoning Administrator when the Zoning Administrator has delegated parts or all of the authority.

SECTION 10.2 ZONING PERMIT REQUIRED

Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or any use authorized until a zoning permit has been issued by the Zoning Administrator. One (1) accessory building with less than two hundred (200) square feet of floor space may be placed on a lot or parcel without a Zoning Permit. All additional accessory buildings shall require a Zoning Permit. Once it has been determined by the Zoning Administrator that the proposed building, structure or use is in conformance with all the provisions of this Ordinance, a Zoning Permit may be issued. The Zoning Permit shall be nontransferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit shall be obtained prior to the application for a building permit. The Zoning Administrator shall not issue a Zoning Permit if it is found that the proposed building, structure or use is not in conformance with the requirements and standards of this Ordinance.

SECTION 10.3 APPLICATION FOR ZONING PERMIT

All applications for Zoning Permits shall be made to the Zoning Administrator with the accompanying fee. The fee shall be set by the Sherman Township Board. The application shall be made up of the following:

- A. A sketch plan drawn to scale, showing the location and size of the proposed building, structure or use as it relates to roads and right-of-ways, lot lines, other buildings on the site, existing or proposed sewage disposal facilities, existing or proposed water wells, and lakes, streams or wetlands.
- B. A statement by the applicant outlining the intended use and purpose for the proposed building, structure, or land in question.
- C. For any proposed building, structure, or use that is subject to the provisions and

procedures of Chapter 8 (Site Plan Review), the Zoning Administrator shall require the submittal of an application and site plans prior to the issuance of a Zoning Permit. This requirement also pertains to any proposed building, structure, or use of land identified as a Use Permitted by Special Use Permit in Chapter 4.

SECTION 10.4 ISSUANCE OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall issue a Zoning Permit if it is found that the application is complete and that the proposed building, structure, or use is in conformance with the requirements of this Ordinance. The Zoning Administrator shall keep a record of all permits issued.

SECTION 10.5 DENIAL OF ZONING PERMIT

Within ten (10) days of the receipt of the application for Zoning Permit, the Zoning Administrator shall deny a Zoning Permit if it is found that the application is not complete or that the proposed building, structure, or use cannot be located in conformance with the requirements of this Ordinance.

SECTION 10.6 REVOCATION OF ZONING PERMIT

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provision of this Ordinance, or any false statement or misrepresentation made in the application. The revocation or cancellation of the Zoning Permit shall be made in writing.

SECTION 10.7 APPEALS OF THE DECISION OF THE ZONING ADMINISTRATOR

Any decision of the Zoning Administrator concerning the enforcement or interpretation of this ordinance may be appealed to the Zoning Board of Appeals in the following manner:

- A. An appeal under this section shall be taken within thirty (30) days of the Zoning Administrator's decision, by filing with the Township Clerk a notice of appeal specifying the grounds for said appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- B. Following receipt of a written notice of appeal, the Zoning Board of Appeals shall fix a reasonable time for hearing of the request and give notice as provided in Section 10.9 of this Ordinance.
- C. If the Zoning Board of Appeals receives a written request appealing an administrative decision, the Zoning Board shall conduct a public hearing on the request as provided in Section 11.6.

(Ord. No. 12 adopted April 2019)

SECTION 10.8 ENFORCEMENT

- A. Violations. Any building or structure moved, erected, razed, converted, or used, and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures and land uses considered to be violations of this Ordinance shall be reported to the Zoning Administrator.
- B. Inspection of violations. The Zoning Administrator shall inspect all alleged violations of this Ordinance. In the event that a violation is found, the Zoning Administrator shall issue within seven (7) days from the date of inspection, a written order to correct the violation and to otherwise comply with the provisions of this Ordinance.
- C. Correction period. After the order to correct has been issued, the offender shall have five (5) days to correct the violation. If the violation cannot be corrected within five (5) days, the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to six (6) months. In the event that a longer correction period is required, the Zoning Board of Appeals, upon petition, may grant up to one (1) year to correct if conditions warrant such an extended period of time. Any violation not corrected shall be reported to the Township Board. The Township Board may, with the advice of legal counsel, initiate procedures to eliminate such violation.
- D. Penalties. Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure, or premises, or part thereof, where any violation of this Zoning Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Zoning Ordinance shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than \$50,000.00 for each offense, within the discretion of the court.
- E. Remedies. The Zoning Administrator, the Township Board, and the Zoning Board of Appeals, or any interested party may institute an injunction, mandamus, abatement, or any other appropriate method to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

(Ord. No. 12 adopted April 2019)

SECTION 10.9 NOTICE OF PUBLIC HEARING

- A. Public notification. All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.

1. Responsibility. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Planning Commission shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Sherman Township, and mailed or delivered as provided in this section.
2. Content. All mail, personal notices, and newspaper notices for public hearings shall:
 - a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
 - b. Location. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - c. When and where the request will be considered: Indicate the date, time, and place of the public hearing(s).
 - d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. Handicap access. Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
3. Personal and mailed notice.
 - a. General. When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - (1) The owners of property for which approval is being considered, and the applicant, if different from the owner(s) of the property.

- (2) Except for rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, and one occupant of all structures within two thousand six hundred forty (2,640) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Sherman Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Zoning Administrator with a list of such persons along with the application.
 - (3) All neighborhood organizations, public utility companies, railroads, and other persons which have requested to receive notice pursuant to subsection 10.9B, registration to receive notice by mail.
 - (4) Other governmental units or infrastructure agencies within one mile of the property involved in the application.
- b. Notice by mail/affidavit. Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

4. Timing of notice. Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, the notice for a public hearing on an application for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose must be published in a newspaper of general circulation, and for those receiving personal notice, deposited for delivery or personally delivered, not less than fifteen (15) days before the date the application will be considered for approval.
- B. Registration to receive notice by mail.
1. General. Any neighborhood organization, public utility company, railroad, or any other person may register with the Planning Commission to receive written notice of all applications for development approval pursuant to subsection 10.9A.3.a.(3), personal and mailed notice, or written notice of all applications for development approval within the zoning district in which they are located. The Planning Commission shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Board of Trustees.
 2. Requirements. The requesting party must provide the Planning Commission with information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this section.

CHAPTER 11 - ZONING BOARD OF APPEALS

SECTION 11.1 AUTHORIZATION

There is hereby established a Zoning Board of Appeals, which shall derive its authority from the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). The Zoning Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety, and welfare is advanced and that substantial justice is done.

SECTION 11.2 MEMBERSHIP AND DUTIES

- A. Regular members. The Sherman Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. One member may be a member of the Township Board. The remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B. Alternate members. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Terms of office. Terms for Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term for the preceding member has

expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- D. Per diem or expenses. The total amount allowed such Zoning Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- E. Rules of procedure. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Zoning Board of Appeals shall choose its chairperson, and in the chairperson's absence, an acting chair.
- F. Meetings. Meetings shall be held on a regular basis and at such other times as the Zoning Board of Appeals in its rules of procedure may specify. A simple majority of the membership of the Zoning Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Zoning Board of Appeals. All meetings of the Zoning Board of Appeals shall be open to the public.
- G. Records. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.
- H. Majority vote required. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Zoning Board of Appeals is required to pass, or to grant any variance of the terms or conditions of the Ordinance.
- I. Decisions.
 - 1. The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights.
 - 2. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.
 - 3. An appeal from a decision of a Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or within 21 days after the Zoning Board of Appeals approves

the minutes of its decision.

- J. Conflict of interest. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- K. Duties. The Sherman Township Zoning Board of appeals shall have the power to act on those matters where the Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.
- L. Not voting twice on the same issue. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Board of Trustees shall not participate in a public hearing, or vote on the same matter that the member voted on as a member of the Planning Commission, or as a member of the Board of Trustees. However, the member may consider and vote on other unrelated matters involving the same property.

SECTION 11.3 VARIANCES

The Zoning Board of Appeals is authorized to grant, upon application, dimensional variances to such requirements as lot area and width regulations, yard and depth regulations, and off street parking and loading space requirements. Any requirement of this Ordinance which is dimensional in nature may be brought before the Zoning Board of Appeals to be considered for a variance. The Zoning Board of Appeals may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out. The Zoning Board of Appeals shall not issue use variances.

- A. Basis of determination. The Zoning Board of Appeals shall ensure that all variances comply with the following:
 - 1. Will not be contrary to the public interests or to the intent and purpose of this Ordinance.
 - 2. Will not permit the establishment of a use within a district that is not currently permitted.
 - 3. Will not cause an adverse effect upon property values in the immediate vicinity or Township as a whole.
 - 4. Will relate only to the property for which the application has been submitted.
 - 5. Is not a request that occurs regularly, that could be addressed through an amendment to this Ordinance.

- B. Conditions. The Zoning Board of Appeals shall not grant a variance unless at least one of the following is demonstrated:
1. Where there are exceptional or extra-ordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they were caused by the applicant or previous owner after the effective date of this Ordinance.
 2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally, economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
 3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendments thereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.
 4. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same district.
- C. Re-submission. Any variance that is denied wholly or in part shall not be resubmitted for a period of one (1) year from the date on which the Zoning Board of Appeals last took action on the request.

SECTION 11.4 ADMINISTRATIVE REVIEW

The Zoning Board of Appeals is authorized to review all administrative decisions made in the administration of this Ordinance. The Zoning Board of Appeals may uphold, reverse or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity. The appeal or request for administrative review shall be submitted to the Township Clerk with the appropriate fee.

The filing of an appeal or request for administrative review shall stay all proceedings in furtherance of the action being reviewed. If Zoning Administrator certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals, or by court action.

SECTION 11.5 INTERPRETATION

Upon application or petition, and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret any uncertainty that may occur in the administration of this Ordinance. The Zoning Board of Appeals shall:

- A. Determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. Classify any activity which is not specifically mentioned in the District regulations for any Use Allowed by Right or Allowed by Special Use Permit. The basis for such classification shall be that the activity is consistent with, and similar to the uses already listed in the district, and that the activity is not listed in another district.
- C. The Zoning Board of Appeals may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.
- D. The Zoning Board of Appeals may interpret any provision of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or purpose.

The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

SECTION 11.6 APPEALS PROCEDURE

- A. The Zoning Board of Appeals shall not consider any application or appeal without the payment by the applicant or appellant of a fee as determined by the Board of Trustees. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications, and other papers pertaining to the application or appeal, to the Zoning Board of Appeals.
- B. When an application or appeal has been filed in proper form and with the required data, the Zoning Administrator shall immediately place the said application or appeal upon the calendar for hearing in the manner described in Section 10.9 of this Zoning Ordinance. Any party may appear at such hearings in person or by agent or by attorney.
- C. Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Zoning Board of Appeals so decides.

CHAPTER 12 - AMENDMENTS

SECTION 12.1 AUTHORIZATION

Amendments to this Ordinance may be made as is deemed necessary, and shall be in accordance with P.A. 110 of 2006, as amended.

SECTION 12.2 INITIATION OF AMENDMENTS

Proposals for amendments or supplements may be initiated by the Township Board, Planning Commission, or any person or persons having an interest.

SECTION 12.3 PROCEDURE

- A. Each petition by one (1) or more owners or their agents, to amend the text or map of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. Once deemed complete, the Zoning Administrator shall forward the application to the Township Clerk. The Township Clerk shall then transmit the application and other information to the Planning Commission for its recommendation.
- B. Recommendation. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the notice and hearing requirements of this Section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board.
- C. Public hearing. Before making a recommendation on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Planning Commission as specified by Section 10.9.
- D. Osceola County Planning Commission. Following the conclusion of the Public Hearing and recommendation by the Township Planning Commission, the proposed amendment and/or rezoning shall be submitted to the Osceola County Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- E. Township Board action. Upon receipt of the Osceola County Planning Commission's recommendation, or the expiration of thirty (30) days, the Township Board shall review both the County's and the Planning Commission's recommendations. The Township

Board shall adopt or reject the proposed amendment unless one or more of the following occurs:

1. Citizen request for additional hearing. The Township Board shall grant a hearing on the proposed amendment to any party who has filed out a written request for such a hearing with the Township Clerk. Said request shall be filed in a timely manner. The Planning Commission may be requested to attend the hearing. Notice of the hearing shall be given in accordance to Section 10.9.
2. Changes or additions proposed by the Township Board. If the Township Board deems advisable any changes or additions to the amendment recommended by the Planning Commission, it shall refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to any property owner who requests a hearing. The request for hearing shall be addressed to the Township Clerk and delivered by certified mail. The Township Board shall request the Planning Commission to attend the hearing.

Following a hearing or review of the Planning Commission's report, the Township Board, by majority vote of its membership, may adopt or reject the proposed amendment with or without changes.

- F. Amendments to conform with court decree. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.

CHAPTER 13 - RESERVED

This chapter is reserved for future use.

CHAPTER 14 - REPEAL OF PRIOR ORDINANCE AND CERTIFICATION OF ORDINANCE

SECTION 14.1 REPEAL OF PRIOR ORDINANCE

The 2010 Sherman Township Zoning Ordinance (Ord. No. 9), and the 2016 Sherman Township Zoning Ordinance (Ord. No. 10), the Zoning Map and any Zoning Ordinances of Sherman Township were repealed on the effective date of the 2019 Sherman Township Zoning Ordinance (Ord. No. 12, adopted April 09, 2019). The 2010 and 2016 Sherman Township Zoning Ordinance and Zoning Map have been amended from time to time; the dates of adoption and ordinance numbers are noted in parentheses following the text of any compiled ordinance that has been so amended. The repeal of the prior ordinances and amendments shall not waive the enforcement proceedings, administration of penalties, or any other proceedings that were initiated prior to the respective repeal or amendment.

(Ord. No. 12, adopted April 2019)

SECTION 14.2 CERTIFICATION OF ORDINANCE

I hereby certify that, except as otherwise noted in the parenthetical materials following amended compiled ordinance sections, this Ordinance was duly adopted at a meeting of the Sherman Township Board held on April 09, 2019. The Ordinance, including all amendments following its initial adoption, have been developed and adopted in accordance with the Open Meetings Act and the Michigan Zoning Enabling Act, and proper notices have been published and posted, and minutes of the meetings recorded as required by said Acts.

(Ord. No. 12, adopted April 2019)