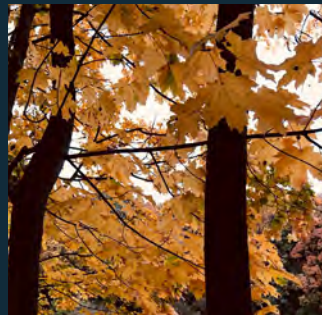
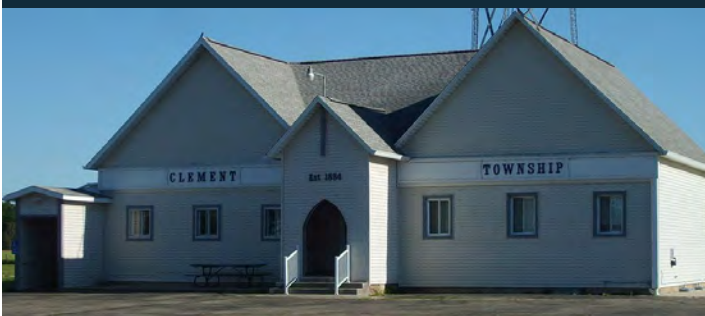


ZONING ORDINANCE



CLEMENT TOWNSHIP

GLADWIN COUNTY, MICHIGAN

1497 E. M-30
ALGER, MI 48610
989-345-3915
CLEMENTTWP.ORG

ADOPTED: JUNE 8, 2022

Clement Township ZONING ORDINANCE



Clement Township
Gladwin County
Michigan

Adopted: June 8, 2022

Effective: June 22, 2022

Amendment Table at the end of Ordinance

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

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Authority

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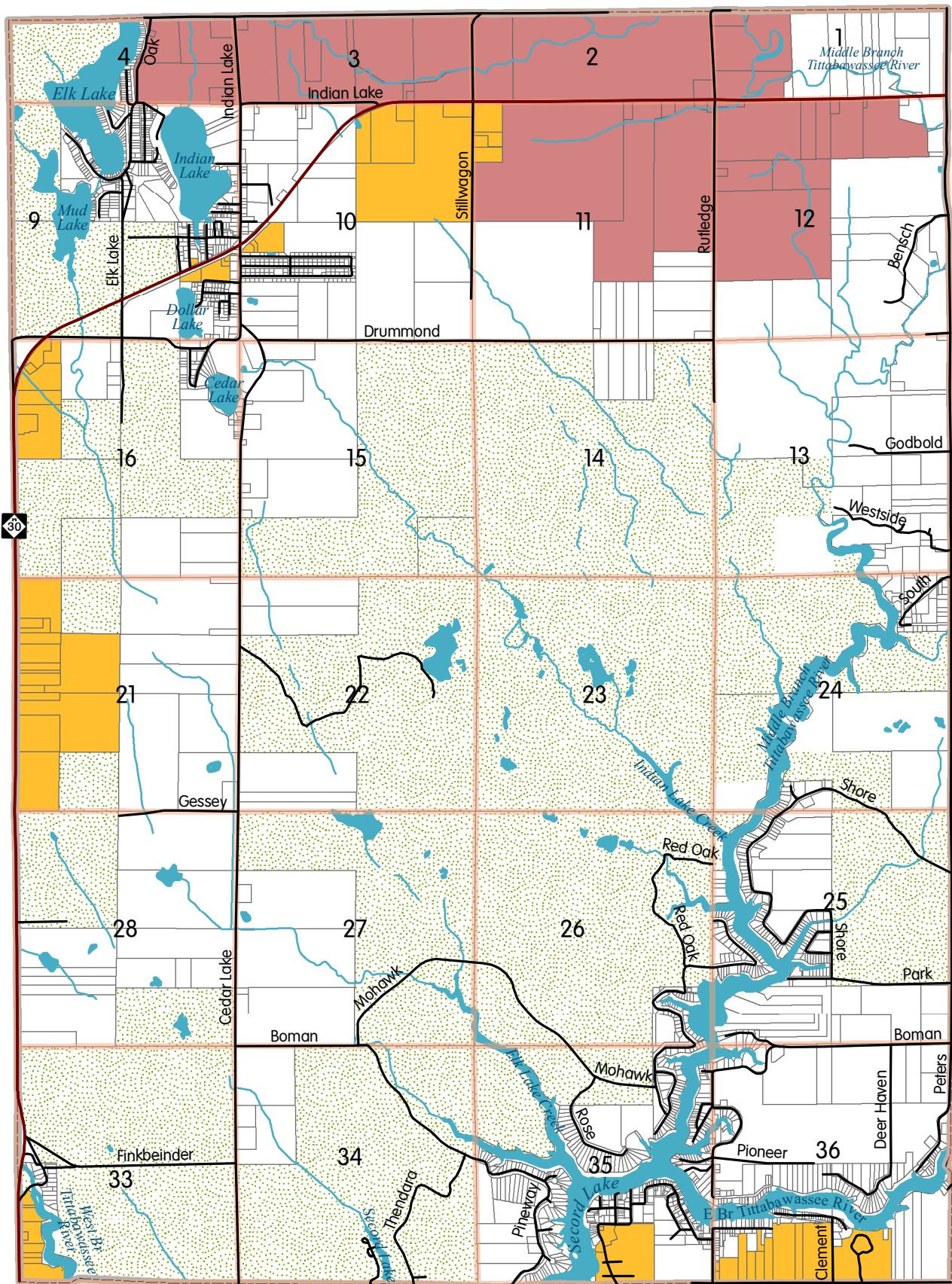
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Zoning Map Clement Township Gladwin County, Michigan

0 0.25 0.5 1
Mile

Adopted: June 8, 2022
Last Amended: June 8, 2022



Zoning Districts

- R-1: Residential District
- A-1: Agricultural District
- C-1: Commercial District
- State of Michigan Land

(STATE OF MICHIGAN LAND IS ZONED R-1)

- State Highway
- Roads
- Section Lines
- Township Boundary
- Lakes & Rivers

Map produced by the Northeast Michigan Council of Governments, 2022
Data: NEMCOG, State of Michigan, and Gladwin County Equalization

Article 1

Purpose & Authority

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PREAMBLE

An ordinance to establish zoning regulations for the Township of Clement, Gladwin County, Michigan, including regulations concerning land use, non-conforming uses, and structures; to provide for the administration, enforcement, and amendment of such regulations; to prescribe penalties for the violation of such regulations; and to provide for conflicts with other ordinances or regulations, all in accordance with the provisions as amended.

Section 1.1 Title

This Ordinance shall be known as the "CLEMENT TOWNSHIP ZONING ORDINANCE" and shall be referred to herein as "this Ordinance".

Section 1.2 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Clement Township. The provisions herein are intended to regulate land development; establish districts within Clement Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air, water, and health conditions in dwellings and buildings hereafter erected or altered; to facilitate multiple housing opportunities; to integrate residential and non-residential uses where appropriate and beneficial to the community; to promote the establishment of mixed-use development on appropriate properties; to facilitate adequate and efficient provision for transportation systems, parking, public facilities, sanitary facilities, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources, and properties; and to be one means of implementing the policies, goals, and objectives as set forth in the Master Plan.

Section 1.3 Authority

This Ordinance is enacted into law pursuant to **2006 PA 110, as amended (Michigan Zoning Enabling Act MCL 125.3101 et. seq.)**. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

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Section 2.1 Rules Applying to Text

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise:

- A. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall take precedence.
- B. The word "shall" is always mandatory. The word "may" is permissive.
- C. Words used in the singular number shall include the plural and plural the singular, unless the text clearly indicates the contrary.
- D. A "building" or "structure" includes any part thereof.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- F. The word "person" includes an individual, firm, corporation, partnership, limited liability company, incorporated association, or any similar legal entity or their agents.
- G. The word "occupied" and the word "used" shall be considered to be followed by the words "or intended, arranged, or designed to be used or occupied."
- H. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", and "either...or", shall be interpreted as follows:

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1. "And" denotes that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. "Days" means calendar days unless otherwise stated.
- J. Terms not herein defined shall be assumed to have the meanings customarily assigned them.
- K. Any necessary interpretation of this Ordinance shall be defined by the Clement Township Zoning Board of Appeals.

Section 2.2 Definitions

A

ABUTTING. Having property or district lines in common.

ACCESS. A way of approaching or entering a property.

ACCESSORY DWELLING UNIT. A dwelling unit that is secondary to the principal dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

ACCESSORY USES AND STRUCTURES. Uses and structures which are customarily accessory and clearly incidental and subordinate to and on the same zoning lot as permitted principal or special uses and structures in any zoning district. Fences and walls are not considered accessory structures.

ADJACENT PROPERTY. All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

ADULT FOSTER CARE FACILITY.

- A. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
1. **ADULT DAY CARE FACILITY.** A facility receiving adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

2. **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 3. **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
 4. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
 5. **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
 6. **STATE-LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. The licensee is NOT always a member of the household or an occupant of the residence.
- B. An adult foster care facility excludes the following:
1. A nursing home licensed under Part 217 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
 2. A home for the aged licensed under Part 213 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
 3. A hospital licensed under Part 215 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
 4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106.
 5. A County infirmary operated by a County department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280](#), MCL 400.55.

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6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under Section 5(7) of [1973 PA 116](#), MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the [Michigan Veterans' Facility Act, 1885 PA 152](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

AGGRIEVED PERSON. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated and who has actively opposed the decision in question.

AGRICULTURE. See [FARM, COMMERCIAL](#) or [FARM, DOMESTIC](#).

AGRICULTURAL TOURISM BUSINESS. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site.
- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. Gift shops for agriculturally-related products and crafts.

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- E. Historical agricultural exhibits.
- F. Organized meeting space (weddings, birthdays, corporate picnics).
- G. Petting farms, animal display, and pony rides.
- H. Picnic areas (including rest rooms).
- I. Playgrounds, wagon/sleigh rides, nature trails.
- J. Restaurants related to the agricultural use of the site.
- K. Seasonal outdoor mazes of agricultural origin.
- L. Small-scale entertainment (concert, car show, art fair).
- M. Vacation farms (farm stays).

ALTERATION. Any change in size, shape, character, occupancy, or use of a building or structure.

ANIMAL HOSPITAL. See **CLINIC, ANIMAL (VETERINARY CLINIC)**.

ANIMAL SHELTER. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of a public law or ordinance.

APARTMENT. A dwelling in a multiple-family dwelling building or mixed-use building intended for residence by one (1) family or group of individuals living together as a single housekeeping unit.

APPEAL. See **ZONING APPEAL**.

APPLICANT. Any person that applies for a permit.

APPLICATION. The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

ARCHITECTURAL FEATURES. Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

ASSISTED LIVING HOME. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTACHED. Connected to a building in a substantial manner by walls and/or a roof.

AUTOMOBILE OR TRAILER SALES AREA. Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

AUTO REPAIR GARAGE. A place where the following services may be carried-out: general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, or painting and undercoating of motor vehicles.

AUTOMOBILE STORAGE, DAMAGED. Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an

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automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

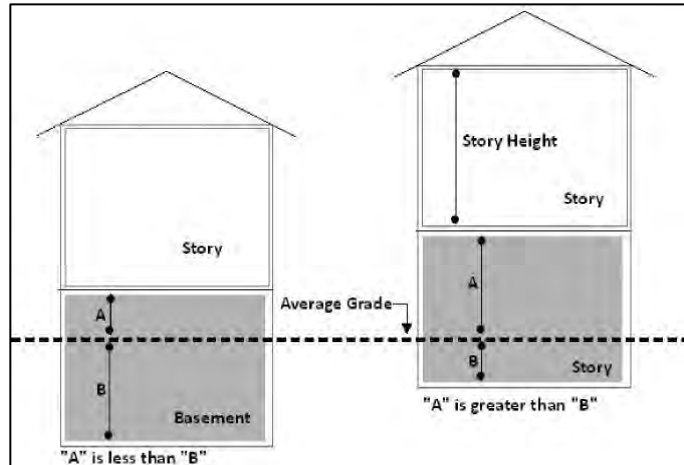
AVERAGE. For the purpose of this Ordinance, the term “average” shall be an arithmetic mean.

AWNING. Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

BED AND BREAKFAST ESTABLISHMENT OR TOURIST HOME. A residential structure occupied by the owner(s) or resident manager(s) with sleeping rooms available for rent by guests on a short term basis (for periods of less than thirty (30) days consecutively per guest) at which the owner(s) or resident manager(s) may provide meals to guests only.



BEDROOM. A dwelling room used for or intended to be used safely for sleeping purposes by human beings.

BERM. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located and which contributes to the visual screening of the area behind the berm.

BIOFUEL PRODUCTION FACILITIES (ON FARMS).

- A. **BIOFUEL.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **ETHANOL.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **FARM.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquiculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

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D. **PROOF GALLON.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60°) degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60°) degrees Fahrenheit referred to water at sixty (60°) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

BOARD OF APPEALS. See [ZONING BOARD OF APPEALS](#).

BOARDING HOUSE. See [ROOMING HOUSE](#).

BREEZEWAY. Any covered passageway with open sides between two (2) buildings.

BUFFER. Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, or enclosure of persons, animals, possessions, or property of any kind.

BUILDING ENVELOPE. The space remaining after the minimum setbacks and open space requirements of this Ordinance have been met.

BUILDING PERMIT. A building permit is the written authority issued by the Gladwin County Building Inspector in conformity with the provisions of the Construction Code in effect in Gladwin County.

BUILDING, PRINCIPAL. See [PRINCIPAL BUILDING](#).

BUILDING, TEMPORARY. See [TEMPORARY BUILDING](#).

C

CABIN. Any building which is built, maintained, and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin, which may not maintain necessities of a "Dwelling" such as electricity, indoor plumbing, and the like.

CABIN COURT. Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

CAMPGROUND. See [RECREATIONAL VEHICLE \(RV\) PARK OR CAMPGROUND](#).

CANOPY. A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

CAR WASH. A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

CARPORT. A permanent roof-like shelter that is free-standing or extends from part of a building and is

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constructed of rigid material. A carport is considered an accessory structure.

CATEGORY 4 SITE. A parcel which is classified by the Michigan Department of Agriculture as “Category 4” according to the most current Generally Accepted Agriculture Management Practices (GAAMPS). Category 4 sites are sites which are primarily residential and considered, by MDARD, as not acceptable for new or expanding livestock facilities unless allowed by this Ordinance. Category 4 sites are those which have more than thirteen (13) non-farm residences within one eighth (1/8) mile of the site or those which have any non-farm residence within two hundred fifty (250’) feet of the livestock facility (enclosed fencing).

CEMETERY. Property, including mausoleums and/or columbaria, used or intended to be used for the perpetual interment of deceased human beings or household pets.

CHILD CARE FACILITY. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under [1973 PA 116](#), as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **FAMILY CHILD DAY CARE HOME.** A state-licensed, 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.
- B. **GROUP CHILD DAY CARE HOME.** A state-licensed, 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.
- C. **CHILD CARE CENTER.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- D. **CHILD CARING INSTITUTION.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for

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developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

- E. **PRIVATE HOME.** A private residence in which the registered facility operator permanently resides as a member of the household.

CHURCH. See **RELIGIOUS INSTITUTION.**

CLINIC, ANIMAL (VETERINARY CLINIC). A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

CLINIC, HUMAN. An institution for the medical treatment of humans and dealing with outpatients.

CLUB OR LODGE. The room, building, or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

CLUSTER DEVELOPMENT. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COLLEGE. A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private.

COMMERCIAL. A term relating to the use of property in connection with the purchase, sale, or trading of goods, for personal services or maintenance of service offices, recreation or amusement enterprise, or garage, rummage, or yard sales lasting more than fourteen (14) days during any twelve (12) month period.

COMMON AREAS, USES, AND SERVICES. Land areas, facilities, and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

CONDITIONAL REZONING. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

CONDOMINIUM, SITE. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure

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or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. **CONDOMINIUM ACT.** [1978 PA 59](#), as amended.
- B. **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **CONDOMINIUM LOT.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the [Land Division Act, 1967 PA 288](#), as amended.
- D. **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **GENERAL COMMON ELEMENTS.** The common elements other than the limited common elements.
- F. **LIMITED COMMON ELEMENTS.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the [Condominium Act](#).

CONSTRUCTION CODE. The Construction Code adopted in Gladwin County or any Code established in accordance with its provisions or adopted by reference thereunder.

CONVALESCENT OR NURSING HOME. A structure licensed under the applicable Michigan law with sleeping rooms where lodging, meals, nursing, and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases, drug addiction, alcoholism, mental disease, nor for surgical or medical cases commonly treated in hospitals.

COTTAGE INDUSTRY. A [HOME OCCUPATION](#) which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or store materials outside of the residence.
- D. Employs one (1) or more individuals who reside off premises.
- E. Has the potential to rapidly increase in size and intensity.

D

DECK. An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level.

DISTRICT. See [ZONING DISTRICTS](#).

DRIVE-THROUGH ESTABLISHMENTS. Any place or premises which offers the sale of goods or services to customers in vehicles including those establishments where customers may serve themselves and use the goods or services on the premises.

DRIVEWAY. An entrance from a road, public or private, to a dwelling unit, business, lot, or parcel.

DWELLING, MANUFACTURED/MOBILE. A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, and which is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. The manufactured/mobile home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development/Mobile Home Park. May also be referred to as “Mobile Home.”

DWELLING, MULTIPLE-FAMILY. A residential building designed for occupancy by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. Each unit may have access to a common hallway, stairs or elevator. Multiple-family dwelling includes apartment buildings and also the following:

- A. **BUNGALOW COURT.** This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.
- B. **FOURPLEX.** A medium structure that consists of four (4) units: typically two (2) on the ground floor and two (2) above with a shared entry.
- C. **MULTIPLEX.** A medium structure that consists of five (5) to ten (10) side-by-side and/or stacked dwelling units, typically with one (1) shared entry or individual entries along the front.
- D. **COURTYARD APARTMENTS.** A medium- to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.

DWELLING, SINGLE FAMILY. A residential dwelling unit, designed for and occupied by one (1) family only, including seasonal dwellings.

- A. **DWELLING, SINGLE-FAMILY DETACHED.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family

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dwelling that does not share a common wall with any other dwelling is a detached single-family dwelling.

- B. **DWELLING, SINGLE-FAMILY ATTACHED.** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

DWELLING, TWO-FAMILY. A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

DWELLING UNIT. A building, either site-built or pre-manufactured, with one (1) or more habitable rooms which are occupied or intended for occupancy by one (1) family, either permanently or transiently. A dwelling unit contains facilities for living, sleeping, cooking, eating, and sanitation. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit provided it is in conformance with the standards for dwellings. In no case shall recreational vehicle, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

E

EASEMENT. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

ERECTED. Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements, which are not required for a building or structure, shall not be considered to fall within this definition.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Wireless communication facilities, solar energy panels, and wind turbine generators are not included within this definition.

EXCAVATION. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming purposes, gardening purposes, and ground care.

EXTRACTION OF NATURAL RESOURCES. The removal, extraction, or mining of sand, gravel or similar material for commercial gain.

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F

FAMILY.

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling; or
- B. A collective number of individuals domiciled together in one (1) dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, coterie, 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 or other similar determinable period.

FARM, COMMERCIAL. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM, DOMESTIC. Land intended to be used for agricultural or aquaculture purposes on properties other than Commercial Farms. Domestic farming includes raising crops, keeping farm animals as pets, and raising animals for educational experience. Dogs, cats, and other household pets are not regulated as a Domestic Farm.

FARM BUILDING. Any building or structure other than a dwelling which is maintained, used, or built on a farm which is essential and/or customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce, or farm animals.

FARM MARKET. A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. Also known as Roadside Stand.

FARM PRODUCT. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquaculture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

FENCE. Any permanent or temporary means, partition, structure, or gate erected as a dividing structure or barrier and not part of a structure requiring a building permit.

FILLING. The depository or dumping of any matter into or onto the ground, except common household

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gardening and general care.

FLOOD PLAIN. That portion of land adjacent or connected to a water body or watercourse, which is subject to periodic inundation in accordance with the 100-year flood cycle. The one-hundred (100) year flood plains are identified on Floodway Maps produced by **FEMA** (Federal Emergency Management Agency).

FLOOR AREA. The square footage of floor space measured from exterior to exterior wall for all floors but not including enclosed and unenclosed porches, breezeways, garages, attic, basement, and cellar area.

FLOOR AREA, USABLE. All ground and non-ground floor area used for, or intended 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 merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

FOOD TRUCK. Any structure designed and pre-manufactured as a complete and transportable unit to be used as a place of business to sell prepared food for human consumption.

FRATERNITY HOUSE. See **ROOMING HOUSE**.

G

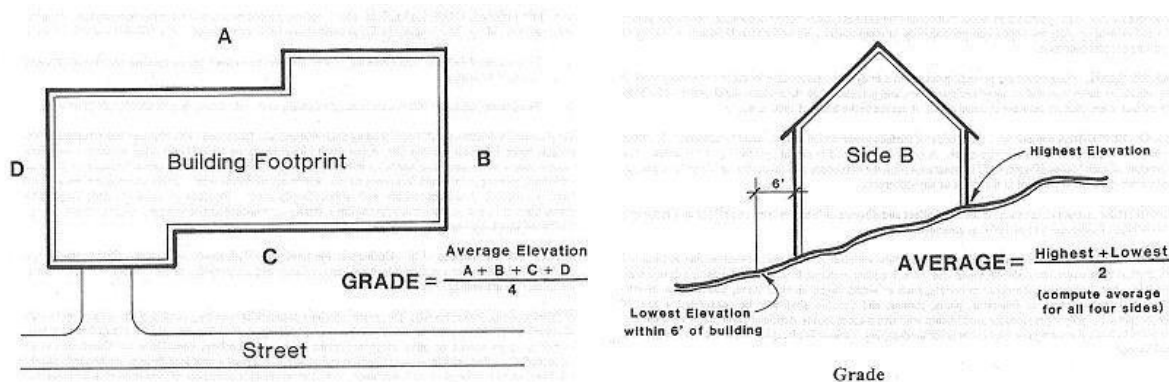
GARAGE, RUMMAGE, AND YARD SALES. The sale of any new, used, antique, or second hand merchandise in any yard, garage, home building, or vacant lot within the township.

GAS STATION. Any structure or premises arranged, designed or used for the retail sale of fuels, lubricants, air, water, and other operating commodities for motor vehicles and including the customary space and facilities for installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles but not including the use of space or facilities for the refinishing of motor vehicles or for the rebuilding or the dismantling for the purpose of reuse or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

GAZEBO. An accessory building of an open ("see through") design. A gazebo shall not exceed fifteen (15) feet in length, width, and height. The open area may be glass and/or screen enclosed.

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GRADE, FINISHED. The elevation of the ground upon the completion of construction and improvements. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



GRADE, NATURAL. The elevation of the ground surface in its natural state, before human alterations.

GUEST HOUSE. See [ACCESSORY DWELLING UNIT](#).

H

HAZARDOUS SUBSTANCES. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

HEIGHT OF STRUCTURE. The vertical distance measured from the lowest finished grade to the highest point of the structure whether it be a roof, wall, parapet, or similar appurtenance of the structure. Chimneys and rooftop equipment do not count when calculating height.

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

HOMELESS SHELTER. See [RESIDENTIAL HUMAN CARE FACILITY](#).

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

HOTEL OR MOTEL. A commercial building(s) or part of a commercial building in which sleeping rooms are offered primarily for transient occupancy to the traveling public and in which one (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Rooming houses, bed and breakfast establishments, tourist homes, short term rental homes, and multiple-family dwelling units are excluded from this definition.

I

IMPERVIOUS SURFACE. Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, gravel drives, and parking lots.

IMPROVEMENTS. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area.

INDOOR COMMERCIAL RECREATIONAL FACILITY. A commercial business that provides indoor amusement facilities, such as ice skating, racquetball, and other similar attractions and open to the general public.

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

INDUSTRIAL PARK. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

INGRESS. Access or entry.

INN. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis and which offers meals to the public for compensation.

J

JUNK. All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

JUNKYARD. An open area, unfenced or fenced as required, where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. Scrap materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. This definition would include an auto wrecking yard but would exclude uses established entirely within closed buildings.

K

KENNEL. Any premises on which dogs, cats, or other household pets are maintained, boarded, bred,

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or cared for, in return for remuneration or are kept for the purpose of sale.

KEYHOLE DEVELOPMENT. A residential development in which a common lakefront lot is used to provide lake access to non-lakefront lot owners within the development.

L

LAND USE PERMIT. Means the same as Zoning Permit.

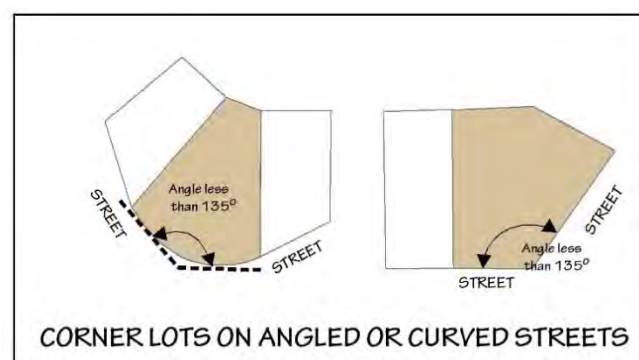
LANDSCAPING. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading, or excavation included on a site plan.

LIVESTOCK. Those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits.

LOADING SPACE. Space logically and conveniently located for merchandise or passenger pickups and deliveries, located on the same lot with the use which it is to serve, for the temporary parking of vehicles which are performing the said pickups and deliveries.

LOT. A parcel, tract, or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description. A site condominium unit is considered a lot. When multiple lots are used for a single-purpose, the lots together are considered one (1) lot for zoning purposes (sometimes referred to as a “zoning lot”). Lot is also called parcel in this Ordinance.

LOT, CORNER. Any lot having at least two (2) contiguous sides abutting upon one (1) or more streets or roads, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135°) degrees.



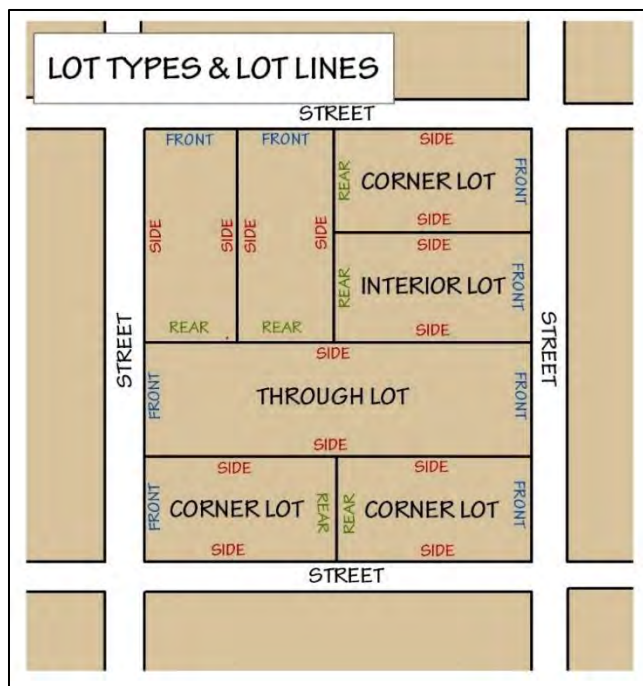
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LOT, DOUBLE FRONTAGE (THROUGH LOT). A lot, other than a corner lot, having frontage on two (2) more or less parallel streets. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of double frontage lots which have no structures present on either street side, the front setback shall be observed on the street on which the property is addressed.

LOT, INTERIOR. A lot other than a corner lot with only one (1) lot line fronting on a street.

LOT, WATERFRONT. A lot having frontage directly upon a lake, river, or stream.

LOT AREA. The total horizontal area within the lot lines of a lot or parcel.



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

LOT LINE. Any line bounding a lot.

- A. **FRONT LOT LINE.** The lot line separating the lot from the street or road or the front line as designated on the plat or in the address of the lot.
- B. **REAR LOT LINE.** The lot line opposite to and most distant from the front lot line as designated for each lot. In case of irregularly shaped lots, an imaginary line parallel to the front lot line but not less than ten (10') feet long measured within said lot.
- C. **SIDE LOT LINE.** Any lot line other than a front or rear lot line.
- D. **WATERFRONT LOT LINE.** Any lot line separating the lot from a body of water including lakes, ponds, rivers, streams, and county drains.

LOT OF RECORD. A lot defined by a legal description and recorded in the office of the Gladwin County Register of Deeds on or before the effective date of this Ordinance.

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LOT WIDTH. Lot width is the horizontal distance, which is not necessarily parallel to the road right-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines (**Figure A**). In the case of a lot which does not have parallel side lot lines, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot (**Figure B**).

Figure A

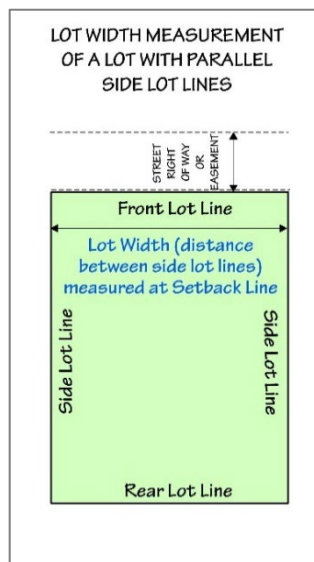
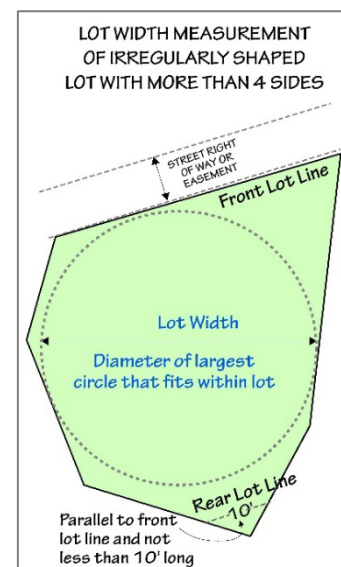


Figure B



M

MANUFACTURED/MOBILE HOME. See **DWELLING, MANUFACTURED/MOBILE**.

MOBILE HOME. See **DWELLING, MANUFACTURED/MOBILE**.

MANUFACTURED HOUSING COMMUNITY/MOBILE HOME PARK. A lot parcel, or tract of land which has been planned and improved for the placement of three (3) or more manufactured/mobile homes, on a continual, non-recreational basis, in accordance with **1987 PA 96**, as amended, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured/mobile home.

MASTER PLAN. The Clement Township Master Plan including background information, maps, goals and objectives, and plans for the development of Clement Township and including any part of such plan and any amendments to such plan or parts thereof.

MARIJUANA. The following definitions are related to marijuana: If any of the following definitions are amended by the State of Michigan in any state law related to marihuana facilities or marihuana establishments, the amended definition(s) adopted by the State of Michigan shall supersede the following definitions. (*Marihuana definitions - Amended 4/12/23; Effective 4/26/23*)

- A. **CULTIVATE.** Cultivate is defined in **Michigan Regulation and Taxation of Marihuana Act**, Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- B. **ENCLOSED, LOCKED FACILITY.** That term as defined in Section 3 of **Initiated Law 1 of 2008**, as amended (Michigan Medical Marijuana Act, being MCL 333.26423).

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- C. **LICENSEE.** A person holding a state operating license issued by the Department of Licensing and Regulatory Affairs (LARA), or any subsequent agency with the authority to issue licenses, under the [Medical Marihuana Facilities Licensing Act](#), MCL 333.27101 et seq. or the [Michigan Regulation and Taxation of Marihuana Act](#), Initiated Law 1 of 2018 MCL 333.27951 et seq., as amended.
- D. **MARIJUANA.** That term as defined in the [Public Health Code](#), MCL 333.1101 et seq., the [Michigan Medical Marijuana Act](#), MCL 333.26421 et seq.; the [Medical Marijuana Facilities Licensing Act](#), MCL 333.27101 et seq.; the [Marijuana Tracking Act](#), MCL 333.27901 et seq; and the [Michigan Regulations and Taxation of Marihuana Act](#), Initiated Law of 2018, MCL 333.27951 et seq., as amended.
- E. **MARIHUANA FACILITIES.**
1. **ADULT-USE MARIHUANA ESTABLISHMENT.** A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the state to operate under the [Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018](#) MCL 333.27951 et seq., as amended and permitted by the Township pursuant to Township ordinances. Herein referred to as Marihuana Facility(ies).
 2. **MEDICAL MARIHUANA FACILITY.** A location at which a person is licensed to operate under the [Michigan Medical Marihuana Facilities Licensing Act](#), MCL 333.27101 et seq., and is permitted by the Township pursuant to Township ordinance and operates as a medical marihuana grower, medical marihuana processor, medical marihuana secure transporter, medical marihuana provisioning center, or a medical marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the [Michigan Medical Marihuana Act](#), MCL 333.26421 et seq. Herein referred to as Marihuana Facility(ies).
- F. **MARIHUANA GROWER or MEDICAL MARIHUANA GROWER.** A use where a person holding a state operating license under the [MMFLA](#) or [MRTMA](#), and a marihuana permit under Township ordinances cultivates, dries, trims, or cures and packages marihuana for sale to the extent permitted by State law and rules.
- Medical Marihuana Facilities Licensing Act:
- (1) Class A – Up to 500 marihuana plants.
 - (2) Class B – Up to 1,000 marihuana plants.
 - (3) Class C – Up 1,500 marihuana plants
- Michigan Regulation and Taxation of Marihuana Act (Initiated Law of 2018):
- (1) Class A – Up to 100 marihuana plants.
 - (2) Class B - Up to 500 marihuana plants.
 - (3) Class C – Up to 2,000 marihuana plants.
- G. **MARIHUANA-INFUSED PRODUCT.** A topical formulation, tincture, beverage, edible substance, or

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similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

- H. **MARIHUANA MICROBUSINESS.** A use where a person holding a state operating license under the MRTMA and a permit under Township ordinances cultivates not more than one hundred fifty (150) marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are twenty-one (21) years of age or older or to a *marihuana* safety compliance facility, but not to other marihuana establishments, to the extent permitted by State law and rules.
- I. **MARIHUANA PLANT.** Any plant of the species *Cannabis sativa* L.
- J. **MARIHUANA PROCESSOR OR MEDICAL MARIHUANA PROCESSOR.** A use where a person holding a state license under the [MMFLA](#) or [MRTMA](#), and a marihuana license under Township ordinances purchases marihuana from a marihuana grower and extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to the extent permitted by State law and rules.
- K. **MARIHUANA RETAILER.** A use where a person holding a state operating license under the [MRTMA](#) and a license under Township ordinances obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are twenty-one (21) years of age or older to the extent permitted by State law and rules.
- L. **MARIHUANA SAFETY COMPLIANCE FACILITY or MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY.** A use where a person holding a state operating license under the [MMFLA](#) or [MRTMA](#), and a marihuana license under Township ordinances tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids to the extent permitted by State law and rules.
- M. **MARIHUANA SECURE TRANSPORTER or MEDICAL MARIHUANA SECURE TRANSPORTER.** A use where a person holding a state license under the [MMFLA](#) or [MRTMA](#), and a marihuana license under Township ordinances stores medical marihuana and transports marihuana for a fee to the extent permitted by State law and rules.
- N. **MEDICAL MARIHUANA PROVISIONING CENTER.** A use where a person holding a state license under the [Michigan Medical Marihuana Facilities Licensing Act](#), MCL 333.27101 et seq., and a permit pursuant to Township ordinances purchases medical marihuana from a medical marihuana grower or medical marihuana processor and commercially sells, supplies, or provides medical marihuana to registered qualifying patients as defined in the [Michigan Medical Marihuana Act](#), MCL 333.26241 et seq., directly or through the registered qualifying patients' registered primary caregiver. Medical marihuana provisioning center includes any property where medical marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A residential location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the [Michigan Medical Marihuana Act](#), MCL 333.26241 et seq., is not a medical marihuana provisioning center.

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- O. **MMFLA.** The [Medical Marihuana Facilities Licensing Act](#), MCL 333.2701 et seq. as amended.
- P. **MMMA.** The [Michigan Medical Marihuana Act](#), MCL 333.26421 et seq. as amended.
- Q. **MRTMA.** The [Michigan Regulation and Taxation of Marihuana Act](#), MCL 333.27951 et seq., as amended.
- R. **MTA.** The [Marihuana Tracking Act](#), MCL 333.27901 et seq., as amended.
- S. **PERMITTED PROPERTY OR PERMITTED LOCATION.** The property comprised of a lot, parcel, or other designated unit of real property upon which the Medical Marihuana Facility or Adult Use Marihuana Establishment is located. A permitted property or permitted location is identified based on address.
- T. **PRIMARY CAREGIVER.** That term defined in Section 3 of [Initiated Law 1 of 2008](#), as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who is at least 21 years old and who has been registered by [State Department of Licensing and Regulatory Affairs](#) or any successor agency to assist with a Qualifying Patients' use of medical marijuana.
- U. **PRIMARY CAREGIVER FACILITY.** A building in which the activities of a Primary Caregiver are conducted.
- V. **QUALIFYING PATIENT.** That term defined in Section 3 of [Initiated Law 1 of 2008](#), as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the [State Department of Licensing and Regulatory Affairs](#) or any successor agency.

MOTEL OR MOTOR COURT. See [HOTEL OR MOTEL](#).

MUNICIPAL CIVIL INFRACTION. A civil infraction as defined by Section 113 of the [Revised Judicature Act, 1961 PA 236](#), as amended, involving a violation of this Ordinance.

N

NONCONFORMING LOT. A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements of this Ordinance or amendment.

NONCONFORMING SIGN. A sign lawfully existing on the effective date of this Zoning Ordinance which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

NONCONFORMING USE OR STRUCTURE. Any use or structure which was lawfully existing immediately prior to the time this Ordinance or amendment to this Ordinance became effective and which does not now comply with the requirements thereof.

NUISANCE. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of

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annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to. (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, or (q) a condemned structure.

NUISANCE PER SE. A nuisance, which has been determined to be a violation of this Ordinance, and is subject to remedy as a matter of law under the provisions of this Zoning Ordinance.

NURSERY, PLANT MATERIALS. A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include roadside stand.

NURSING HOME. See [CONVALESCENT OR NURSING HOME](#).

O

OFFICE. A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged, or sold); provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

OPEN SPACE. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

ORDINARY HIGH WATER MARK. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil, and the vegetation. On an inland lake which has had a level established by law, it means the high established level.

OUTDOOR COMMERCIAL RECREATIONAL FACILITY. A commercial business that provides outdoor amusement facilities such as miniature golf, carnival rides, and other similar attractions, and open to the general public.

OUTDOOR DISPLAY. A land area occupied and used for the display of merchandise offered for sale.

OUTDOOR SALES FACILITY. Includes open air sales, rental, or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured/mobile homes, snowmobiles, farm implements, swimming pools, and similar items.

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OUTDOOR STORAGE. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

OWNER. A person holding any legal, equitable, option, or contract of interest in land or building(s).

P

PARCEL. See [LOT](#).

PARK. Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

PARKING LOT, OFF-STREET. A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

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

PARKING SPACE, ON-SITE. Any space designated and used for the parking of motor vehicles, located on the same site, lot, or parcel with the use which it is to serve.

PATIO. An uncovered outdoor space, flush with the ground that is covered with hard material (such as bricks, paving stones, tile, cobbles, or concrete).

PERFORMANCE GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by Clement Township.

PERMITTED USE. A use by right which is specifically authorized in a particular zoning district.

PERSON. An individual, firm, corporation, partnership, limited liability company, incorporated association, or any similar legal entity or their agents.

PERSONAL SERVICES ESTABLISHMENTS. Establishments offering services for a fee or other remuneration such as barber or beauty shops, clothing repair shops, health spas, massage therapy, and other similar uses.

PETS, HOUSEHOLD. Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans, live inside a residence in close proximity with humans, form bonds with humans, and interact with a human companion.

PLANNED UNIT DEVELOPMENT (PUD). A type of development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

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PLANNING COMMISSION. The term Planning Commission is deemed to mean the Clement Township Planning Commission.

PLAT. A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

PLOT PLAN. The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

POOL, SWIMMING. Any artificially constructed basin or other structure for the holding of five hundred (500) or more gallons of water for the use of the owner, his family, or guests for aquatic sports or recreation.

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN. An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

PRINCIPAL BUILDING. Any building(s) on a lot or site in which is conducted the principal use of the premises on which it is located.

PRINCIPAL USE. The primary or chief purpose for which a lot is used.

PRIVATE ROAD. A private road provides the primary access to two (2) or more dwelling units, principal units, principal buildings, lots, or parcels.

PROFESSIONAL OFFICE. The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

PUBLIC UTILITY. Any person, firm, corporation, department, or board, duly authorized to furnish and furnishing to the public under Federal, State, or County regulations, electricity, gas, steam, communications, transportation, or water.

PUBLIC UTILITY FACILITIES. Electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings, and telephone repeater buildings, and other similar utility uses. See [ESSENTIAL SERVICES](#).

R

RECREATIONAL EQUIPMENT. Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, ATVs, dune buggies, tents, and other similar equipment.

RECREATIONAL VEHICLE. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities. A recreational vehicle may be a motorized, self-propelled vehicle or a unit designed to be attached to a vehicle and used for such purposes, including

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self-propelled motor homes, truck-mounted campers, fifth-wheel trailers, travel trailers, and pop-up or folding campers. This term does not include manufactured or mobile homes.

RECREATIONAL VEHICLE (RV) PARK OR CAMPGROUND. A lot, parcel, or tract of land which has been planned and improved for the placement, on a temporary basis, of recreational vehicles, campers, tents, and similar temporary living facilities in accordance with [1978 PA 368, Public Health Code](#), as amended.

RELIGIOUS INSTITUTION. A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

RESIDENTIAL HUMAN CARE FACILITY. A facility (not within a private residence) providing:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

RECYCLING CENTER. See [RESOURCE RECOVERY FACILITY](#).

RESORT. A lodging facility that serves as a destination point for visitors and may contain cabins and/or rooms with or without kitchen facilities. A resort may provide indoor and outdoor recreational activities and commercial facilities such as but not limited to sporting goods sales/rentals, restaurants, spa services, gift shops and may provide personal services customarily furnished at hotels or motels. Commercial facilities may be open to non-guests in addition to resort guests.

RESOURCE RECOVERY FACILITY. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

RESTAURANT. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold, and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with State and Federal health regulations.

RETAIL SALES ESTABLISHMENTS. Establishments offering goods for sale such as food stores, drug stores, clothing sales, gift shops, hardware, and appliance sales, restaurants and drinking places, variety stores, and similar uses.

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RIGHT-OF-WAY. A street, alley, or other roadway or easement permanently established for passage of persons or vehicles.

ROAD, PUBLIC. Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan, or Federal government.

ROADSIDE STAND. See [FARM MARKET](#).

ROOMING HOUSE. Also referred to as a boarding home, lodging house, fraternity house, sorority house, or dormitory. An owner-occupied dwelling having one (1) kitchen and used for the purpose of providing lodging or lodging and meals, for thirty (30) days or more, for pay or compensation of any kind, to more than two (2) persons other than members of the family occupying such dwelling. Also called boarding house.

S

SALVAGE YARD. See [JUNKYARD](#).

SANITARY LANDFILL. An area planned and designed for the disposing of refuse, as defined by [Part 115 \(Solid Waste Management\) of 1994 PA 451 \(Natural Resources and Environmental Protection Act\)](#), as amended, without creating nuisances or hazards to public health or safety.

SCHOOL. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

SCRAP YARD. See [JUNKYARD](#).

SEASONAL USE. Any use or activity that is not conducted during each month of the year.

SEASONAL USE SALES. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

SETBACK LINE. The line limiting the minimum horizontal distance between any side of a structure and the nearest property line (edge of road right-of-way) within which no buildings or structures may be placed.

SETBACK.

- A. **FRONT SETBACK.** The open space extending the full width between the side lot lines and extending the full depth between the front lot line and the required front setback line as specified for each zoning district.
- B. **REAR SETBACK.** The open space extending the full width between the side lot lines, and extending the full depth from the rear lot line to the line specified as the minimum distance a structure may be located from the rear lot line as specified for each zoning district.

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- C. **SIDE SETBACK.** The open spaces on either side of a structure extending from the front yard setback to the rear yard setback, and extending the full width from the side lot lines to the line specified as the minimum distance a structure may be located from the side lot line as specified for each zoning district.
- D. **WATERFRONT SETBACK.** On bodies of water including lakes, ponds, rivers, streams, and county drains, the minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

SEXUALLY ORIENTED BUSINESS. A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, and similar establishments.

- A. **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **ADULT BOOKSTORE OR ADULT VIDEO STORE.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.

- C. **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity.
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

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

D. **ADULT MOTEL.** A hotel, motel or similar commercial establishment that:

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

E. **ADULT MOTION PICTURE THEATER.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

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

G. **ESCORT AGENCY.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

H. **HUMAN.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (resembling human) devices, both physical and digital.

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

J. **NUDITY OR A STATE OF NUDITY.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity

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does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

K. **SPECIFIED ANATOMICAL AREAS.** Means and includes any of the following:

1. Less than completely and opaquely covered.
 - a. Human genitals; or
 - b. Pubic region; or
 - c. Buttocks; or
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

L. **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

SHIPPING CONTAINER. A large, strong container, usually made of metal, which is fabricated and used for the purpose of storing goods in during shipment usually by truck, railroad, or ship.

SHOPPING CENTER. A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

SHORELINE. The line which separates land from a surface water feature may be (A) established as a matter of record as the mean level elevation of the surface water or (B) as determined by the legal establishment of the surface water level elevation by the County or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

SHORT TERM RENTAL. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of less than thirty (30) days.

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SIGN. Any device designed or intended to inform or attract the attention of any person.

A. **ABANDONED SIGN.** A sign to which any of the following applies:

1. The sign has remained blank over a period of ninety (90) days.
2. The sign's message becomes illegible in whole or substantial part.
3. A sign which has fallen into disrepair.
4. A sign which is in violation of the Ordinance and has not been brought into violation within sixty (60) days of posting or mailing of written notice or within such further time as the Zoning Administrator may allow in writing.

B. **AWNING OR CANOPY SIGN.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.

C. **CLUSTER SIGN.** An on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one (1) structure including one for each establishment and one (1) for the complex as a whole

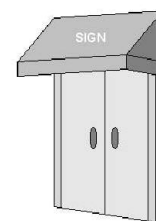
D. **FREESTANDING SIGN.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.

E. **MARQUEE SIGN.** Any sign attached to or supported by a marquee structure.

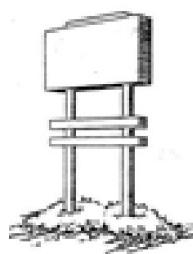
F. **MESSAGE CENTER, STATIC.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

G. **MESSAGE CENTER, DIGITAL.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

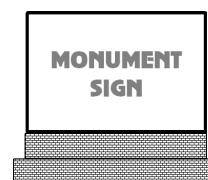
Awning or
Canopy Sign



Freestanding
Sign



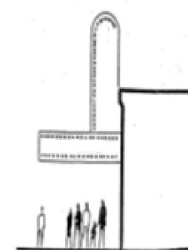
Freestanding
Sign



Message Center



Marquee Sign

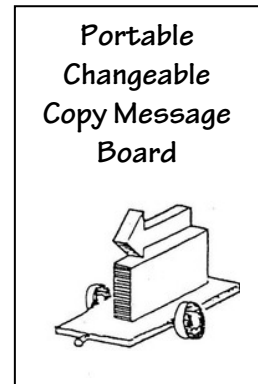
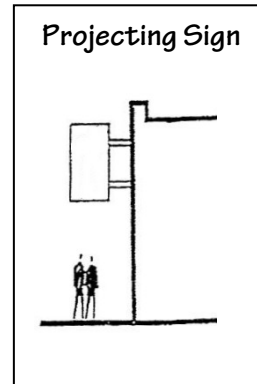


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- H. **OFF-PREMISE ADVERTISING SIGN.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

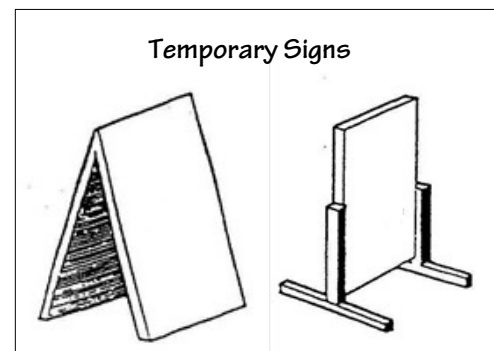
- I. **PROJECTING SIGN.** A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

- J. **PORTABLE CHANGEABLE COPY MESSAGE BOARD.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.

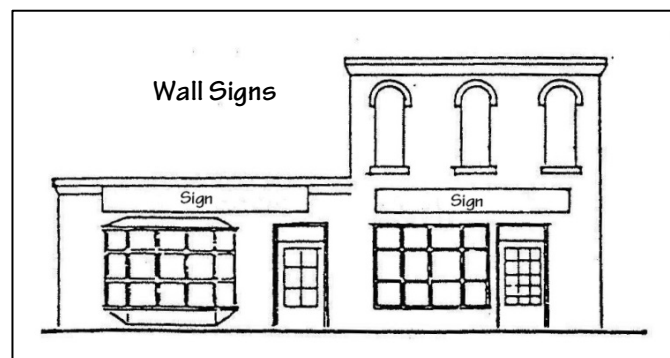


- K. **ROOF SIGN.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

- L. **TEMPORARY SIGN.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



- M. **WALL SIGN.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



SIGN AREA.

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or

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used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework, bracing, or base that is clearly incidental to the display itself.

- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- C. With respect to two-sided, multi-sided, or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- D. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one (1) side of such sign, so long as the distance between the backs of such signs does not exceed three (3') feet.
- E. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "V" does not exceed thirty (30°) degrees and at no point does the distance between the backs of such sides exceed five (5') feet.

SIGN HEIGHT. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

SIGN SURFACE. That part of the sign upon, against, or through which the message is displayed or illustrated.

SITE PLAN. The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

SMALL-SCALE CRAFT MAKING. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50%) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

SOLAR ENERGY FACILITY (UTILITY SCALE). A facility designed to capture and utilize the energy of the sun to generate electrical power to meet primarily off-site utility-scale needs. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

SOLAR ENERGY PANELS (ACCESSORY). Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use primarily on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are an accessory use on the property.

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SORORITY HOUSE. See **ROOMING HOUSE**.

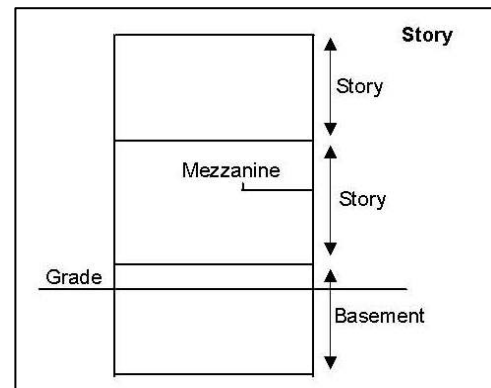
SPECIAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, location, size, or relation to the surrounding area would be in the best interest of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

STABLE, PRIVATE. A privately-owned facility, including shelter buildings, corrals, feed, and storage buildings, for the keeping of riding horses for use by the owner, his family, or guests for riding sports or recreation without pay or compensation of any kind.

STABLE, PUBLIC. A facility, including shelter buildings, corrals, feed, and storage buildings, for the keeping of riding horses for use by the owner, his family, or guests or for customers for riding sports or recreation for which there is rental or compensation of any kind.

STATE-LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care.

STORMWATER DETENTION BASIN. A facility which temporarily stores surface runoff.



STORMWATER RETENTION BASIN. A facility which stores surface runoff indefinitely.

STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24') feet or more.

STORY, HALF. That portion of a building between the eaves and ridge lines of a pitched roof, which may be used for living space.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

STRUCTURE. Anything constructed or erected with a fixed location, or attached to something having a fixed location on the ground including but not limited to buildings, walls, fences, signs, porches, decks, patios, and driveways.

SUBDIVISION. The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, sites,

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or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

T

TEMPORARY BUILDING. A nonpermanent building which is permitted incidental to construction. Temporary buildings are those which can be easily moved. Determination of whether a building is temporary is made by the Zoning Administrator.

TIMBER AND TREE PRODUCTS PRODUCTION. The cutting, splitting, hauling, extraction, and similar processing of tree products not including the selling of finished lumber products.

TOURIST HOME. See [BED AND BREAKFAST ESTABLISHMENT OR TOURIST HOME](#).

TOWER. See [WIRELESS COMMUNICATIONS: WIRELESS COMMUNICATIONS SUPPORT STRUCTURE](#).

TOWNHOUSE. See [DWELLING, SINGLE FAMILY ATTACHED](#).

TOWNSHIP. Clement Township, Gladwin County, Michigan.

TOWNSHIP BOARD. The Clement Township Board.

TRAVEL TRAILER. See [RECREATIONAL VEHICLE](#).

TRAVEL TRAILER PARK. See [RECREATIONAL VEHICLE \(RV\) PARK OR CAMPGROUND](#).

U

USE. The purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

USE, ACCESSORY. See [ACCESSORY USES AND STRUCTURES](#).

USE, PRINCIPAL. See [PRINCIPAL USE](#).

USE, PUBLIC. Any of the publicly owned or leased uses of land, buildings, or structures administered and operated by a public agency or official.

USE, TEMPORARY. A use, activity, or building permitted to exist during the period of construction of the principal building or use or for special events.

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V

VACATION FARM. A resort where recreational activities include the growing or raising of agricultural products or animals. Accessory structures may include barns, corrals, and stables. Also called "Guest Ranch" or "Farm Stay."

VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement of this Ordinance would cause practical difficulty owing to circumstances unique to the individual property for which the variance is requested. A variance may be granted only by the Zoning Board of Appeals. The Zoning Board of Appeals shall not have the authority to grant a "Use Variance."

VARIANCE, DIMENSIONAL. A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel. Rather it is granted only to allow permitted structures to be developed in the face of a "practical difficulty."

VARIANCE, USE. A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that district. Use Variances are granted based on the showing of an unnecessary hardship. The Zoning Board of Appeals shall not have the authority to grant a "Use Variance."

W

WIND ENERGY.

- A. **AMBIENT.** Ambient is defined as the sound pressure level exceeded ninety (90%) percent of the time.
- B. **ANEMOMETER.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **DECIBEL.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **HORIZONTAL AXIS WIND TURBINE.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- F. **SHADOW FLICKER.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- G. **VERTICAL AXIS WIND TURBINE.** A wind turbine generator in which the rotor rotates around a vertical shaft.
- H. **WIND TURBINE.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

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1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- I. **WIND TURBINE, ON-SITE.** A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
 - J. **WIND TURBINE, UTILITY-SCALE.** A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.
 - K. **WIND TURBINE TOWER HEIGHT.** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor blades, in the full upright position, exceeds the height of the wind turbine generator.

WIRELESS COMMUNICATIONS. Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the [Telecommunications Act of 1996](#), as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

- A. **ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **AMATEUR RADIO ANTENNA.** A freestanding or building-mounted antenna, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the [Federal Communications Commission](#).
- C. **ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communication signals.
- D. **ANTENNA ARRAY.** One (1) or more rods, panels, discs or similar devices used for the transmission or reception of wireless communications signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- E. **CO-LOCATION.** The location of two (2) or more wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

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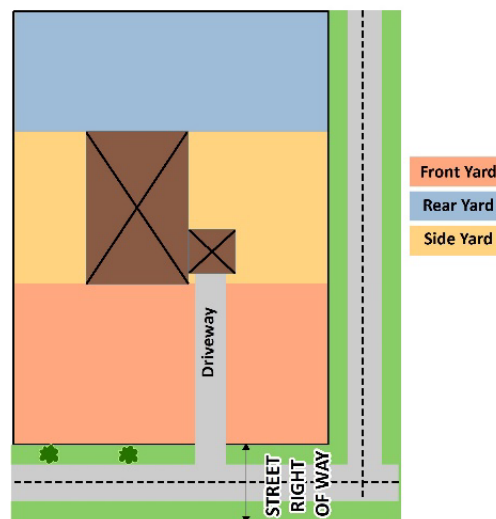
- F. **HEIGHT.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the antenna array.
- G. **SETBACK.** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure.
- H. **SMALL CELL WIRELESS FACILITY.** A wireless facility that meets both of the following requirements:
1. Each antenna is located inside an enclosure of not more than six (6') cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6') cubic feet.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25') cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- I. **WIRELESS COMMUNICATIONS EQUIPMENT.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- J. **WIRELESS COMMUNICATION FACILITY.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure. A Wireless Communication Facility also includes an antenna array attached to an existing building or structure.
- K. **WIRELESS COMMUNICATION FACILITY (GROUND-MOUNTED) – ALSO CALLED “EARTH STATION OR GROUND STATION”.** A wireless communication facility in which the antenna array is mounted to the ground or other surface and which does not use a Wireless Communications Support Structure (tower).
- L. **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE (ALSO KNOWN AS “TOWER”).** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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Y

YARD. An open space on the same lot with a structure, unoccupied and unobstructed on or above grade level which extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which it is located.

- A. **FRONT YARD.** A yard extending to the full width of the lot between the front lot line and the nearest point of the principal building.
- B. **REAR YARD.** A yard extending across the full width of the lot between the rear lot line and the nearest point of the principal building.
- C. **SIDE YARD.** A yard situated between the nearest point of the principal building and the side lot line and extending from the front yard to the rear yard.
- D. **WATERFRONT YARD.** A yard extending to the full width of the lot between the water and the nearest point of the principal building, including the porch.



YARD SALE. See [GARAGE, RUMMAGE AND YARD SALES](#).

Z

ZONING ADMINISTRATOR. The duly authorized official of Clement Township who is responsible for the administration of this Ordinance.

ZONING APPEAL. An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

ZONING BOARD. See [PLANNING COMMISSION](#).

ZONING BOARD OF APPEALS. The Clement Township Board of Appeals shall be responsible for the hearings for Variance requests and other such requests for appeals pursuant to [Article 8](#).

ZONING DISTRICTS. The areas into which Clement Township has been divided and for which the regulations and requirement governing use and size of lots and structures are specified in this Ordinance.

ZONING LOT. When multiple lots are used for a single-purpose, the lots together are considered one (1) lot for zoning purposes.

ZONING PERMIT. A zoning permit is written authority as issued by the Zoning Administrator, on behalf of the Township, permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance. Also called "Land Use Permit."

Article 3

General Provisions

Sec	Section	Pg	Sec	Name	Pg
3.1	The Effect of Zoning	3-1	3.15	Required Screening	3-11
3.2	Restoration of Unsafe Buildings	3-2	3.16	Intersection Visibility	3-12
3.3	Barrier-Free Modification	3-3	3.17	Outdoor Lighting	3-12
3.4	Lots	3-3	3.18	Nonconformities	3-15
3.5	Dwelling Standards	3-3	3.19	Essential Services	3-18
3.6	Access	3-5	3.20	Voting Place	3-18
3.7	Water Supply/Sanitary Facilities	3-5	3.21	Performance Standards	3-18
3.8	Livestock	3-5	3.22	Hazardous Substances	3-20
3.9	Recreational Vehicles	3-6	3.23	Excavation or Holes	3-20
3.10	Temporary Buildings	3-6	3.24	Dumping & Storage of Waste/Junk	3-21
3.11	Construction Debris	3-8	3.25	Private Roads & Driveways	3-21
3.12	Accessory Buildings	3-8	3.26	Parking	3-27
3.13	Grades, Drainage & Stormwater	3-10	3.27	Signs	3-33
3.14	Fences	3-10			

The provisions of **Article 3** shall apply to all districts, except as noted herein.

Section 3.1 The Effect of Zoning

A. Conformance to Ordinance Required.

1. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such structures, uses, or land shall be located.
2. Zoning affects every structure and use and extends vertically from the ground up.
3. Structures or uses which were unlawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.
4. Nothing contained in this Ordinance shall in itself be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure or facility or to conduct any trade, industry, occupation, or activity.
5. All buildings or structures over one hundred forty-four (144) square feet and all new uses of land require a zoning permit prior to construction or commencement.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

B. Buildings and Uses Existing or Approved Prior to this Ordinance.

1. **Existing.** Any structure or use lawfully existing at the time of adoption of this Ordinance may be continued except as hereinafter provided in regulations concerning nonconforming uses in [Section 3.18](#).
2. **Approved.** Any zoning permits issued prior to the effective date of this Ordinance shall be considered valid and structures may be completed and used or occupied in accordance with plans provided that use or occupancy is on the basis for which the zoning permit was originally designated and provided that construction is begun within sixty (60) days after the effective date of this Ordinance. Any such use which would become nonconforming by virtue of the passage of this Ordinance shall thereafter be considered nonconforming and subject to the provisions of this Ordinance and [Section 3.18](#).

C. Minimum Lots and Yards Required.

1. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. Yards or lots created after the effective date of this Ordinance shall be at least the minimum requirements of this Ordinance.
2. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

D. Moving of Buildings.

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto including, but not limited to, complying with zoning district requirements, all necessary [Gladwin County](#) permits, and [Health Department](#) standards.

Section 3.2 Restoration of Unsafe Buildings

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

Section 3.3 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a nonresidential building only as may be

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required.

Section 3.4 Lots

A. New Lots to be Buildable.

All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) or more months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.

B. Minimum Lot Size.

No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance with the exception of parcels described and designated as "outlots" in a recorded plat.

C. Number of Single-Family Dwellings Per Lot.

Two (2) single-family detached dwellings are permitted on any lot or parcel. Both dwelling units shall meet district setback requirements unless a variance is granted or one (1) or both are nonconforming structures. Only one (1) of the two (2) detached single-family dwellings are required to meet the minimum dwelling unit square footage. All detached single-family dwellings shall have a permanent foundation or basement, shall have all wheels removed, and shall meet the dwelling standards in **Section 3.5**. A third dwelling unit may be approved in the A-1 and R-1 Districts as an accessory dwelling unit and shall be located within a principal dwelling unit or accessory building (i.e. garage apartment) and shall not be a stand-alone detached dwelling unit.

D. Single-Family Dwellings on a Legal Lot of Record.

In any R-1 District, a single-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was recorded in the office of the County Register of Deeds before the effective date or amendment of this Ordinance. Lots of record that are nonconforming because of lack of the required number of acres or the minimum number of square feet or width required shall be allowed to be built on and variances should be allowed for required setbacks and yard sizes, provided that adequate potable water supply and proper and safe sewage dispose facilities, as determined by the Health Department, can be provided. The determination for this has been designated to the authority of the Zoning Administrator.

Section 3.5 Dwelling Standards

- A. In any R-1 or A-1 District, all single-family detached residences shall have a minimum of seven hundred twenty (720) square feet of living area on the first floor.
- B. A minimum core width of fourteen (14') feet is required. This requirement may be met with an integral expansion room originally manufactured as part of a manufactured/mobile home, or, for

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a manufactured/mobile home located on a foundation, an on-site built addition. This requirement does not apply to a manufactured/mobile home located in a manufactured housing community/mobile home park.

- C. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structure be considered a permanent dwelling unit.
- D. Single-family earth homes are permitted in all residential districts as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

E. **Manufactured/Mobile Home Installation and Use.**

The following applies to manufactured/mobile homes:

1. Any manufactured/mobile home shall be allowed in any district where single-family dwellings are permitted and shall meet all standards for the district in which it is located.
2. Manufactured/mobile homes shall be installed according to manufacturer's set-up requirements and the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards" and any State of Michigan administrative rules adopted pursuant to installation.
3. The construction of a manufactured home/mobile home shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended and shall meet **HUD** standards.
4. Manufactured/mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the **Michigan Manufactured Housing Commission** requirements.
5. The wheels, axles, and towing assembly shall be removed from a manufactured/mobile home before the unit is attached to the foundation. Additionally, no manufactured/mobile home shall have any exposed undercarriage or chassis.
6. Separate, individual manufactured/mobile homes shall not be attached to each other except for when they are designed by the manufacturer to be attached. Additions, new roofs, and accessory buildings may be attached to a manufactured/mobile home. Any additions to a manufactured/mobile home shall be constructed to the standards of the current building code in Gladwin County.
7. A manufactured/mobile home shall not be used as an accessory building.
8. No manufactured/mobile home shall be stored on any lot or parcel in Clement Township. No manufactured/mobile home located on a lot in the Township shall be used and maintained as an accessory building.

9. Where three (3) or more manufactured/mobile homes are sited on the same parcel, the development shall be considered a manufactured housing community/mobile home park and shall be licensed by the **State of Michigan** and shall be subject to the **applicable State regulations** for such developments.
10. Manufactured/mobile homes shall be required to obtain a Certificate of Occupancy from **Gladwin County**.
11. A manufactured/mobile home shall be utilized for dwelling purposes only.

Section 3.6 Access

Every building or structure hereafter erected or relocated shall be on a lot adjacent to a public road or with access to a public or an approved private road and all buildings or structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required parking.

Section 3.7 Water Supply/Sanitary Facilities

Every building hereafter erected, altered, or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, business, commercial, or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all domestic, commercial, and industrial wastewater and other wastes that may adversely affect health conditions. All water supply and sanitary sewage disposal systems shall be subject to compliance with **Central Michigan District Health Department** sanitary code requirements. Plans must be submitted to and approved by the responsible agencies.

Section 3.8 Livestock

- A. Livestock may be kept on lots in all districts which are classified as Category 4 sites by the **Michigan Department of Agriculture and Rural Development's "GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities,"** upon issuance of a Special Use Permit and according to the following conditions:
 1. Livestock must be kept in and confined in a properly designed and constructed enclosure, which may be located only in the rear yard of the property.
 2. Each fenced enclosure shall be designed with adequate yard space for each animal and the fenced and covered enclosure combined shall not cover more than fifty (50%) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
 3. Enclosures shall be located at least twenty-five (25') feet from any dwelling on a neighboring parcel.

- B. The Planning Commission/Township Board shall evaluate each application using the Special Use review standards in [Section 6.4](#). The Planning Commission has the ability to recommend and the Township Board has the ability to approve additional conditions or modification of standards 1-3 above.

Section 3.9 Recreational Vehicles

A. Occupied Recreational Vehicles.

1. No person shall locate any recreational vehicle or other shelter(s) which would serve as a temporary dwelling upon any parcel in Clement Township for greater than thirty (30) consecutive days unless the same is located in a public or commercial campground or storage area, in conformity with this Ordinance. After thirty (30) consecutive days, the property must be improved to include well and septic per Gladwin County regulations. After ninety (90) days of living in the recreational vehicle per calendar year, it will be considered a permanent residence and must comply with the current zoning ordinance for permanent dwellings with the exception of the minimum square footage requirement of seven hundred and twenty (720) square feet.
2. See [Section 3.10](#) for recreational vehicle occupancy incidental to construction.

- B. **Recreational Vehicle Storage.** A resident of the Township may keep two (2) recreational vehicles and similar shelter on their own property for an indefinite period of time for storage purposes if not connected to any sanitary facility and not for occupation provided that the same are maintained in operable condition. The storage of more than two (2) recreational vehicles on a single parcel shall require a Special Use permit. Permitted storage may occur on either a vacant parcel or a parcel with a principal building.

- C. **Setbacks.** Recreational vehicles on a lot, whether in storage or occupied, shall meet setbacks of the principal building and shall have a valid license and shall be operable.

- D. A recreational vehicle shall not be utilized as a storage building.

Section 3.10 Temporary Buildings

A. Temporary Dwellings.

1. **Circumstances in which a Temporary Dwelling is Allowed.** The Zoning Administrator may issue a zoning permit, pursuant to the procedures of this Section, to allow a temporary dwelling in any district on the same lot or parcel as a permanent dwelling under any of the following circumstances:
 - a. Where a permanent dwelling is destroyed or damaged by fire, wind, other natural causes, or the public enemy to the extent it is no longer habitable, a temporary dwelling may be

placed on the same lot or parcel as the permanent dwelling during the time the permanent dwelling is repaired.

- b. A temporary dwelling may be placed on a lot or parcel while the property owner is constructing a permanent dwelling on the same lot or parcel.
2. **Application Materials.** When requesting a zoning permit for a temporary dwelling, the property owner shall file an application with the Zoning Administrator and pay the fee established by the Township Board pursuant to [Section 9.3](#) of this Ordinance. The application shall specify the grounds under [subsection A.1](#) above for the temporary dwelling and shall include the information needed to allow the Zoning Administrator to make the findings required under [subsection A.3](#) below. The zoning permit issued for the temporary dwelling shall be a separate permit from the zoning permit issued for the principal building.
3. **Temporary Dwelling Standards.** Before issuing a zoning permit for a temporary dwelling, the Zoning Administrator shall find that the proposed temporary dwelling will meet all of the following standards:
 - a. In the case of repairs to or construction of a permanent dwelling, the property owner shall possess a valid building permit for the contemplated repairs or construction issued by the Building Department.
 - b. The temporary dwelling shall meet all height and setback requirements for the zoning district in which it is located. The Zoning Administrator may waive the setback requirements in cases where they cannot physically be met on the lot.
 - c. The temporary dwelling shall be connected to safe, sanitary, and effective systems for the supply of potable water and the disposal of sewage wastes.
 - d. Adequate off-street parking shall be provided for the occupants of the temporary dwelling.
4. **Conditions.** The Zoning Administrator may attach reasonable conditions to a zoning permit for a temporary dwelling to ensure compliance with the above standards.
5. **Time Limit of Temporary Dwellings.** The use of a temporary dwelling shall be limited to one (1) year after said permit is issued. The Zoning Administrator shall grant a one-time, one (1) year extension of the zoning permit upon the filing of a written statement by the property owner that the circumstances giving rise to the original need for the temporary dwelling continue to exist. If the property owner desires to continue the use of a temporary dwelling based on the repairs to or construction of a permanent dwelling beyond the time of the zoning permit extension, he or she shall file a request for a temporary dwelling zoning permit, which shall then be processed by the Zoning Administrator in the same manner as a new application. See [Section 9.2.C](#) for zoning permit expiration for the principal building.

6. **Removal of Temporary Dwellings.** A temporary dwelling shall be removed from the lot or parcel on which it was placed within thirty (30) days after the expiration of the zoning permit for the temporary dwelling, and the lot or parcel shall be restored to its condition immediately prior to the placement of the temporary dwelling. Provided, however, this provision shall not require the removal of a recreational vehicle used as a temporary dwelling from the lot or parcel but shall require that the travel trailer or recreational vehicle no longer be used as a temporary dwelling.

B. Temporary Buildings for Construction Offices.

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. The temporary building shall be removed from the lot within thirty (30) days after the completion of construction or abandonment of work.

Section 3.11 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator. The cessation of work for more than six (6) consecutive weeks (except during periods of bad weather) shall constitute abandonment of work. The Zoning Administrator shall be the party charged with making the determination of abandonment. This time period begins when either the applicant notifies the Zoning Administrator that work is complete or has ceased or when the completion or cessation of work is noted by the Zoning Administrator and filed in Township zoning records, whichever is sooner.

Section 3.12 Accessory Buildings

The following regulations shall apply to accessory buildings and swimming pools:

A. Attached Accessory Buildings.

Where any accessory building is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining setbacks.

B. Non-Residential Accessory Buildings.

Non-residential accessory buildings shall submit a site plan and may be approved by the Zoning Administrator pursuant to [Article 5](#). The Zoning Administrator may refer approval to the Township Board (after review and recommendation of the site plan by the Planning Commission). Required setbacks and maximum height shall be the same as that of the principal building.

C. Residential Accessory Buildings Setbacks and Height.

District	Front Setback	Side Setback	Rear Setback	Maximum Height
A-1	40 ft	20 ft	20 ft	35 ft
R-1	35 ft	10 ft	10 ft	35 ft

D. Nontraditional Storage Facilities.

1. **Residential Lots.** Truck bodies, school bus bodies, recreational vehicles, and other vehicles intended for travel on the road, travel trailers, manufactured/mobile homes, or other items built and intended for other uses shall not be used as storage buildings.
2. **Commercial and Industrial Lots.** Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only.
3. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only. If a shipping container is visible from a public or private right-of-way or any neighboring property line, it shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a principal building. Shipping containers shall be placed on a foundation or gravel surface with adequate drainage.

E. Accessory Building as a Dwelling.

Accessory buildings may contain one (1) accessory dwelling unit per lot.¹

F. Permits.

All accessory buildings over one hundred forty-four (144) square feet require zoning permits. Accessory buildings which do not require zoning permits are still required to conform to the standards in this Section.

G. Accessory Buildings without a Principal Building.

Accessory buildings may be erected or moved onto vacant lots or parcels of land in all districts and shall comply with this Section.

¹ 100% Principal Residence Exemption: A second residential unit may make the property owner eligible for a smaller percentage based on the relative value of the two residences. See Township Assessor for more information.

Section 3.13 Grades, Drainage & Stormwater

- A. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority. However, if existing grades are problematic (i.e. too low and prone to flooding), then the property owner may request permission for a grade change from previously developed properties to alleviate the problem. The Township Board has the authority to grant such permission.
- B. For non-residential uses, the property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm).

Section 3.14 Fences

A. General Regulations.

1. For the purposes of this Ordinance, a wall which is used to enclose property is considered a fence.
2. **Zoning Permit.** Prior to erection of a fence, the applicant shall obtain a zoning permit from the Zoning Administrator after submission of a plot plan. Zoning permits are only required for fences along the perimeter of a property. Fences which are used to enclose areas within the property (including but not limited to gardens and similar areas) do not require a zoning permit but shall comply with the standards in this Section.
3. **Property Line Determination.** In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey, if necessary, to determine accurate property lines. Clement Township shall not to be held responsible for any property line or fence disputes between adjacent property owners.
4. **Barbed Wire and Electrified Fences.** Barbed wire or electrified fences are permitted on nonresidential or agricultural parcels only but shall not be used as a perimeter fence to enclose the parcel.
5. **Finished Side of Fence.** The portions of all fences facing a street right-of-way or facing property other than the property of the fence owner shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.

6. **Materials.** Fences shall be constructed with materials which are typically commercially designed for fence construction. Materials which are not typically designed for fence construction are prohibited.
- B. Location and Height – R-1 District.** Fence height shall be measured from the natural grade of the land below the fence.
1. **Height.**
 - a. **Fences on Residential Property:** Six (6') feet maximum height.
 - b. **Fences on Non-Residential/Agricultural Property:** Twelve (12') feet maximum height.
 2. **Setback.**
 - a. **Front, Side, and Rear Lot Lines.** Fences shall be setback six (6") inches from all lot lines.
 - b. **Waterfront.** On any waterfront parcels, no fence shall be installed or erected closer than fifty (50') feet from the established water's edge.

Section 3.15 Required Screening

Whenever a nonresidential use abuts a residential district or use, there shall be provided and maintained, on each side and the rear of the property abutting or adjacent to a residential use of property or a residential district, an obscuring fence, wall, vegetative buffer, or a combination thereof which shall be no less than six (6') feet in height. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

A. Fences and Walls.

Solid fences, walls, chain link, or other wire fence utilizing metal, plastic, or wood slats shall be considered an obscuring fence or wall for the purpose of this Ordinance. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. Fences and walls which are required by the Township for screening purposes may exceed the height limits in [Section 3.14](#).

B. Vegetative Buffer Strip.

The Township may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.

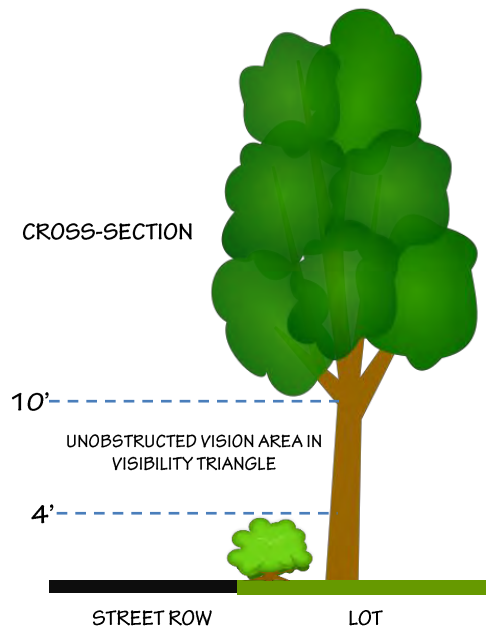
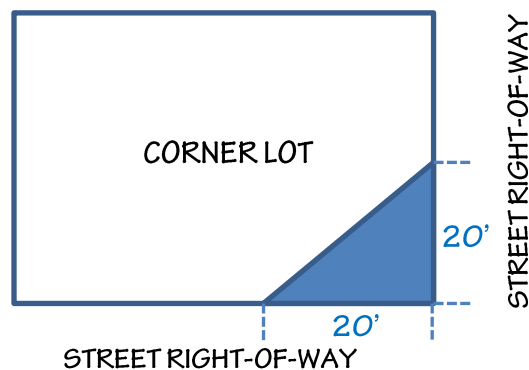
1. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect, of such height and width as is determined adequate by the Planning Commission, for proper screening between land uses.
2. The relationship between deciduous and evergreen plant materials shall ensure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

C. Waiver.

The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to this Section.

Section 3.16 Intersection Visibility

On corner lots, no plants, fence, wall, sign, or other structure shall be established or maintained between the heights of four (4') feet and ten (10') feet in the corner clearance area. Such corner clearance area shall mean a triangular area formed by the street property line of two (2) intersecting streets and a line connecting those twenty (20') feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection. An open-style fence which has at least fifty (50%) percent open space in the design of the fence is exempt from this Section.



Section 3.17 Outdoor Lighting

A. Purpose.

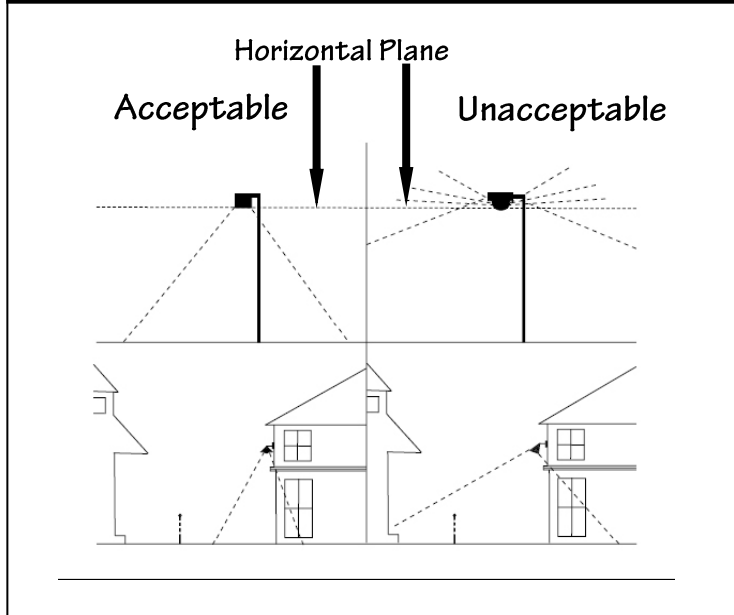
The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way by minimizing brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”, and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered in the review of all site plans submitted for approval under the terms of this Zoning Ordinance. Lighting that does not conform to this Section shall be considered a nuisance.

B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Section:
 - a. Special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on public roads.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administration**, or other applicable Federal or State agencies.
 - f. Lighting for recreational facilities shall conform to the requirements set forth in the most current edition of the **Illuminating Engineering Society of North America** (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.
2. **Standards.** Lighting shall be designed and constructed as per the following requirements:
 - a. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

- b. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in **Subsection c** below, the following shall apply: all outdoor lighting, in all districts, shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100%) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

Lighting Direction



- c. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags may direct lights in an upward direction so as to feature said buildings and flags. Such lights shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- d. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted. Moving marker lights along the river shall be allowed unless they are determined, by the Township, to constitute a nuisance to neighboring property.
- e. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- f. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

Section 3.18 Nonconformities

When a Zoning Ordinance is developed and adopted or amended, rules and regulations are imposed which would prevent the establishment of certain existing land uses and structures in the places where they are located. The uses, structures, and lots legally existing prior to adoption or amendment are referred to as "nonconforming". It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival.

A. General.

1. **Removal of Nonconforming Status.** A nonconforming use or structure can be made conforming only by:
 - a. Ordinance amendment which changes standards and results in the use or structure being brought into conformity.
 - b. For nonconforming structures, appropriate action or modifications of the structure which cause the structure or premises to fulfill the requirements of the district in which it is located.
 - c. For nonconforming uses, changing the use to one listed as a permitted or a Special Use as designated in the district concerned as provided by this Ordinance.
 - d. Variance, provided that only the terms of this Ordinance such as lot size, lot dimension, distance from lot lines, or height restrictions are involved.
2. **Change of Tenancy or Ownership.** Change of tenancy or ownership of a nonconforming use or structure does not remove the nonconforming status nor does it change any time limits imposed by this Ordinance.
3. **Buildings Under Construction.** Nothing in this Ordinance shall require any change in the erection or an intended use of a building or structure, which is nonconforming under this Ordinance, for which zoning permit and/or Special Use permit has been issued prior to the adoption of this Ordinance provided that construction is begun within sixty (60) days after the effective date of this Ordinance.
4. **Elimination of Nonconformities.** The existence of nonconforming uses and structures is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this Ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses and structures which constitute a nuisance or are detrimental to the public health and general welfare, the Township, pursuant to Section 208 (3) and (4) of **2006 PA 110, as amended (Michigan Zoning Enabling Act)**, being MCL 125.3208) may acquire, by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures provided, however, that such property shall not be used for public housing. The

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Township Board may, in its discretion, provide that the cost and expense of acquiring such private property be paid from general funds or the cost and expense or any portion thereof be assessed to a special district.

B. Nonconforming Structures.

Where a lawful structure exists at the time of adoption of this Ordinance and does not conform to the minimum requirements of area, lot coverage, height, yards, location on the lot, or other requirements, such structure shall be allowed to exist, provided it is otherwise lawful, and shall be subject to the following provisions:

1. **Maintenance of Nonconforming Structures.** Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in Gladwin County relative to the maintenance of structures.
2. **Alteration.** A nonconforming structure may be altered or enlarged as long as the alteration or enlargement does not increase the nonconformity. If the alteration or enlargement will increase its nonconformity, then the applicant shall seek a variance from the Zoning Board of Appeals.
3. **Re-Location.** Should such nonconforming structure (which is nonconforming due to setbacks) be moved for any reason for any distance whatsoever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved unless a variance is obtained from the Zoning Board of Appeals.
4. **Damage or Destruction.** In the event that a nonconforming structure has been accidentally destroyed or damaged to any extent, such nonconforming structure may be repaired or replaced in the original footprint provided that reconstruction does not in any way increase its nonconformity. If the foundation of the structure is completely removed, the new building shall conform to this Ordinance.

C. Nonconforming Uses.

1. **Continuance of Nonconforming Use.** Any lawful nonconforming use existing at the time of enactment of this Ordinance may be continued pursuant to the regulations herein.
2. **Enlargement or Expansion of Nonconforming Use.**
 - a. **Expansion throughout the Lot.** A nonconforming use may be enlarged or expanded to occupy a greater proportion of the lot area than that which was occupied at the effective date of this Ordinance only by Special Use permit.

- b. **Expansion throughout the Structure.** Any nonconforming use may be extended throughout any portion of the structure or building where such use was planned or provided for at the time of adoption of this Ordinance, but in no case shall the use be extended to occupy land outside such building or structure unless a Special Use permit is issued.
3. **Change of Nonconforming Use.** No nonconforming use may be changed to another nonconforming use. If a nonconforming use is changed to a conforming use, then the nonconforming use shall not hereafter be reestablished.
4. **Damage or Destruction.** In the event that a structure which houses a nonconforming use has been accidentally destroyed or damaged to any extent, such structure which houses the nonconforming use may be repaired or replaced provided that reconstruction does not in any way increase its nonconformity including the increasing of its size or bulk (unless a Special Use Permit is obtained to expand a nonconforming use pursuant to [subsection C.2](#) above). If, after damage or destruction, the structure is deemed not legally fit for human occupancy by the Gladwin County Building Department, the use shall require Special Use permit to continue.
5. **Abandonment of Nonconforming Use.** Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use (this subsection shall not apply to seasonal uses). At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use by the discontinuance of the use for one (1) year, the Zoning Administrator shall consider the following factors:
- a. Whether the structure used in connection with the nonconforming use has been removed.
 - b. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - c. Whether the property, buildings, and grounds have fallen into disrepair.
 - d. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - e. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - f. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use.

The Zoning Administrator shall notify the property owner when they begin the one (1) year

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count to determining abandonment and shall notify the property owner at the end of the one (1) year count which officially declares the nonconforming use to have been abandoned.

D. Nonconforming Lots.

In any district, notwithstanding limitations imposed by other provisions of this Ordinance, any single lot of record existing at the effective date of adoption or amendment of this Ordinance may be developed provided that adequate potable water supply and proper and safe sewage dispose facilities, as determined by the Health Department, can be provided. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that setbacks and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which said lot is located. Variance to yard requirements shall be obtained through the [Zoning Board of Appeals](#), if needed.

Section 3.19 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance. Utility facilities, including transformers, pump stations, substations, and buildings necessary to house utility equipment ("Utility Improvements"), shall be a permitted use in any district when the locating of such Utility Improvements are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Utility Improvements shall undergo site plan review pursuant to [Article 5](#) and shall adhere to setback requirements of the district in which they are proposed to be located. Screening may be required pursuant to [Section 3.15](#). This Section shall not apply to storage yards and office buildings.

Section 3.20 Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 3.21 Performance Standards

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation or grading, those measures,

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necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise which is in violation of the Clement Township Noise ordinance shall be prohibited. Sirens and related apparatus used solely by public agencies are exempt from this requirement. Noise resulting

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from temporary construction activity shall also be exempt from this requirement.

H. **Vibration.**

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.22 Hazardous Substances

- A. The dumping of hazardous substances and/or nuclear wastes shall not be allowed within Clement Township, except as permitted by **1978 PA 113**, as amended (Radioactive Waste, being MCL 325.491 et. seq.).
- B. The following provisions apply to persons, businesses, or entities that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current **USEPA** and/or **State of Michigan** standards and applicable sections of the **Michigan Building Code**, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site plan review process.
 1. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
 2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 3. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
 4. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.23 Excavation or Holes

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause, a danger to life, health, and safety to the general public shall be prohibited. This Section shall not, however, prevent any

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excavation which is required for the construction, remodeling, or expansion of structures or industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been placed on the premises. Nothing in this Section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Gladwin County, Clement Township, or other units of government. Excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required, upon termination of such activities, to be refilled by the person, firm, or corporation engaging in such excavation. The excavated site shall be graded and returned, as near as possible, to its natural state, including planting of vegetation indigenous to the area.

Section 3.24 Dumping & Storage of Waste/Junk

The use of land or water resources for the storage, collection, or accumulation of used construction materials or for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, or ash (except for those properly sealed or adequately concealed organic materials discharged in the performance of farming activities on the same lot or parcel on which the premises are located) must conform to State and Federal legislation pertaining to dumping of waste materials. Such dumping or disposal shall not negatively affect the water table nor cause pollution of stagnant or running water in any area of the Township so as to create health or safety problems to the natural environment and the inhabitants of the Township. The natural terrain shall not be altered in any fashion to create safety or health hazards or substantially alter the character of the land so as to make it unusable for the uses for which it was originally zoned nor create olfactory or visual pollution.

Section 3.25 Private Roads & Driveways

A. Purpose.

It is the purpose of this Section to secure the health, safety, and general welfare of the residents and property owners of this Township by providing reasonable regulations for the construction and maintenance of driveways and private roads.

B. Applicability.

1. This Section shall apply to the construction, improvement, relocation, and the continuing maintenance of driveways and private roads constructed after the effective date of this Ordinance.
2. This Section shall apply equally to the extension, improvement, or relocation of existing private roads.

C. Requesting and Granting Exceptions to Road Standards or Permit Requirements.

1. When an unnecessary hardship exists, the property owner or developer may request an exception to the standards set forth in this Section. Unnecessary hardship includes, but is not limited to, a desire to limit the damage done to natural features on the site.

2. A person seeking an exception to standards shall make application to the Planning Commission and provide all information and documents the Planning Commission deems necessary and reasonable to decide the appeal.
3. The Planning Commission shall make a recommendation to the Township Board within forty-five (45) days after receiving all of the information and documents from the applicant, unless a decision is delayed because of a need for consultation with its attorney or consultants.
4. The Township Board shall approve or disapprove the exception at its next meeting, if the recommendation is received at least ten (10) days prior to that meeting. However, in lieu of disapproval, the Township Board may return the application to the Planning Commission for further review or to obtain additional information the Township Board deems necessary and appropriate in making its decision.
5. The granting of exceptions to standards are not to be approved routinely but only after careful consideration of the circumstances and are to be the minimum change in standards that is necessary to moderate or remove the unnecessary hardship.
6. Owners of private roads providing access to ten (10) or fewer lots or parcels may request an exception to some of the requirements in [subsection L](#) for issuance of permits. These requests may be approved by the Township Board if it is satisfied that granting the exception will not impair the Township's ability to ensure the spirit of the Ordinance is complied with. Unreasonable cost may be considered when determining whether granting the request is justified.

D. Standards for Private Driveways.

A permit is required by the [Gladwin County Road Commission](#) for an entrance from a public road and shall have a minimum driving surface at the road entrance of twelve (12') feet. Driveways shall be ten (10') feet from any property line (except that property line which it crosses to provide access).

E. Standards for Private Roads (2-19 parcels).

A private road providing access for two (2) through nineteen (19) lots or parcels shall comply with all of the following standards:

1. The private road shall have a minimum right-of way or easement width of sixty-six (66') feet.
2. The improved surface of the private road shall have a minimum width of eighteen (18') feet and shall be centered on the sixty-six (66') foot right-of-way.
3. The area within two (2') feet of each side of the improved road surface and within eleven (11') feet above the road surface, shall be clear of obstructions, such as tree trunks and large branches, which may interfere with the use of the road by emergency vehicles.

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4. The maximum grade of the road shall be ten (10%) percent, with the exception that the maximum grade within thirty (30') feet from the intersection of the road with a public street or another private road shall be four (4%) percent.
5. The road shall have an improved surface, which consists of a minimum of six (6") inches of aggregate base meeting the [Michigan Department of Transportation](#) Standard Specification for Construction. The road shall be well drained with the placement of culverts or bridges where necessary and shall be maintained in a condition which is accessible to and useable by emergency vehicles during construction on the lots or parcels served by the road.
6. A permit is required from the [Gladwin County Road Commission](#) for any driveway or private road entrance from a public road.
7. An improved area having dimensions adequate for maneuvering and turn-around of firefighting apparatus shall be provided near the end of the road as required by [subsection H](#).
8. Private roads will not be maintained by either the Township of Clement or the Gladwin County Road Commission.

F. Standards for Private Roads (20 or more units).

1. If the private road provides access to twenty (20) or more dwelling units, principal buildings, lots or parcels, it shall comply with the minimum width, maximum grade, and all road surface standards as provided by the Gladwin County Road Commission's standards for public roads. The private road, which is the subject of this agreement, will not be maintained by either the Township of Clement or the [Gladwin County Road Commission](#).
2. The grade of the private road shall not exceed six (6%) percent.
3. The grade of the private road shall not exceed four (4%) percent for a minimum distance of thirty (30') feet from its intersection with a public right-of-way or another private road.
4. The person serving as the Zoning Administrator, acting as an ordinance enforcement officer, or the Planning Commission, in the case of a site condominium or planned unit development, or other type of cluster zoning development, may authorize a maximum grade in excess of six (6%) percent, but no greater than ten (10%) percent, for a maximum run length of three hundred (300') feet, when deemed necessary to avoid disruption of significant natural features on the site.
5. The pavement width, pavement surface, and sub-grade shall be constructed in conformance with the [Gladwin County Road Commission's](#) "Specifications and Standards for Roads and Streets" or similar successor regulations, a copy of which shall be kept on file in the offices of the Township Clerk and Zoning Administrator.

G. Distance of Improved Surface of Private Roads from Adjoining Property.

The improved surface of the private road shall be a minimum of seventeen (17') feet from any

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adjoining lot or parcel that does not derive access from the easement of the private road

H. Cul-De-Sac Standards.

1. **Cul-De-Sacs.** A private cul-de-sac shall meet the dimensions set forth by the [Gladwin County Road Commission](#).
2. **Platted Subdivisions.** In the event that there is a difference between the standards required in this Section and the requirements of the [Gladwin County Road Commission](#) "Specifications and Standards for approval of Subdivision Roads and Streets within the jurisdiction of the [Gladwin County Road Commission](#)", the standards set forth by the road commission shall apply.

I. Ground Disturbance.

All areas disturbed by the construction of the private road shall be provided with topsoil, seeded with perennial grass, and protected from erosion.

J. Private Road Maintenance Agreement and Special Assessment Districts for Road Maintenance.

1. The private road maintenance agreement shall include provisions to ensure the continued repair and maintenance of the private road, and financing of the costs thereof, by those property owners benefiting from the private road. The agreement shall also include provisions for, but not limited to, clearing the road within eight (8) hours after a snowfall of three (3) or more inches, for maintaining proper road surface and drainage, and voting. This shall be accomplished through the use of a recorded agreement between the parties in interest to the private road, or through a restrictive covenant, which shall run with the land, except as provided in [subsection J.4 and J.5](#) below.
2. A copy of such agreement shall be provided to the Planning Commission for review and approval by the Township Board, with the advice of its attorney or consultants.
3. Each owner and occupier of any lot or parcel which obtains its vehicular access from and any benefits from a private road shall maintain the private road so that it is reasonably capable of providing sufficient access for the uses permitted on the lot or parcel and for the provision of fire protection, police, ambulance, and other emergency services. This obligation may be enforced against any owner or occupier described above without regard to the existence of any recorded agreement that may exist under the requirements of this Section.
4. In addition to the provisions for enforcement provided in [subsection J.3](#) and [subsection P](#) of this Section, the Township Board may, on its own motion, create a special assessment district under the provisions of [1954 PA 188](#), as amended, (MCL41.721-41.737) to provide for road maintenance should other enforcement methods fail or are inadequate to ensure maintenance is performed as needed. Nothing in this Section shall be interpreted to limit the authority of the Township to exercise any authority provided in the above-cited [1954 PA 188](#).

5. The Township Board may require an agreement with the developer to create a special assessment district for private roads which provide road access to eleven (11) or more lot parcels. In situations in which a special assessment district is actually required, a road maintenance agreement shall also be required to provide for road maintenance in the event the special assessment district is terminated for any reason.

K. Road Name.

The private road shall be assigned a name which has been approved by the Township Board and meets with any requirement set forth by the 911 emergency systems for duplication of road names.

L. Permits from Township.

1. A private road shall not be constructed, extended, unproved, or relocated unless the Township Board has issued a private road construction permit authorizing such.
2. An applicant shall submit a completed application form, supplied by the Township, containing:
 - a. The names and address of the owners and other parties having any legal interest in the private road or the property across which the road is to be constructed.
 - b. Identification by parcel number of all properties having any legal interest in the private road.
 - c. A map drawn to scale, prepared by a registered engineer or surveyor, showing the precise location, route, dimension, and design of the private road. The map shall identify existing and proposed elevation contours within all areas to be disturbed or altered by the construction of the private road.
 - d. The location of all public or private utilities to be located within the private road rights-of-way or easement or within twenty (20') feet thereof, including but not limited to water, sewer, telephone, gas, electricity, and television cable.
 - e. The location of any lakes, streams, drainage ways, or wetlands, as determined by the State, within the proposed private road right-of-way or easement or within one hundred (100') feet thereof.
 - f. A copy of the proposed maintenance agreement or restrictive covenant which provides for the continued maintenance and repair and the financing thereof, by the parties in interest, of the private road.
 - g. Application fees as set by [subsection N](#).
 - h. Such other information as reasonably concerns the application.

3. Upon receipt of the application for a private road construction, permit, the Planning Commission may request the review of the application by fire, police, or other emergency service providers. The Planning Commission may, if it deems it appropriate, refer the application to a professional engineer for review.
4. The Planning Commission shall refer the maintenance agreement to the Township attorney for review.
5. The Planning Commission shall ensure that the property upon which a private road is to be constructed is properly zoned for the desired use prior to issuing a private road construction permit. The application for a private road may be reviewed at the same time as a rezoning request is considered. The actual construction permit will not be issued until after the effective date of the rezoning.
6. When the Township Board has determined that the proposed private road construction or improvements plans comply with all applicable standard and requirements of this Section, including any prior approvals required of the Township Board, it shall issue a private road construction permit, which shall authorize the construction, extension, improvement or relocation of the private road as set forth in the plans submitted with the application.

M. Inspection of Completed Road Construction; Zoning Permit.

1. The Zoning Administrator, acting as ordinance enforcement officer for this Ordinance, shall inspect the completed private road to ensure compliance with this Ordinance before a final zoning permit is issued by the Zoning Administrator in accordance with the Zoning Ordinance.
2. The Planning Commission may use the services of a professional engineer for the inspection if it deems it appropriate or if requested by the Zoning Administrator.

N. Fees.

1. The property owner shall pay all applicable fees at the time the application is submitted to the Planning Commission for review. When circumstances require professional engineer services to review the construction plans or to conduct the inspection upon completion of the road construction work, the cost thereof shall be paid prior to the inspection. The use of other consultants shall also require payment of their fees in advance.
2. The fees shall include the cost of reviewing all plans and agreements required by this Section, except as noted above.
3. The Township Board shall, from time to time by resolution, set the fees for issuance of the private road permit. The fees shall be sufficient to recover the Township expenses in reviewing the plans and agreements required by this Section. Fees for engineers, attorneys, and other consultants may vary with each project. The property owner will deposit with the Township an amount equal to the estimated cost prior to the service being performed. Any excess monies shall be returned to the property owner.

O. Requirement to Indemnify Township.

Each owner and occupier of any lot or parcel which obtains its vehicular access from and benefits from a private road shall indemnify and hold the Township harmless from all claims, liability, and expenses, including but not limited to reasonable attorney fees, arising out of any failure to properly construct, maintain, or repair the private road as required under this Section or under any private agreement that may exist under the requirement of this Section.

P. Ordinance Enforcement - Appointment – Authority.

1. The Zoning Administrator is hereby granted the same authority and powers of an Ordinance enforcement officer.
2. The Zoning Administrator shall act as the Township Inspector to conduct the inspection of the private road construction has been completed, to ensure that the work is in compliance with this Section. He or she may request that the Planning Commission authorize the services of a professional engineer to assist him in his inspection in accordance with [subsection M.2](#).

Q. Violations.

Violations of this Section shall be subject to [Section 9.10](#).

R. Severability.

Should any subsection, clause, or provision of this Section be declared by the courts to be invalid, the same shall not affect the validity of this Section as a whole or any part not declared to be invalid.

Section 3.26 Parking

For all structures erected and all uses of land established after the effective date of this Ordinance, accessory parking shall be provided as required by this Section.

A. Approval.

1. **Zoning Permit.** A zoning permit shall be required to construct a parking lot. For parking lots approved as part of site plan review of the principal building a separate zoning permit is not required for the parking lot. Any person desiring to establish, maintain, or alter an on-premises parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surface material, marking, lighting, drainage, curb cuts, entrances, exits, and any other pertinent features of the parking facility. Any curb cuts, entrances, exits, and drainage design shall have the written approval of the Zoning Administrator. New parking lots shall require a site plan review.

2. The Zoning Administrator may require such assurance, surety, or performance bonds in the form, manner, and amount as in their discretion may be required to compel compliance with and performance of all on-premises parking requirements of this Ordinance provided, however, that such assurance, surety, or performance bond shall not be for an amount greater than the reasonable cost of complying with the on-premises parking requirements of this Ordinance.
3. A permit issued for a parking area under the provisions of this Ordinance shall be revocable, subject to compliance with all requirements and conditions as stipulated.

B. Compliance Required.

Off-street parking and loading provisions of this Section shall apply to the following:

1. At the time of construction of any new building or structure or at the time of commencement of use of any land.
2. If any alterations are made in a building or structure which would require additional parking.
3. If the use of any building, structure, or land is altered to accommodate a use requiring more parking.

C. Parking Lot/Parking Space Design.

1. **Parking Space Size.** Each on-premises parking space shall have a minimum unobstructed area of two hundred (200') square feet with a minimum width of ten (10') feet and a minimum length of twenty (20') feet (twenty-four (24') feet for parallel parking). Access drives to and from parking space shall not be considered as part of the required parking area. See the following figures:

FIGURE A - PARALLEL PARKING

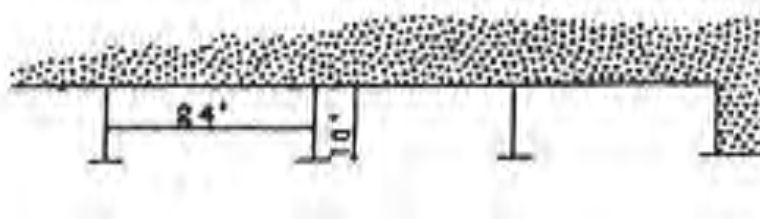


FIGURE B - ANGLE PARKING (30° TO 53°)
MANEUVERING LANE = 12 FT MINIMUM

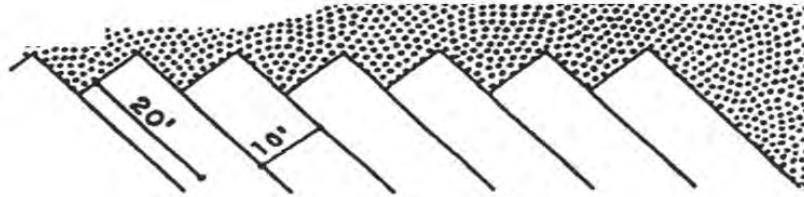


FIGURE C - ANGLE PARKING (54° TO 74°)
MANEUVERING LANE = 13 FT MINIMUM

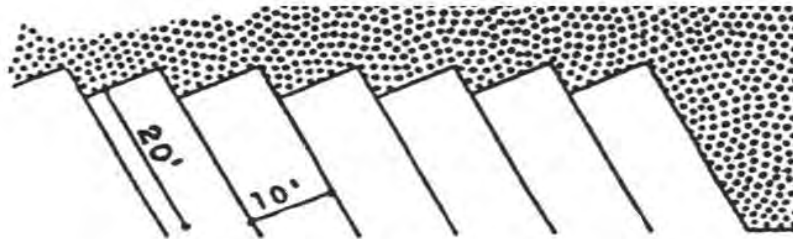


FIGURE D - 90° PARKING
MANEUVERING LANE = 17 FT MINIMUM



2. **Access.** All on-premises parking spaces shall be provided the adequate access by means of maneuvering lanes (see **Figures A – D**). Backing onto a street or onto or across a public walkway shall be prohibited.
3. **Curb/Bumper Rail.** There shall be a curb or bumper rail provided wherever an off-street parking space is adjacent to a public walkway or right-of-way so designed to prevent any portion of the vehicle from extending beyond the limits of the required parking area.

4. **Lighting.** Any lighting used to illuminate any on-premises parking area shall be so installed and maintained as to confine light within the parking area and direct light away from adjoining premises.
5. **Surface and Drainage.** On-premises parking areas including access drives shall have an improved surface (gravel or hard surfaced) and shall be sloped and drained to dispose of all surface water, however not on to adjoining lots.
6. **Landscaping.** Any on-premises parking area containing ten (10) or more spaces shall contain one (1) suitably hardy tree for each ten (10) spaces. Each tree shall be spaced not less than fifty (50') feet from the next and shall be planted in a curbed planter with dimensions not less than six (6') feet by six (6') feet.
7. **Ingress/Egress.**
 - a. Any construction or rearrangement of existing drives, which involve the ingress or egress of vehicular traffic to or from a public street, shall be arranged so as to ensure the maximum of safety and the least interference of traffic upon said street.
 - b. Each entrance and exit to and from any on-premises parking area shall be a clearly limited and defined drive and shall be at least twenty (20') feet distance from adjacent property lines in an R-1 District.
8. **Screening.** All parking areas shall be screened on all sides which abuts a residential use with an ornamental fence or compact hedge not less than six (6') feet of a type which will at all seasons obscure vision from adjoining premises but will not interfere with corner vision as stipulated in [Section 3.16](#).
9. **Storage.** The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in any required parking area.
10. **Location.**
 - a. The location of required on-premises parking facilities shall be within five hundred (500') feet of the structure containing the use they are intended to serve, measured from the nearest point of the structure.
 - b. Parking areas shall not be located in any front setback or side setback except as permitted in this Ordinance.

D. Number of Parking Spaces Required.

1. In the case of a use which is not specifically mentioned in [subsection D.10 \(Table of Parking Requirements\)](#), the provisions of a structure or use which is most similar shall apply as determined by the Zoning Administrator.

2. Required parking spaces, when applicable for a permitted use, shall be computed by using usable floor area.
3. If the use of a structure or premises changes, the minimum parking requirements shall apply to the new use.
4. If a structure or premises is enlarged, the minimum parking requirements shall be applicable to the usable floor area of the structure or premises.
5. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions of one-half (1/2) and over shall be construed to mean one (1) space.
6. **Combined Parking.** In the case of mixed or combined uses in the same structure or on the same zoning lot, the total requirement for on-premises parking shall be the sum of the requirements for the individual uses computed separately.
7. **Shared Parking.** In the instance of dual function of on-premises parking spaces where operating hours of uses do not overlap, the Planning Commission may grant an exception to the requirements regarding total required parking.
8. **Handicap-Accessible Spaces.** Off street parking facilities shall provide spaces for the handicapped in accord with the provisions of the [Americans with Disabilities Act](#).
9. **Reduction of Parking Spaces.** For development in any zoning district, the Planning Commission may recommend and the Township Board may approve a reduction of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) or the customary operation of the use(s) that adequate parking would be provided with a lesser amount than is listed in this Section.
10. **Table of Parking Requirements.** Parking spaces shall be provided according to the following table:

Parking Requirements	
<i>Residential</i>	<i>Number of Parking Spaces Required</i>
Bed and Breakfasts/Rooming Houses/Tourist Home	One (1) for each guest room plus one (1) for the owner/resident manager
Dwellings; Family Day Care Homes	Two (2) for each dwelling unit
Group Day Care Homes	Two (2) in addition to the parking required for the dwelling
Manufactured/Mobile Homes located in a Manufactured Housing Community/Mobile Home Park	Two (2) for each manufactured/mobile home site and one (1) for each employee.
<i>Commercial</i>	<i>Number of Parking Spaces Required</i>
Auto Repair Garage	One (1) space for each five hundred (500') square feet of floor area
Auto wash; Auto Reconditioning; Auto Cleaning	Adequate waiting space shall be provided off the street right-of-way
Beauty parlor or barber shop	Two (2) for each beauty or barber shop chair
Bowling alley	Six (6) for each bowling lane

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Dance Halls, Exhibition Halls, and Assembly Halls without Fixed Seats	One (1) space for each one hundred (100') square feet of floor area
Drive-Through Facilities	Four (4) spaces for each drive-in window
Funeral Homes or Mortuaries	One (1) space for each twenty-five (25') square feet in service parlors and chapels plus one (1) space for each funeral vehicle maintained on the premises
Gas Stations	One (1) space for each two (2) employees plus one (1) space for owner or manager plus one (1) space for each service stall
Hotels and Motels	One (1) space for each lodging room plus one (1) space per three (3) full time employees
Laundromat	One (1) space per washer unit.
Mini-Warehouses, Self-Storage Establishments	One (1) per ten (10) storage units, equally distributed throughout the storage area
Pool Hall or Club	One (1) for each one (1) game table or one (1) for each one hundred and fifty (150') square feet of usable floor space in game rooms, or whichever is greater
Office Buildings including Banks, Business And Professional Offices	One (1) space for each two hundred (200') square feet of floor area
Outdoor Sales (Vehicles, Recreational Equipment, and Similar)	One (1) space for each five hundred (500') square feet of floor area
Radio or Television Stations	One (1) space for each two (2) full-time employees plus one (1) parking space for each four (4) seats in any auditorium or theater
Research, Medical or Optical Laboratory	One (1) space per four hundred (400') square feet
Restaurants, Bars (and other similar establishments)	One (1) space for each three (3) seats provided for patron use plus one (1) space for each two (2) employees
Retail Sales and Personal Services (except Supermarkets and Self-Service Centers)	One (1) space for each two hundred (200') square feet of floor area
Retail Stores – Furniture Sales	One (1) space for each five hundred (500') square feet of area
Stadium and Sports Arena or Similar Outdoor Places of Assembly	One (1) for each six (6) seats or one (1) for each twelve (12') feet of benches
Supermarkets or Self-Service Store	One (1) space for each one hundred (100') square feet of floor area
Theaters, Auditoriums, and Similar Assembly Buildings with fixed seats (not incidental to schools).	One (1) space for each four (4) seats plus one (1) space for each two (2) employees
Institutional	Number of Parking Spaces Required
Assisted Living Facility, Nursing Homes/Convalescent Homes,	One (1) for each six (6) beds and one (1) for each two (2) employees and/or members of the staff
Religious Institutions	One (1) for each three (3) seats in the main unit of assembly or eight (8) linear feet of benches in the main unit of assembly
Government Administration Buildings; Libraries; Museums	Determined by Zoning Administrator
Hospitals	One (1) space for each two (2) beds plus one (1) space for each doctor plus one (1) space for each two (2) employees other than doctors
Medical Clinics (including Veterinary)	Four (4) spaces for each doctor or veterinarian plus one (1) space for each two (2) employees
Nursery Schools, Day Nurseries, or Child Day Care Centers (Non-Residential)	One (1) for each employee plus one (1) space for each five (5) children of licensed authorized capacity or one (1) space for every ten (10) children if adequate drop-off facilities are provided.
Private Clubs or Lodges	One (1) for each four (4) members, or one (1) for each one hundred (100') square feet of usable floor area, whichever is the greater
Public Utility Facilities	One (1) space for each employee on the largest shift
Schools	One (1) space for each two (2) employees (staff and faculty) plus one (1) space for each five (5) fixed seats in the auditorium or gymnasium

<i>Industrial</i>	<i>Number of Parking Spaces Required</i>
Manufacturing and Industrial Uses	Two (2) spaces for each employee on the largest shift
Warehouses, Storage Buildings, Lumber and Supply Yards, Wholesale Outlets	Two (2) spaces for each employee
<i>Recreational</i>	<i>Number of Parking Spaces Required</i>
Athletic Clubs	One (1) per each three (3) persons allowed within the maximum occupancy load plus one (1) per each employee
Boat Launch Ramps; Marinas	One (1) per boat slip plus twenty (20) for launch ramps
Campground/RV Park	One (1) for every campsite plus one (1) for each employee per shift
Golf Courses	Four (4) spaces per hole plus one (1) for each employee
Mini Golf Courses	Two (2) spaces per hole plus one (1) for each employee
Outdoor Commercial Recreational Facility	Twenty-five percent (25%) of lot area, but in no case less than ten (10) spaces
Tennis or Racquetball Facility	Two (2) spaces per court plus one (1) space per employee on the largest shift

E. Loading and Unloading Space.

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading, and standing of all vehicles to avoid undue interference with public use of the street.

Section 3.27 Signs

A. Purpose.

The purpose of the provisions of this Section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communications needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this Section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character and personality of Clement Township, create a more attractive business environment, and promote pedestrian and traffic safety.

B. Permits.

1. A separate permit shall be required for the erection of signs regulated in this Ordinance except that no permit shall be required for the signs listed in [subsection C](#) below.
2. Each application for a sign shall be accompanied by a drawing showing the design proposed, the size, character, and color of letters, line symbols, method of illumination, and exact location of the sign in relation to the building and property, the details and specifications of the construction. A fee as determined by Clement Township Board shall accompany each application for a sign permit, which will be issued by the Township Zoning Administrator. A

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permit shall be issued or denied within fifteen (15) days after receipt of the fully complete permit form and the permit fee from the applicant.

3. All persons holding permits as required by this Ordinance, at their own expense, shall place the permit number on each sign facing erected or maintained by them within four (4) months after receiving a permit. The numbers shall be in Egyptian block type lettering no less than one (1") inch in height and located on the lower corner thereof nearest the adjacent highway.
4. Fraternal, religious, benevolent or other non-profit organizations may erect cluster signs under one (1) permit.

C. Signs Allowed without a Permit.

1. On nonresidential property, permanent, freestanding accessory signs that do not exceed four (4) square feet each.
2. On nonresidential property, accessory signs on structures such as gas pumps or storage sheds.
3. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to road hazards, high voltage, fire danger, explosives, severe visibility, etc.
4. Information when cut into any masonry surface or plaques when constructed of metal and attached to a building.
5. Signs erected by an official governmental body, public utility, or historic agency.
6. Flags.
7. Signs when located on or below a canopy, awning, or marquee.
8. Signs in windows.
9. Temporary signs or attention-getting devices.
10. Bulletin boards erected by public, charitable, or religious institutions when they are located on the premises of such institutions.
11. Signs not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
12. Signs required by law.

D. General Regulations for Signs.

1. **Flashing/Moving Signs.** Flashing, rotating, glaring, or oscillating signs are prohibited. Digital signs are regulated by [subsection F](#).

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2. **Signs Not Secure or Broken Signs.** Signs which are in need of repair or not securely affixed to a substantial structure are prohibited.
3. **Signs not to Constitute Traffic Hazard.** No sign shall be erected where the position, size, movement, shape, or color may interfere with the view of, or be confused with, any authorized official traffic sign or device. Any sign hazardous to traffic is prohibited.
4. **Illumination of Signs.** Illuminated signs shall only be allowed in the C-1 District and on nonresidential properties in the A-R District. All illumination of signs shall be concentrated upon the surface of the sign or lighted from within, and the sign shall be so located as to avoid reflection or glare onto any portion of any adjacent highway, the path of oncoming vehicles, or adjacent premises.
5. **Signs in Rights-of-Way.** No sign, other than a traffic or regulatory sign, shall be erected in a street right of way.
6. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
7. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
8. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
9. **Setbacks.** All signs shall be setback a minimum of ten (10') feet from the highway right-of-way and all lot lines except for integrated development signs under single ownership or under unified control (including shopping centers) in the C-1 District.

E. Sign Standards by District.

Residential (R-1) & Agricultural (A-1) Districts			
Sign Type	Single-Family & Two-Family Uses	Multi-Family Uses	Non-Residential Uses
Primary Sign, Freestanding (<i>permanent</i>)	Size (max): 10 sq ft Number Allowed: 1 Height: 8 ft above ground level	Size (max): 32 sq ft Number Allowed: 1 per street frontage Height: 8 ft above ground level	Size (max): 32 sq ft Number Allowed: 1 per street frontage and 1 facing the water on waterfront property (setback at least 50 ft from water) Height: 8 ft above ground level
Wall Signs (<i>permanent</i>)	There is no limit to wall sign size or number as long as the signage does not exceed the size of the wall. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.		
Temporary Signs (<i>no permit req</i>)	Size (max): 12 sq ft Number Allowed: 3 signs per parcel		
Portable Changeable Copy Message Boards	Not allowed	Not allowed	Size (max): 32 sq ft Number Allowed: 1
Digital or Static Message Center (<i>permanent</i>) (see subsection F below)	Not allowed	Not allowed	Message Center sign size is counted as part of the size limit of the Primary Sign
Cluster Signs for Integrated Developments ¹ (<i>permanent</i>)	Not allowed	Not allowed	Size (max): 100 sq ft (sum of all signs on one structure) Number Allowed: 1 Height: 25 ft above ground level
Projecting Signs (<i>permanent</i>)	Not allowed	Not allowed	Size (max): 20 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign).
Roof Signs	Not allowed	Not allowed	Area of sign may total up to 2% of the area of the roof top not to exceed 96 sq ft. Roof signs must remain 1 ft from the roof's edge.

Commercial (C-1) District

Sign Type	All Uses
Primary Sign, Freestanding (<i>permanent</i>)	Size: 125 sq ft Number Allowed: 1 per street frontage Height: 20 ft above ground level
Wall Signs (<i>permanent</i>)	There is no limit to wall sign size or number as long as the signage does not exceed the size of the wall. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
Temporary Signs (<i>no permit needed</i>)	Size (max): 12 sq ft Number Allowed: 3 signs per parcel
Portable Changeable Copy Message Boards	Size (max): 32 sq ft Number Allowed: 1
Digital or Static Message Center (<i>permanent</i>) (see subsection F below)	Message Center sign size is counted as part of the size limit of the Primary Sign
Projecting Signs (<i>permanent</i>)	Size (maximum): 20 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6' when it is located above an area that doesn't permit pedestrian traffic beneath the sign).
Cluster Signs for Integrated Developments ¹ (<i>permanent</i>)	Size (max): 125 sq ft (sum of all signs on one structure) Number Allowed: 2 Height: 25 ft above ground level

¹Cluster Signs:

1. The sign shall not be of a design or location which will unreasonably block vision of traffic.
2. Any signs which exceed thirty-two (32') feet in area shall be located not less than twenty-five (25') feet from the road right-of way.

F. Digital Message Centers.

1. A digital message center shall be allowed to have changing messages, scrolling message, and animation but shall not be allowed to contain flashing elements.
2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
3. A digital message center shall contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs.
4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered a digital message center and shall be subject to all provisions of this Ordinance.

G. Large Off-Premise Signs ("Billboards").

Billboards may be established in C-1 District only provided that they meet the following conditions:

1. **Number Allowed Per Linear Mile.** Not more than three (3) billboards may be located per linear mile of street regardless of the fact that such billboard may be located on different sides of the subject street. The linear mile measurement shall not be limited to the boundaries of the Township of Clement where the particular street extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures have only one (1) face visible to traffic proceeding from any given direction on a street shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side-by-side to one another) or stanchion billboard faces (i.e., two (2) parallel billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with minimum spacing requirement set forth in **subsection 2** below.
2. **Spacing.** No billboard shall be located within one thousand (1,000') feet of another billboard abutting either side of the same street or highway.
3. **Distance from Residential District.** No billboard shall be located within two hundred (200') feet of a Residential District (R-1) and/or existing residence. If the billboard is illuminated, this required distance shall be three hundred (300') feet.
4. **Setback.** No billboard shall be located closer than seventy-five (75') feet from a property line adjoining a right-of-way or ten (10') feet from any interior boundary lines of the premises on

- which the billboard is located. No billboard shall be located within five hundred (500') feet of an intersection. The five hundred (500') feet shall be measured from the center of the intersecting roadways.
5. **Maximum Area.** The surface display area of any side of a billboard may not exceed six hundred (600) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed six hundred (600) square feet.
 6. **Maximum Height.** The height of a billboard shall not exceed thirty (30') feet above the grade of the abutting roadway. No billboard shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
 7. **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street, the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights nor shall the lights be permitted to rotate or oscillate.
 - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - b. **Luminance.** The maximum daylight sign luminance level shall not exceed sixty-two thousand (62,000) candelas per meter squared at forty thousand (40,000) lux illumination beginning one-half (1/2) hour after sunrise and continuing until one-half (1/2) hour before sunset and does not exceed three hundred seventy-five (375) candelas per meter squared at four (4) lux illumination at all other times.
 - c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.
 8. **Structural Integrity.** A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignments of structure, continued structural soundness, and continued readability of message.
 9. The spacing requirements provided in this Section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

H. Small Off-Premise Signs.

Small off-premise signs shall be allowed on private property provided there exists a written agreement between the property owner and the sign owner. Said agreement shall be on file with the Township.

1. Small off-premise signs may be located in any district.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

2. Small off-premise signs may be located on vacant or occupied parcels. Small off-premise signs on occupied lots shall NOT count toward that parcel's sign size limitations.
3. Small off-premise signs shall be no greater than sixteen (16') square feet.
4. One (1) small off-premises sign shall be allowed per parcel.

I. **Nonconforming Signs.**

Nonconforming signs are signs that do not comply with the regulations in this Ordinance including the size regulations of the zoning district in which located.

1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
2. No person shall increase the extent of nonconformity of a nonconforming sign nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

J. **Removal of Signs and Structures.**

1. Signs and their supporting structures erected or maintained in violation of this Ordinance and/or determined to have been abandoned may be removed by the Township in the manner prescribed in this Section.
2. There shall be posted on the sign a notice that the sign or its supporting sign structure violates stated specified provisions of these Ordinance and/or is determined to have been abandoned and is subject to removal. The notice shall be written on red waterproof paper stock of a size not less than eight and one-half (8 ½") inches by eleven (11") inches. The notice shall be

posted in the area designated by **subsection B.3** for the placing of permit numbers in a manner so that it is visible from the highway faced by the sign or sign structure.

3. Where a sign bears a permit number, written notice that the sign or sign structure violates specified provisions of this Ordinance or is determined to have been abandoned and is subject to removal shall be given the permit fee by Certified Mail in addition to the posted notice required by **subsection 2** above.
4. If the sign or sign structure which is in violation of this Ordinance is not removed or brought into compliance with this Ordinance within sixty (60) days following the date of posting or mailing of written notice or within such further time as the Zoning Administrator may allow in writing, the sign shall be deemed to be abandoned.
5. Signs or sign structures deemed abandoned, and any other sign or sign structure erected or maintained in violation of this Ordinance shall be removed by the Township forthwith upon the expiration of the sixty (60) day period following the date of posting or mailing written notice or upon the expiration of such further time as the Zoning Administrator may have allowed. The Township may recover as a penalty from the owner of the sign or sign structure, or if he/she cannot be found, the owner of the real property upon which the sign or sign structure is located, double the cost of removal or \$50.00, whichever is greater.
6. The Township, its agents and employees, and any person acting under the authority of, or by contract with the Township, may enter upon private property without liability for so doing in connection with the posting or removal of any sign or sign structure pursuant to this Ordinance.
7. The Township may contract on a negotiated basis without competitive bidding this act for the removal of any sign pursuant to this Ordinance.

K. Severance Clause for Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

Article 4

District Regulations

Sec	Name	Pg
4.1	Establishment of Districts	4-1
4.2	Zoning Map	4-1
4.3	Application of District Regulations	4-3
4.4	A-1 – Agricultural District	4-7
4.5	R-1 – Residential District	4-12
4.6	C-1 – Commercial District	4-16
4.7	Full Table of Permitted & Special Uses	4-22

Section 4.1 Establishment of Districts

For the purpose of this Ordinance, Clement Township is hereby divided into the following districts:

Clement Township Zoning Districts	
A-1	Agricultural District
R-1	Residential District
C-1	Commercial District

Section 4.2 Zoning Map

A. Zoning Map.

The areas comprising the zoning districts and the boundaries of said districts are hereby established as shown on the official zoning map entitled "**ZONING MAP, CLEMENT TOWNSHIP, GLADWIN COUNTY, MICHIGAN.**"

1. The Zoning Map, together with any explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
2. The Zoning Map shall be maintained in the Township Hall and shall show all changes that are made in district boundaries according to procedures set forth in this Ordinance.
3. District boundary lines as shown on the Zoning Map, unless otherwise indicated, shall be construed as following lot lines; County limits lines; Township limits lines; centerlines of

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highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes; or these centerlines extended or projected.

4. Questions concerning district boundary lines as shown on the Zoning Map shall be decided by the Zoning Board of Appeals after recommendation by the Planning Commission.

B. Zoning of Vacated Areas.

Whenever any road, highway, or other public right-of-way within Clement Township shall have been vacated by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

C. Zoning of Land Created.

Whenever buildable or usable land is created, such land shall take on the Zoning District and accompanying provision of the land abutting said new land area. The situations which result in new buildable or usable land include, but are not limited to, the following:

1. Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space. No fill material shall be placed in any lake, stream, or wetlands within the Township unless appropriate permits are obtained.
2. Through the process of fluctuating water levels.

D. Zoning of Annexed Areas.

Whenever any area is annexed to Clement Township, one of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as R-1 District until a Zoning Map for said area has been adopted by the Township Board. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the Township Board.

Section 4.3 Application of District Regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare of the Township. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner:

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specified zoning districts or are similar to such listed uses, as determined by the Zoning Administrator. Permitted uses are listed in [Table 4.7](#) and in the individual district sections.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator, and if required conditions are met. Special Uses are listed in [Table 4.7](#) and in the individual district sections.
3. **Accessory Uses.** Accessory uses are permitted if such uses are clearly incidental to the permitted principal uses or as otherwise specified in this Ordinance.
4. **Uses Not Specifically Listed.** In the event that a use is unclassified, the Zoning Administrator shall classify the use according to a similar listed use. The Zoning Administrator may bring such classification to the Planning Commission for recommendation if he/she is unsure if the use in question is similar to a listed use. If no listed use is similar to the use in question, the use shall be added to a district only through the Zoning Amendment procedure, as required in [Article 10](#).

B. Application of Area and Width Regulations.

1. **Area.** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall be at least the minimum requirements of this Ordinance.
2. Every new parcel of land shall meet the minimum lot width requirements set forth in this Article and shall have frontage on and/or direct access to a public road.
3. **Measuring Lot Width.** Lot width is the horizontal distance, which is not necessarily parallel to the road right-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines ([Figure A](#)). In the case of a lot which does not have parallel side lots lines, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot ([Figure B](#)).

Figure A

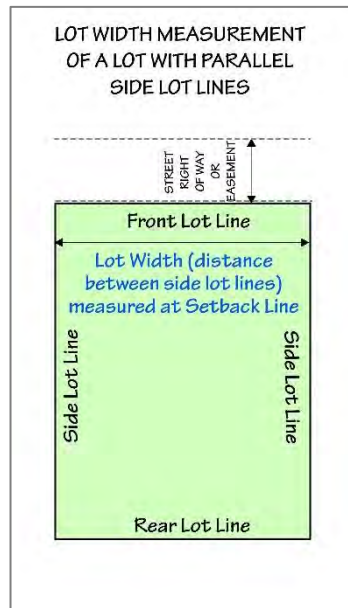
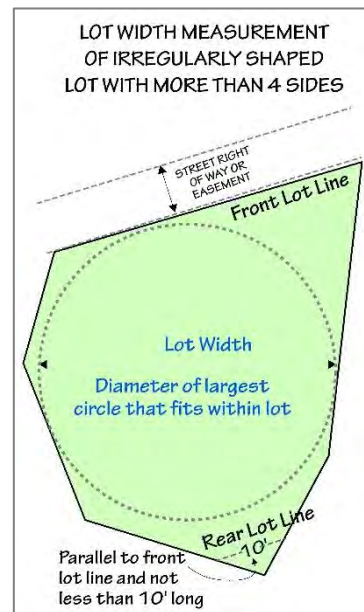


Figure B



C. Application of Yard Regulations.

1. **Measuring Setback.** All setbacks shall be measured from the corresponding lot line (edge of the road right-of-way) to the building's foundation.
2. **Eaves.** The eave of the building may overhang into the setback no farther than two (2') feet.
3. **Right-of-Way.** No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
4. **Double Frontage Lots.** If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of double frontage lots which have no structures present on either street side, the front setback shall be observed on the street on which the property is addressed.
5. **Corner Lots.** In the case of a corner lot, the front lot line shall be that line separating said lot from the road on which the property address is assigned.
6. **Water Frontage Lots.** In the case of a lot having frontage upon a lake, river or stream, there shall be a front setback on the street side in addition to a waterfront setback. Setback is measured from the ordinary high water mark.
7. **Porches, Decks, and Patios.**

- a. **Patios.** Patios and other ground-level structures do not require a zoning permit. No setbacks are required.
- b. **Porches and Decks.** All porches and decks, with or without a railing, which are not at the ground-level shall adhere to the following standards:
 - (1) **Non-Waterfront Lots.** Porches and decks shall meet the setbacks of the principal building in all yards.
 - (2) **Waterfront Lots.**
 - (a) **Non-Waterfront Yards.** Porches and decks shall meet the setbacks of the principal building in all non-waterfront yards.
 - (b) **Waterfront Yard.** Unenclosed porches and decks may be built to the water's edge. However, decks shall not be at an elevation which is greater than five (5') feet above the water's edge. Enclosed porches and decks shall meet the setbacks of the principal building.
8. **Multiple Dwellings.** For the purpose of side yard regulations, a two-family dwelling, attached single-family dwelling, or multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.
9. **Entranceway Structures.** In all districts, entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family homes and subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback provided that such entranceway structures shall be approved during the required site plan review.

D. Height Exceptions.

The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless support structures, or farm silos, provided however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special use permitted in [Article 4](#) of this Ordinance.

Section 4.4 A-1 – Agricultural District

A. Intent.

A-1

The A-I District is established in recognition of the areas of sparse development customarily occurring in agriculturally-oriented communities. The areas which comprise the majority of this zoning district contain the principal agricultural activities and the uses which are customarily associated with or accessory to the agricultural activities. It is not intended that high concentration of development be permitted in this district except as authorized by this Ordinance.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.7](#) (Full Table of Permitted and Special Uses) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1
Accommodation & Food/Event Services	
Bars/Taverns §7.24	S*
Bed & Breakfasts & Tourist Homes	S
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.22	S*
Food Trucks §7.23	S*
Hotels & Motels (attached or detached units) §7.3	S*
Inns (Lodging Units within Restaurant serving meals to the public)	P
Microbreweries & Distilleries (serving directly to the public)	S
Resorts, Vacation Lodges, Vacation Farms	S
Restaurants §7.24	S*
Rooming Houses/Boarding Houses (limit of 2 boarders in R-1 as permitted use)	S
Short Term Rental Homes §7.13	P*
Wineries & Cider Mills (including accessory uses such as tasting rooms)	S
Agriculture, Forest Products & Animal Services	
Agricultural Products Processing and Storage (excluding concentrated animal feeding operations)	S
Animal Sales Yards/Auctions for Livestock	S
Animal Shelter/Animal Rescue Facility	S
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms §7.17	PS*
Boarding Stables; Riding Arenas §7.11	P*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1
Agriculture, Forest Products & Animal Services (cont.)	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (incl. wholesale)	S
Dog Grooming Establishments	P
Farming, Commercial	P
Farming, Domestic	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Farm Market/Roadside Stand	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S
Game Preserves/Hunting Preserves	P
Grain Elevators	P
Greenhouse; Nursery; Landscaping Establishments	P
Kennels §7.25	P*
Timber and tree products production only from trees harvested on premises provided that all related structures and fixed equipment shall be located a minimum of one hundred (100) feet from all property lines.	P
Timber Product Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S
Veterinary Clinic/Animal Hospital	P
Arts, Entertainment, & Recreation	
Archery Ranges (& as accessory use)	P
Art Galleries & Art Studios	P
Campgrounds/Camps (Summer Camps) §7.6	S*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1
Arts, Entertainment, & Recreation (cont.)	
Canoe/Kayak Liveries	S
Clubs, Lodges, & Fraternal Organizations §7.3	S*
Country Clubs	S
Golf Courses/ Golf Driving Ranges	P
Outdoor Performance Facilities	S
Recreational Areas, Public or Private (incl. parks, playgrounds, athletic areas, nature parks, beaches)	P
RV Parks §7.6	S*
Shooting (Firearms) Ranges/Sportsmen's Assoc.	S
Theaters/Performing Arts Facilities/Auditoriums	P
Wildlife Preserves	S
Zoos (including Petting Zoos) & Animal Tours	S
Commercial, Services, & Retail	
Boat/RV/Recreational Equipment Repair & Storage	S
Building & Garden Equipment & Supplies Dealers	S
Flea Market	S
Gas Stations §7.24	S*
General Rental Centers	S
Lumber Yards (pre-planed, finished lumber) /Building Material Sales	S
Offices, Professional §7.24	S*
Personal Services (beauty shops, tailoring, massage therapy)§7.24	S*
Retail Sales Establishments §7.24	S*
Seasonal Sales/Transient Sales/Temporary Pop-Up Businesses (not more than 90 days) §7.26	P*
Taxidermy Shops	S
Communications	
Small Cell Wireless Facilities §7.16	S*
Television/Radio Broadcasting Stations (with or without storage yards) §7.9	S*
Wireless Communications Facilities with or without Support Structures (i.e. cell towers) §7.16	S*
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Public, charter or private schools (elementary through high school)	P
Religious Institutions & Customary Accessory Uses	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1
Human Care & Social Assistance	
Adult Day Care Facility (6 or less) in private home	S
Adult Day Care Facility (greater than 6) in private home	S
Adult Foster Care Family Homes (6 or less)	P
Adult Foster Care Small Group Home (7-12)	S
Adult Foster Care Large Group Home (13-20)	S
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home/Nursing Home/ Convalescent Home §7.10	S*
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	P
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal §3.12	P*
Extraction of Natural Resources	S
Medical Marijuana Primary Caregiver Facilities §7.18	P*
Planned Unit Developments §7.20	S*
Site Condominium Development §7.21	S*
Public Facilities	
Community Centers	P
Government Administrative Buildings	P
Police/Fire Stations	P
Residential Uses	
Accessory Dwelling Units/Guest Houses	P
Home Occupations §7.12	P*
Cottage Industries §7.12	S*
Manufactured Housing Community/Mobile Home Park §7.5	S*
Multiple-Family Dwelling Units (Apartments) §7.2	S*
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling	S
Temporary Dwellings	P
Two-Family Dwelling (duplex)	P
Transportation, Shipping & Storage	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Storage Facilities/Mini-Storage	P
Wholesale Businesses	P

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

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7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1
Utilities & Energy (continued)	
Essential Services §3.19	P*
Public Utility Facilities (with or without storage yards) §7.8	S*
Solar Energy Facility (Utility-Scale) §7.14	S*
Wind Turbines (over 5 kW) – On-Site (which supply power primarily on-site) §7.15	S*
Wind Energy Systems (5 kW or less) – On-Site (which supply power primarily on-site) §7.15	S*

C. Development Standards in the A-1 District.

1. Lot & Structure Standards

a. Lot Area	5 acres
b. Lot Width (min.)	150 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.)	Area: 720 sq ft of living area on the first floor. Width: A minimum core width of 14 ft is required. This requirement may be met with an integral expansion room originally manufactured as part of a mobile/ manufactured home, but may not be met by means of an on-site built addition. This requirement does not apply to a mobile/manufactured home located in a mobile home park/manufactured housing community.

2. Setbacks (Figure 4.4 a/b)

	Residential	Non-Residential
a. Front (min.)	40 ft	50 ft
b. Side (min.)	20 ft	20 ft
c. Rear (min.)	20 ft	20 ft
d. Waterfront	50 ft from the ordinary high water mark	50 ft from the ordinary high water mark

3. Additional Development Standards

a. Access	See §3.6
b. Accessory Buildings	See §3.12
c. Decks & Patios	See §4.3.C.7
d. Screening	When a non-residential use abuts a residential use within AG or a residential use or district outside of AG, screening is required per §3.15
e. Fences	See §3.14
f. Signs	See §3.27
g. Parking	See §3.26
h. Dwelling Standards	See §3.5

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<p>i. Permitted Accessory Uses</p>	<ol style="list-style-type: none"> (1) Accessory Buildings. (2) Farm buildings, with or without storage yards, when located a minimum of one hundred (100') feet from all property lines (unless pre-empted by GAAMPS). (3) Farm Markets or Roadside Stands provided that there shall be no more than one (1) stand for each premises. More than once (1) per premise may be approved by the Township Board. (4) Club houses and other similar structures accessory to the principal recreational use. (5) Outside storage of privately owned major operational or recreational equipment including or similar to farm equipment, campers, boats, travel trailers, snowmobiles etc. provided that said equipment shall be unoccupied. (See §3.9 for RVs) (6) Required parking areas in accordance with this Ordinance. (7) Any other accessory uses and structures which are similar to the above listed accessory uses and structures, and which are customarily incident to any of the principal uses and structures. (8) Temporary dwellings. See §3.10.
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Figure 4.4 a

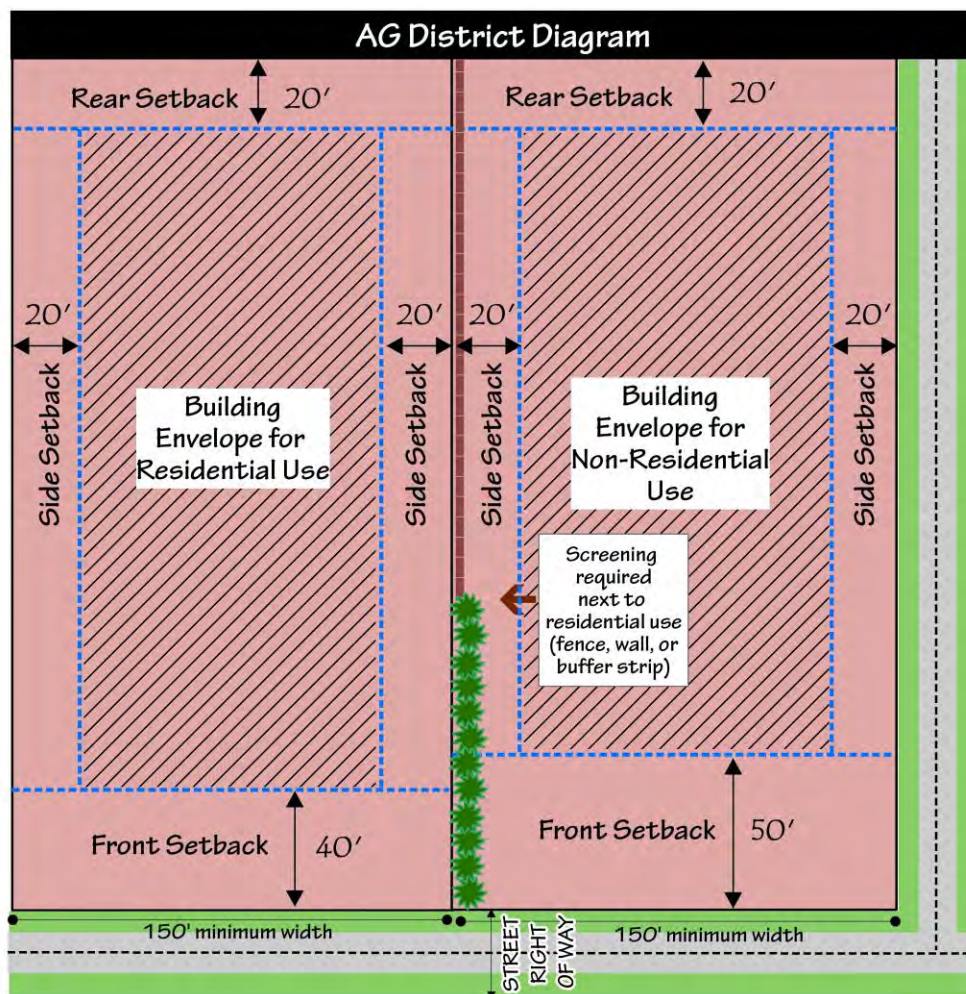
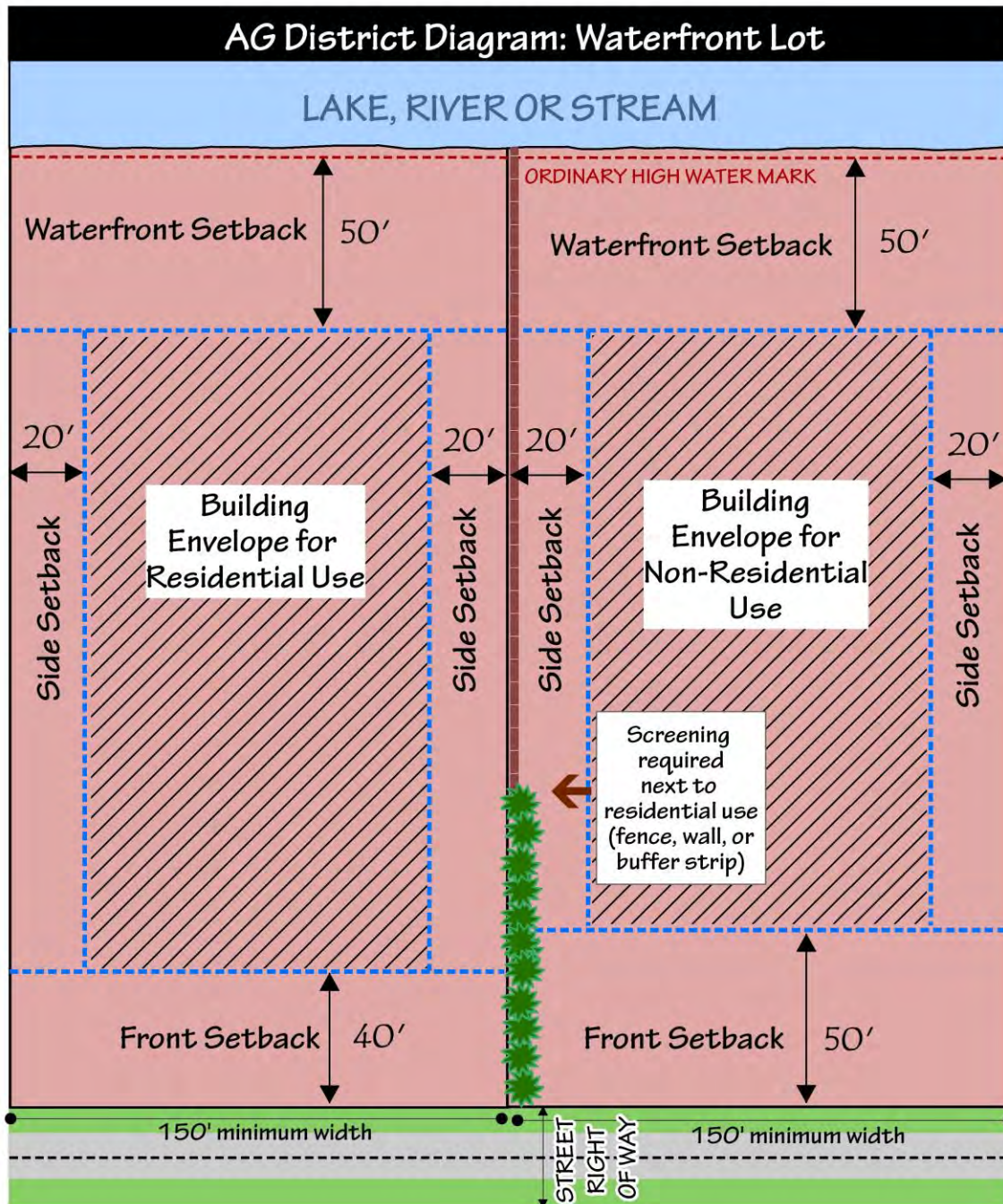


Figure 4.4 b



Section 4.5 R-1 – Residential District

R-1

A. Intent.

The R-1 District is established to provide areas of general residential development. Desired development includes single-family dwellings. Services, facilities, and uses incidental or accessory to residential development are included. Uses compatible with residential development including commercial uses, may be permitted, provided that they comply with all applicable regulations of this Ordinance.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.7](#) (Full Table of Permitted and Special Uses) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1
Accommodation & Food/Event Services	
Bars/Taverns §7.24	S*
Bed & Breakfasts & Tourist Homes	S
Cabin Courts (or Cabin Complex)	S
Restaurants §7.24	S*
Rooming Houses/Boarding Houses (limit of 2 boarders in R-1 as permitted use)	PS
Short Term Rental Homes §7.13	P*
Agriculture, Forest Products & Animal Services	
Greenhouse; Nursery; Landscaping Establishments	S
Arts, Entertainment & Recreation	
Campgrounds/Camps (Summer Camps) §7.6	S*
Canoe/Kayak Liveries	S
Clubs, Lodges, & Fraternal Organizations §7.3	S*
Recreational Areas, Public or Private (incl. parks, playgrounds, athletic areas, nature parks, beaches)	P
RV Parks §7.6	S*
Wildlife Preserves	S
Commercial, Services, & Retail	
Gas Stations §7.24	S*
Offices, Professional §7.24	S*
Personal Services (beauty shops, tailoring, massage) §7.24	S*
Retail Sales Establishments §7.24	S*
Seasonal Sales/Transient Sales/Temporary Pop-Up Businesses (not more than 90 days) §7.26	P*
Educational Services & Religion	
Public, charter or private schools (elementary - high school)	S
Religious Institutions & Customary Accessory Uses	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1
Human Care & Social Assistance (cont.)	
Adult Day Care Facility (6 or less adults) – in private home	S
Adult Day Care Facility (greater than 6 adults) – in private home	S
Adult Foster Care Family Homes (6 or less adults)	P
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings/Uses Incidental to Principal §3.12	P*
Extraction of Natural Resources	S
Medical Marijuana Primary Caregiver Facilities §7.18	P*
Planned Unit Developments §7.20	S*
Site Condominium Development §7.21	S*
Residential Uses	
Accessory Dwelling Units/Guest Houses	P
Home Occupations §7.12	P*
Cottage Industries §7.12	S*
Housing for the Elderly §7.4	S*
Manufactured Housing Community/Mobile Home Park §7.5	S*
Multiple-Family Dwelling Units (Apartments) §7.2	S*
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling	S
Temporary Dwellings	P
Two-Family Dwelling (duplex)	P

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-1
Utilities & Energy	
Essential Services §3.19	P*
Public Utility Facilities (with or without storage yards) §7.8	S*
Wind Turbines (over 5 kW) – On-Site (which supply power primarily on-site) §7.15	S*
Wind Energy Systems (5 kW or less) – On-Site (which supply power primarily on-site) §7.15	P*

C. Development Standards in the R-1 District.

1. Lot & Structure Standards

	Residential	Non-Residential
a. Lot Area	18,000 sq ft	5 acres
b. Lot Width (min.)	65 ft	150 ft
c. Building Height (max.)	35 ft	
d. Dwelling Unit Size (min.)	Area: 720 sq ft of living area on the first floor. Width: A minimum core width of 14 ft is required. This requirement may be met with an integral expansion room originally manufactured as part of a manufactured/mobile home, but may not be met by means of an on-site built addition. This requirement does not apply to a manufactured/mobile home located in a mobile home park/manufactured housing community.	

2. Setbacks (Figure 4.5 a/b)

	Residential	Non-Residential
a. Front (min.)	35 ft	40 ft
b. Side (min.)	10 ft	20 ft
c. Rear (min.)	10 ft	10 ft
d. Waterfront	50 ft from the ordinary high water mark	50 ft from the ordinary high water mark

3. Additional Development Standards

a. Access	See §3.6
b. Accessory Buildings	See §3.12
c. Decks & Patios	See §4.3.C.7
d. Screening	When a non-residential use abuts a residential use within AG or a residential use or district outside of AG, screening is required per §3.15
e. Fences	See §3.14
f. Signs	See §3.27
g. Parking	See §3.26
h. Dwelling Standards	See §3.5

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<p>i. Permitted Accessory Uses</p>	<ol style="list-style-type: none"> (1) Accessory Buildings. (2) Private swimming pools. (3) Playground equipment. (4) Clubhouses and other structures accessory to the principal recreational use. (5) The keeping of not more than two (2) roomers or boarders by a resident family. (6) Off-street parking areas in accordance with this Ordinance. (7) Any other accessory uses and structures which are similar to the above-listed accessory uses and structures, and which are customarily incident to any of the principal uses and structure. (8) Temporary dwellings. See §3.10. (9) Roadside Stands provided that there shall be no more than one (1) stand for each premises.
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Figure 4.5 a

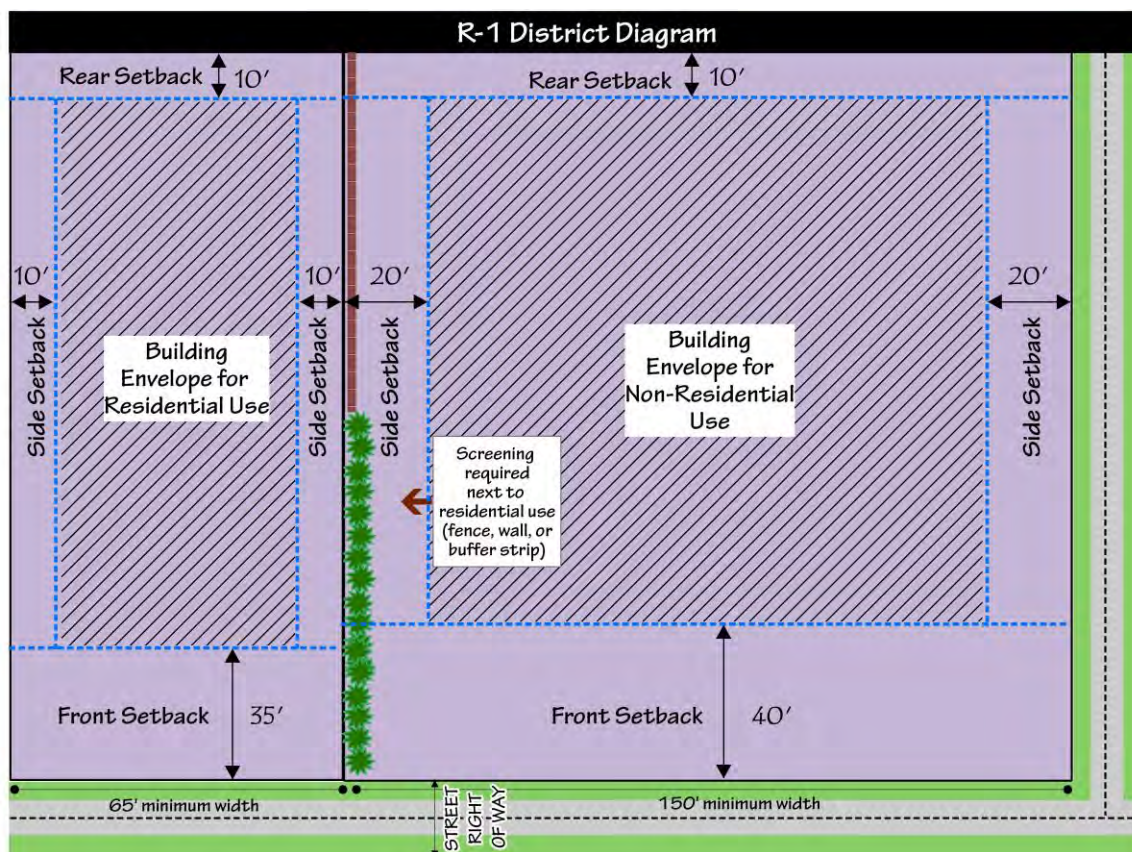
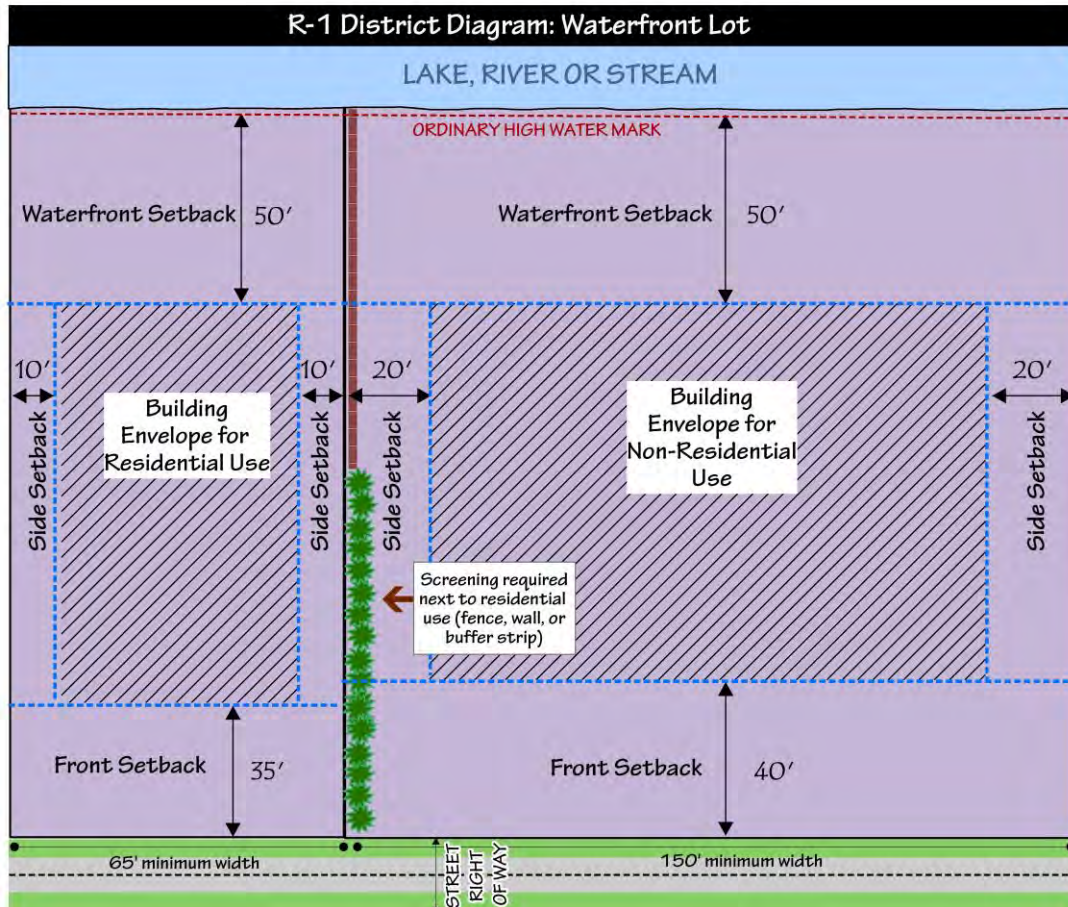


Figure 4.5 b



Section 4.6 C-1 – Commercial District

A. Intent.

C-1

The C-1 District is established to provide areas of general commercial development for uses which are of a retail or personal services nature. Preferred uses are those that are intended to serve the regular needs of the surrounding community. It is also intended that any uses permitted do not create a nuisance to the surrounding area by the emission of noise, fumes, smoke, vibrations, odors, or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.7](#) (Full Table of Permitted and Special Uses) and shall be subject to all applicable provisions of [Article 5: Plot Plan and Site Plan Review](#), [Article 6: Special Use Review](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Accommodation & Food/Event Services	
Bakeries, Confectioneries & Ice Cream Shops	P
Bars/Taverns	P
Cabin Courts (or Cabin Complex)	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.22	P*
Food Trucks §7.23	P*
Hotels & Motels (attached or detached units)	P
Inns (Lodging Units within Restaurant serving meals to the public)	P
Microbreweries & Distilleries (serving directly to the public)	S
Night Clubs	S
Resorts, Vacation Lodges, Vacation Farms	P
Restaurants	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	S
Agriculture, Forest Products & Animal Services	
Agricultural Tourism Businesses (on Farms)	S
Boarding Stables; Riding Arenas §7.11	P*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Agriculture, Forest Products & Animal Services (continued)	
Biofuel Production Facilities on Farms §7.17	PS*
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	P
Dog Grooming Establishments	P
Farming, Commercial	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Farm Market/Roadside stand	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P
Greenhouse; Nursery; Landscaping Establishments	P
Kennels §7.25	P*
Veterinary Clinic/Animal Hospital	P
Arts, Entertainment, & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use)	P
Art Galleries & Art Studios	P
Billiards Halls	P
Bowling Centers	P
Campgrounds/Camps (Summer Camps) §7.6	P*

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Arts, Entertainment, & Recreation (continued)	
Canoe/Kayak Liveries	S
Clubs, Lodges, & Fraternal Organizations	P
Country Clubs	P
Equipment Rental, Motorized (ORV, Snowmobile)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Firearms Store	P
Fitness & Recreational Sports (ex: health clubs, gym)	P
Golf Courses/ Golf Driving Ranges	P
Indoor Commercial Recreational Facility (amusement, ice skating, racquetball, etc)	P
Marinas (Public/private)	P
Museums	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters)	S
Recreational Areas, Public or Private (including parks, playgrounds, athletic areas, & nature parks, beaches)	P
RV Parks §7.6	P*
Shooting (Firearms) Ranges/Sportsmen's Association	S
Theaters/Performing Arts Facilities/Auditoriums	P
Tours (Commercial Operations)	P
Wildlife Preserves	P
Zoos (including Petting Zoos) & Animal Tours	S
Commercial, Services, & Retail	
Auto Repair; Auto Body/Paint/Interior & Glass	S
Automotive Oil Change	P
Automotive Tire Sales & Installation	P
Automobile Towing Businesses	P
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services & Computer Repair	P
Car Washes	P
Cash Advance Stores	P
Cleaning Services	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Commercial, Services, & Retail (continued)	
Commercial Equipment Repair & Maintenance	P
Crematoriums	P
Data Processing & Computer Centers	P
Drive-Through Establishments (other than restaurant)	P
Dry Cleaning & Laundry Services	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Film Production Facilities including sound stages & other related activities	P
Fix-It Shops	P
Flea Market	P
Funeral Homes & Mortuaries	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations	P
General Rental Centers	P
Health Spa	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured/Mobile Home Dealers	P
Marihuana Retailer or Provisioning Center (Medical Marihuana Provisioning Centers are only allowed if established in conjunction with an Adult Use Marihuana Retailer) (Amended 4/12/23; Effective 4/26/23) §7.27	S*
Movie Rental Stores	P
Offices, Professional	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment	P
Pawn Shops	P
Personal Services (beauty shops, tailoring, massage therapy)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Recording Studios	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Commercial, Services, & Retail (continued)	
Retail Sales Establishments	P
Seasonal Sales/Transient Sales/Temporary Pop-Up Businesses (not more than 90 days) §7.26	P*
Sexually Oriented Businesses §7.19	S*
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for dance, physical exercise & music	P
Taxidermy Shops	S
Tattoo & Body Piercing Studios	P
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Colleges/Universities	P
Institutions of Specialized Learning & Trade Schools	P
Public, charter or private schools (elementary through high school)	P
Religious Institutions & Customary Accessory Uses	P
Human Care & Social Assistance	
Adult Day Care Facility NOT IN PRIVATE HOME	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home §7.10	S*
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	P
Child Care Center/Nursery School (not in home)	P
Child Caring Institution	S
Health Care/Dental/Optical Clinics §7.10	P*
Hospitals	S
Rehabilitation Institutions	P
Residential Human Care & Treatment Facility (not in a residence)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses §3.12	P*
Extraction of Natural Resources	S
Medical Marijuana Primary Caregiver Facilities §7.18	P*
Planned Unit Developments §7.20	S*
Manufacturing & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, packaging & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.	S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker bldgs)	P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking	S
Machine Shops	S
Printing, Lithographic & Blueprinting	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations	S
Research/Design/Experimental Product Development (w/in enclosed building)	S
Sign Painting & Mfg	S
Tool & Die Shops	S
Waste Collection Facilities	S
Public Facilities	
Community Centers	P
Government Administrative Buildings	P
Police/Fire Stations	P
Residential Uses	
Dwelling Units in conjunction with a Commercial Establishment	P
Temporary Dwellings	P
Transportation, Shipping & Storage	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Distribution Centers/Freight Terminals/Trucking Facilities	S
Storage Facilities/Mini-Storage	P
Truck Rental Facilities	P

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TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Transportation, Shipping & Storage (cont.)	
Truck Repair	P
Truck Washes	P
Warehousing	S
Wholesale Businesses	P
Utilities & Energy	
Essential Services §3.19	P*
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (with or without storage yards) §7.8	P*
Solar Energy Facility (Utility-Scale) §7.14	S*
Wind Turbines (over 5 kW) – On-Site (which supply power primarily on-site) §7.15	S*
Wind Energy Systems (5 kW or less) – On-Site (which supply power primarily on-site) §7.15	P*

C. Development Standards in the C-1 District.

1. Lot & Structure Standards	
a. Lot Area	None (Sufficient to enable compliance with setback and building location Requirements)
b. Lot Width (min.)	None
c. Building Height (max.)	35 ft
2. Setbacks (Figure 4.6)	
a. Front (min.)	25 ft
b. Side (min.)	None If a side lot line abuts a lot or parcel in an R-1 District, there shall be a minimum side yard of 20 ft
c. Rear (min.)	None If a rear lot line abuts a lot or parcel in an R-1 District, there shall be a minimum rear yard of 100 ft
d. Waterfront	50 ft from the ordinary high water mark
3. Additional Development Standards	
a. Access	See §3.6
b. Accessory Buildings	See §3.12
c. Decks & Patios	See §4.3.C.7
d. Screening	When C-1 lot abuts a residential use or R-1 district, screening is required per §3.15
e. Fences	See §3.14
f. Signs	See §3.27. Signs may be located up to the front lot line.
g. Parking	See §3.26. Off-street parking may be located up to the front lot line.

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<p>h. Storage</p>	<p>(1) All outdoor storage areas shall be screened or fenced with a solid fence at least eight (8') feet high or enclosed with a dense evergreen growth at least eight (8') feet in height. Storage between the thoroughfare and such fence or screen is expressly prohibited.</p> <p>(2) All activities shall be confined within said enclosure, and no equipment or materials shall be used or stored outside of the fenced-in area. No stored goods or materials shall exceed the height of the screening or fencing.</p> <p>(3) Such use shall not be conducted within fifty (50') feet of any property line zoned within the Commercial District (C-1) nor within two hundred (200) feet of any property line not zoned within the Commercial District (C-1). Such use shall not be conducted within one hundred (100') feet of any public street or highway regardless of zoning districts of adjoining property</p> <p>(4) All areas enclosed within the fence shall be considered "in use."</p>
<p>i. Permitted Accessory Uses</p>	<p>(1) Signs, when announcing the product or service offered on that zoning lot</p> <p>(2) Storage buildings and storage yards.</p> <p>(3) Clubhouses and other facilities and structures accessory to the principal recreational use.</p> <p>(4) Any other accessory uses and structures which are similar to the above-listed accessory uses and structures and which are customarily incident to any of the principal uses and structures.</p>

Figure 4.6 a

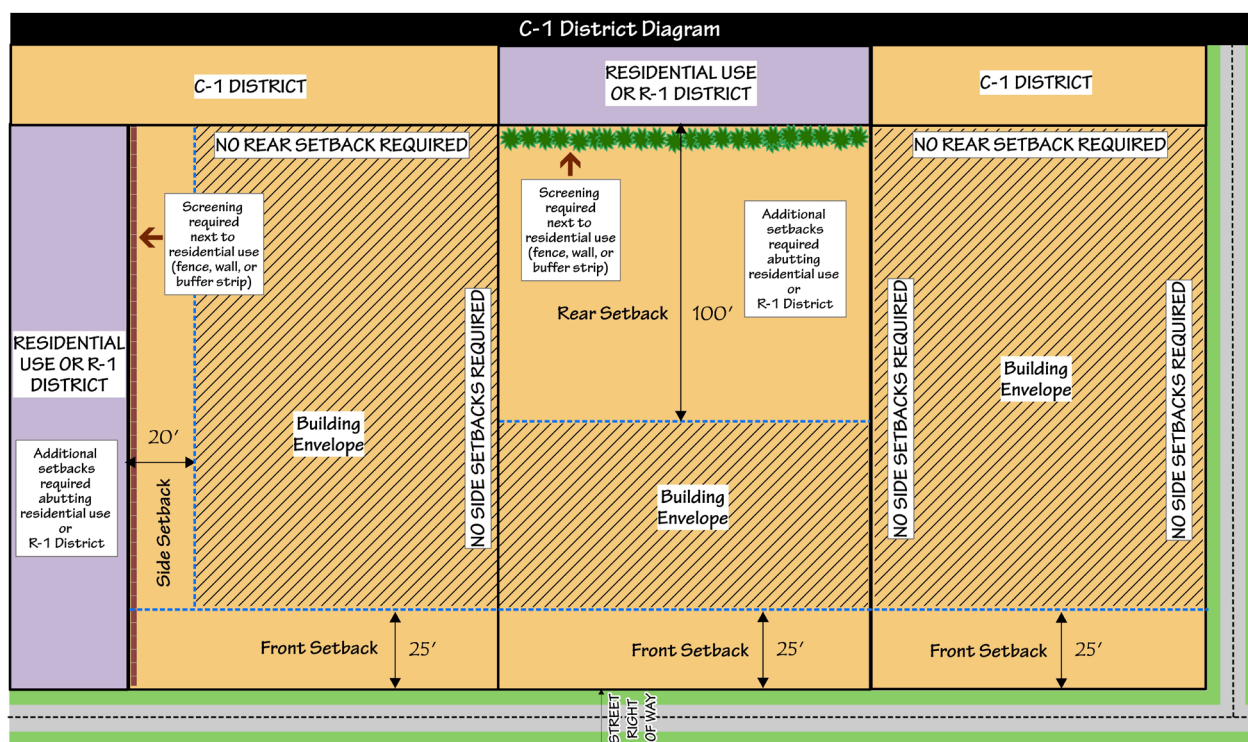
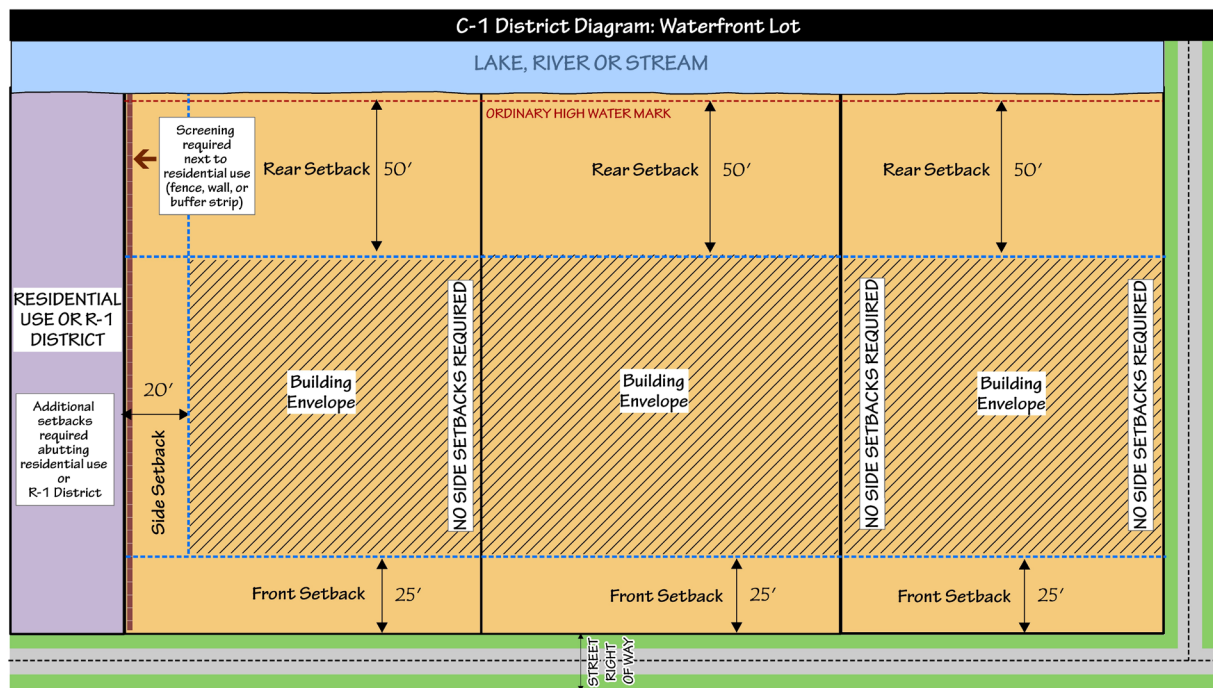


Figure 4.6 b



Section 4.7 Full Table of Permitted & Special Uses

Uses permitted in Clement Township are listed in **Table 4.7**. Uses denoted with a “P” are permitted by right with the appropriate zoning permit. Uses denoted with an “S” are Special Uses. If a use’s cell within the table is empty in a particular column, then the use is not permitted in that particular district. Uses denoted with an asterisk “*” have supplemental regulations found in **Article 7** or **Article 3**. The district columns use the same colors found on the zoning map for ease of reference (shown in the diagram below).

Clement Township Zoning Districts	
A-1	Agricultural District
R-1	Residential District
C-1	Commercial District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-23
Agriculture, Animal Services & Forest Products	4-24
Arts, Entertainment & Recreation	4-25
Commercial, Services & Retail	4-26
Communications	4-27
Construction & Contractors	4-27
Educational Services & Religion	4-27
Human Care & Social Assistance	4-28
Manufacturing & Waste Management	4-28
Miscellaneous	4-29
Public Facilities	4-29
Residential Uses	4-29
Transportation, Shipping & Storage	4-29
Utilities & Energy	4-29

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Accommodation & Food/Event Services			
Bakeries, Confectioneries & Ice Cream Shops			P
Bars/Taverns §7.24	S*	S*	P
Bed & Breakfasts & Tourist Homes	S	S	
Cabin Courts (or Cabin Complex)		S	P
Caterers/Food Service Contractors			P
Coffee Shops			P
Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.22	S*		P*
Food Trucks §7.23	S*		P*
Hotels & Motels (attached or detached units) §7.3	S*		P
Inns (Lodging Units within Restaurant serving meals to the public)	P		P
Microbreweries & Distilleries (serving directly to the public)	S		S
Night Clubs			S
Resorts, Vacation Lodges, Vacation Farms	S		P
Restaurants §7.24	S*	S*	P
Rooming Houses/Boarding Houses (limit of 2 boarders in R-1 as permitted use)	S	PS	
Short Term Rental Homes §7.13	P*	P*	
Wineries & Cider Mills (including accessory uses such as tasting rooms)	S		S

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Agriculture, Forest Products & Animal Services			
Agricultural Products Processing and Storage (excluding concentrated animal feeding operations)	S		
Animal Sales Yards/Auctions for Livestock	S		
Animal Shelter/Animal Rescue Facility	S		
Agricultural Tourism Businesses (on Farms)	S		S
Biofuel Production Facilities on Farms §7.17	PS*		PS*
Boarding Stables; Riding Arenas §7.11	P*		P*
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)	S		P
Dog Grooming Establishments	P		P
Farming, Commercial	P		P
Farming, Domestic	P		
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P		P
Farm Market/Roadside stand	P		P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	S		P
Game Preserves/Hunting Preserves	P		
Grain Elevators	P		
Greenhouse; Nursery; Landscaping Establishments	P	S	P
Kennels §7.25	P*		P*
Timber and tree products production only from trees harvested on premises provided that all related structures and fixed equipment shall be located a minimum of one hundred (100) feet from all property lines.	P		
Timber Product Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	S		
Veterinary Clinic/Animal Hospital	P		P

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Arts, Entertainment, & Recreation			
Amusement Arcades & Similar Indoor Recreation			P
Archery Ranges (& as accessory use)	P		P
Art Galleries & Art Studios	P		P
Billiards Halls			P
Bowling Centers			P
Campgrounds/Camps (Summer Camps) §7.6	S*	S*	P*
Canoe/Kayak Liveries	S	S	S
Clubs, Lodges, & Fraternal Organizations §7.3	S*	S*	P
Country Clubs	S		P
Equipment Rental, Motorized (ORV, Snowmobile)			P
Equipment Rental, Non-Motorized (Outfitter)			P
Firearms Store			P
Fitness & Recreational Sports (ex: health clubs, gym)			P
Golf Courses/ Golf Driving Ranges	P		P
Indoor Commercial Recreational Facility (amusement, ice skating, racquetball, etc)			P
Marinas (Public/private)			P
Museums			P
Outdoor Performance Facilities	S		S
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters)			S
Recreational Areas, Public or Private (including parks, playgrounds, athletic areas, & nature parks, beaches)	P	P	P
RV Parks §7.6	S*	S*	P*
Shooting (Firearms) Ranges/Sportsmen's Association	S		S
Theaters/Performing Arts Facilities/Auditoriums	P		P
Tours (Commercial Operations)			P
Wildlife Preserves	S	S	
Zoos (including Petting Zoos) & Animal Tours	S		S

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit
*supplemental development regulations

	A-1	R-1	C-1
Commercial, Services, & Retail			
Auto Repair; Auto Body/Paint/Interior & Glass			S
Automotive Oil Change			P
Automotive Tire Sales & Installation			P
Automobile Towing Businesses			P
Banks/Financial Institutions			P
Boat/RV/Recreational Equipment Repair & Storage	S		P
Building & Garden Equipment & Supplies Dealers	S		P
Business Incubator (Food Incubator listed under Manufacturing)			P
Business Services & Computer Repair			P
Car Washes			P
Cash Advance Stores			P
Cleaning Services			P
Commercial Equipment Repair & Maintenance			P
Crematoriums			P
Data Processing & Computer Centers			P
Drive-Through Establishments (other than restaurant)			P
Dry Cleaning & Laundry Services			P
Electronic & Precision Equipment Repair & Maintenance			P
Equipment Rental & Sales			P
Extermination & Pest Control Services			P
Film Production Facilities including sound stages & other related activities			P
Fix-It Shops			P
Flea Market	S		P
Funeral Homes & Mortuaries			P
Furniture Refinishing (Upholsterers)/Furniture Repair			P
Gas Stations §7.24	S*	S*	P
General Rental Centers	S		P
Health Spa			P
Interior Designers/Showrooms			P
Laboratories, Medical/Dental			P
Locksmiths			P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	S		P
Manufactured/Mobile Home Dealers			P
Marihuana Retailer or Provisioning Center (Medical Marihuana Provisioning Centers are only allowed if established in conjunction with an Adult Use Marihuana Retailer) (Amended 4/12/23; Effective 4/26/23) §7.27			S*
Movie Rental Stores			P

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Commercial, Services, & Retail (cont.)			
Offices, Professional §7.24	S*	S*	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment			P
Pawn Shops			P
Personal Services (beauty shops, tailoring, massage therapy) §7.24	S*	S*	P
Photofinishing/Photographers			P
Printing/Binding/Publishing of Print Material			P
Recording Studios			P
Retail Sales Establishments §7.24	S*	S*	P
Seasonal Sales/Transient Sales/Temporary Pop-Up Businesses (not more than 90 days) §7.26	P*	P*	P*
Sexually Oriented Businesses §7.19			S*
Small Engine Repair			P
Small-Scale Craft Making			P
Studios for dance, physical exercise & music			P
Taxidermy Shops	S		S
Tattoo & Body Piercing Studios			P
Communications			
Small Cell Wireless Facilities §7.16	S*		
Television/Radio Broadcasting Stations (with or without storage yards) §7.9	S*		
Wireless Communications Facilities with or without Support Structures (i.e. cell towers) §7.16	S*		
Construction & Contractors			
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P		P
Special Trade Contractors Offices & Showrooms w/ outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P		P
Educational Services & Religion			
Colleges/Universities			P
Institutions of Specialized Learning & Trade Schools			P
Public, charter or private schools (elementary through high school)	P	P	P
Religious Institutions & Customary Accessory Uses	P	P	P

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Human Care & Social Assistance			
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	S	S	
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S	S	
Adult Day Care Facility NOT IN PRIVATE HOME			P
Adult Foster Care Family Homes (6 or less adults)	P	P	
Adult Foster Care Small Group Home (7-12 adults)	S		S
Adult Foster Care Large Group Home (13-20 adults)	S		S
Adult Foster Care Congregate Facilities (over 20 adults)	S		S
Assisted Living Home/Nursing Home/Convalescent Home §7.10	S*		S*
Charitable Institution (ex: soup kitchen); Non-Profit Organizations			P
Child Care Home, Family (6 or less)	P	P	
Child Care Home, Group (7 -12)	S	S	
Child Care Center/Nursery School (not in home)	P		P
Child Caring Institution			S
Health Care/Dental/Optical Clinics §7.10			P*
Hospitals			S
Rehabilitation Institutions			P
Residential Human Care & Treatment Facility (not in a residence)			S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	
Manufacturing & Waste Management			
Manufacturing, Light – including the production, processing, cleaning, testing, packaging & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, & vibration.			S
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker bldgs)			P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards			S
Machine Shops			S
Printing, Lithographic & Blueprinting			S
Recycling facilities/Resource Recovery Facilities/Transfer Stations			S
Research/Design/Experimental Product Development (w/in enclosed building)			S
Sign Painting & Mfg			S
Tool & Die Shops			S
Waste Collection Facilities			S

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Table 4.7: Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	A-1	R-1	C-1
Miscellaneous			
Accessory Buildings & Uses Incidental to Principal Uses §3.12	P*	P*	P*
Extraction of Natural Resources	S	S	S
Medical Marijuana Primary Caregiver Facilities §7.18	P*	P*	P*
Planned Unit Developments §7.20	S*	S*	S*
Site Condominium Development §7.21	S*	S*	
Public Facilities			
Community Centers	P		P
Government Administrative Buildings	P		P
Police/Fire Stations	P		P
Residential Uses			
Accessory Dwelling Units/Guest Houses	P	P	
Dwelling Units in conjunction with a Commercial Establishment			P
Home Occupations §7.12	P*	P*	
Cottage Industries §7.12	S*	S*	
Housing for the Elderly §7.4		S*	
Manufactured Housing Community/Mobile Home Park §7.5	S*	S*	
Multiple-Family Dwelling Units (Apartments) §7.2	S*	S*	
Single-Family Detached Dwelling	P	P	
Single-Family Attached Dwelling	S	S	
Temporary Dwellings	P	P	P
Two-Family Dwelling (duplex)	P	P	
Transportation, Shipping & Storage			
Airports, Aviation Support Services, Heliports & Landing Fields	S		
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments			P
Drone (Unmanned Aerial) Centers			P
Distribution Centers/Freight Terminals/Trucking Facilities			S
Storage Facilities/Mini-Storage	P		P
Truck Rental Facilities			P
Truck Repair			P
Truck Washes			P
Warehousing			S
Wholesale Businesses	P		P
Utilities & Energy			
Essential Services §3.19	P*	P*	P*
Propane Distributor/Propane Supply Facilities			P
Public Utility Facilities (with or without storage yards) §7.8	S*	S*	P*
Solar Energy Facility (Utility-Scale) §7.14	S*		S*
Wind Turbines (over 5 kW) – On-Site (which supply power primarily on-site) §7.15	S*	S*	S*
Wind Energy Systems (5 kW or less) – On-Site (which supply power primarily on-site) §7.15	P*	P*	P*

Article 5

Plot Plan & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.1	Purpose & Approval Summary Table	5-1	5.5	Site Plan Review Standards	5-8
5.2	Plot Plans	5-2	5.6	Site Plan Amendments	5-10
5.3	Site Plan Review Procedures	5-3	5.7	Revocation of a Site Plan	5-12
5.4	Site Plan Data Required	5-6	5.8	Expiration of a Site Plan	5-12

Section 5.1 Purpose & Approval Summary Table

The purpose of this Article is to specify the documents/drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as it was promised by the developer. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Table 5.1: Approval Summary Table

Type of Use	Required	Approving Body
1. Single-family detached dwellings, two-family dwellings	Plot Plan	Reviewed & approved by ZA
2. Attached single-family dwellings & multiple-family dwellings units	Site Plan	Reviewed & approved by TB
3. Home occupations (§7.12)	N/A	No permit required. See §7.12 .
4. Cottage industries (§7.12)	*	Reviewed & approved by TB as Special Use
5. Accessory dwelling units	Plot Plan	Reviewed & approved by ZA
6. Dwelling Units in conjunction with commercial establishments	Site Plan	Reviewed & approved by TB
7. Special uses (Article 6)	Site Plan	Reviewed & approved by TB - public hearing
8. Parking lots (§3.26)	Site Plan	Reviewed & approved by TB
9. Change of use	N/A	ZA determines if review is needed based on structural & parking changes, & other info
10. Accessory structures for single- & two-family dwellings (§3.12)	Plot Plan	Reviewed & approved by ZA
11. Accessory structures for commercial, industrial, & institutional buildings (see §3.12)	Plot Plan	Reviewed & approved by ZA (ZA may refer to TB)
12. Fences (§3.14) & signs (§3.27)	N/A	Reviewed & approved by ZA
13. New commercial, industrial, utility, & institutional structures/uses.	Site Plan	Reviewed & approved by TB
14. Expansion/renovation of existing use, other than single- and 2-family dwellings, which increases the existing floor space more than 25%.	Site Plan	Reviewed & approved by TB (25% or less, ZA approval)
15. Planned unit developments (§7.20) & site condominiums (§7.21)	Site Plan	Reviewed & approved by TB - public hearing
16. Private roads (§3.25)	Site Plan	Reviewed & approved by TB
17. Temporary dwellings (§3.10)	Plot Plan	Reviewed & approved by ZA
18. Food trucks (§7.23)	Plot Plan	Reviewed & approved by ZA & TB
19. Seasonal use sales	Plot Plan	Reviewed & approved by ZA
20. State-licensed residential facility/adult foster care family home (6 or less adults)	N/A	No approval needed
21. Wind turbines & accessory solar panels	Plot Plan	Reviewed & approved by ZA
TB = Township Board (Township Board issues final decision after Planning Commission review)		
ZA = Zoning Administrator *ZA determines level of plan needed based on proposed use.		

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Section 5.2 Plot Plans

A. Plot Plan Submittal Requirements.

Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure, a plot plan shall be submitted with all applications for Zoning Permits for the uses requiring a plot plan listed in [Table 5.1](#). The plot plan requirement shall not apply to alterations inside a building or structure if no change is made in foundation or in outside perimeter. The plot plan shall contain the items listed in [Table 5.2](#) unless specifically waived by the Zoning Administrator.

Table 5.2 Plot Plan Requirements

1. Location	Address or legal/tax description of the property where the proposed use will occur.
2. Contact information	Name, address, telephone number, and email (if available) of the property owner(s) and developer(s). Signature of all property owners.
3. Setbacks	Location of required setbacks of the zoning district.
4. Property Lines	The shape, location and dimensions of the parcel. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. The scale, north arrow, and date.
5. Access	The location and configuration of the lot access and driveway.
6. Structures	The location (setbacks), shape, dimensions, type, and height of all existing and proposed improvements including structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
7. Type of Use	The existing and intended use of the lot and of all such structures.
8. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over ten (10%) percent, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
9. Rights-of-Way and Easements	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
10. Survey	Boundary survey <u>may</u> be required by the Zoning Administrator.
11. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

B. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval chart in [Section 5.1](#) after an application has been submitted and applicable fees have been paid.

1. **Plot Plans that are Reviewed and Approved by the Zoning Administrator.** The Zoning Administrator will issue a zoning permit pursuant to [Section 9.2](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.
2. **Plot Plans that are Reviewed and Approved by the Township Board.** Applicants shall follow the Site Plan Review Procedures in [Section 5.3](#).

Section 5.3 Site Plan Review Procedures

Site plans give the Planning Commission and Township Board an opportunity to review development proposals in a concise and consistent manner. The use of a site plan insures that physical changes on the property meet with local approval and that building actually occurs as it was promised by the developer. Site plan review by the Planning Commission and Township Board shall be required for all uses listed as requiring a site plan review in [Table 5.1](#).

A. Site Plan Pre-Application Meeting.

The Zoning Administrator alone or in conjunction with the Planning Commission Chair and/or members of the Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission and Township Board.

Except for Planned Unit Developments, this conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission and Township Board to make a proper review.

B. Submittal Procedures.

Ten (10) copies of the proposed site plan containing the data listed in [Section 5.4](#), including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or their designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. A digital copy of the site plan may be required.

C. Fees.

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Application fees pursuant to currently adopted fee schedule shall be paid when the site plan is submitted.

D. Review for Completeness by the Zoning Administrator.

The Zoning Administrator shall review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator shall send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the site plan is being submitted as part of a Special Use, notice of said meeting shall be in conformance with [Section 9.7](#) and the procedures of [Section 6.3](#) shall be followed.

E. Coordination with Other Agencies/Departments.

The Zoning Administrator may distribute the application materials to the following for comment or recommendation prior to consideration for approval:

1. The [Gladwin County Soil Erosion and Sedimentation Control Officer](#).
2. The [Gladwin County Drain Commissioner](#).
3. The [Gladwin County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#).
4. [Central Michigan District Health Department](#).
5. Local police, fire, and ambulance service providers.
6. Planning consultant.
7. Other agencies as deemed appropriate.

F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the application shall be required to obtain the approval of the Zoning Board of Appeals prior to review by the Planning Commission.

G. Representation at Meeting.

If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

H. Planning Commission Action.

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After an application is deemed complete and is forwarded to the Planning Commission, the Planning Commission shall review the application at the next scheduled meeting. The site plan shall be reviewed in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in [Section 5.5](#), any applicable standards contained in [Article 7](#) (Supplemental Regulations), and any other application sections of this Ordinance. After site plan review, the Planning Commission shall make a recommendation to the Township board for approval, approval with conditions/modifications, or denial.

I. Township Board Action.

1. **Decision.** Within sixty (60) days of receiving a recommendation from the Planning Commission, the Township Board shall approve, disapprove, or approve with modifications/conditions, the site plan in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in [Section 5.5](#), any applicable standards contained in [Article 7 \(Supplemental Regulations\)](#), and any other application sections of this Ordinance. If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant, by the Zoning Administrator, within ten (10) days after such action.
2. **Findings of Fact.** The decision of the Township Board shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
3. **Conditions.** Any conditions or modifications desired by the Township Board shall be recorded in the minutes of the appropriate Township Board meeting. Conditions shall only be issued pursuant to [Section 9.8](#).
4. **Signed Copies.** Upon approval of the site plan, two (2) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant and one (1) copy shall be made part of the Township's permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed site plan on file.
5. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure completion of improvements associated with the project as per [Section 9.4](#).

Section 5.4 Site Plan Data Required

Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Zoning Administrator or Planning Commission:

Table 5.4: Site Plan Requirements

A. General Information

1. Name, address, and contact information of property owner and developer.
2. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
3. A locational sketch of the proposed use or structure.
4. Gross acreage of development and total usable floor area.
5. Anticipated hours of operation for the proposed use. The Planning and Zoning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

B. Map Information

1. Date, north arrow.
2. Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres.
3. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, adjacent properties and their uses.

C. Lot Lines & Right of Way

1. Existing and proposed boundary lines of the property to include all dimensions and legal description.
2. The location and width of all abutting right-of-ways.

D. Development Features

1. Proposed Features. The location of all existing and proposed structures on the site, including common use areas and recreational areas and facilities.
2. Nearby Structures. The location and identification of all existing structures within a 200 foot radius of the site.
3. Vehicular and Pedestrian Circulation. The proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
4. Parking. The location, size and number of parking spaces in the off-street parking area and the identification of service lanes.
5. Loading and Unloading Areas. The proposed location and size of all loading and unloading areas.
6. Landscaping. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.

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7. Waste. The location of all storage and disposal facilities including location of dumpsters.
8. Lighting and Signs. The location of all proposed exterior lighting and signs, including size and type.
9. Hazardous Materials. Information on the storage and use of hazardous materials and the disposal of hazardous waste.
10. Storage. Outdoor storage areas and snow storage areas.
11. Utilities. The type, location and size of all existing and proposed utilities.
12. Drainage. The location, size and slope of all surface and subsurface drainage facilities.

E. Natural Features

1. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas or any other unusual environmental features.
2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is 10% or greater, contours shall be shown at intervals of 2 feet or less.

F. Cross-Sections/Floor Plans/Density

Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:

1. The number of units proposed, by type, including a typical floor plan for each type of unit.
2. The area of the proposed units in square feet, as well as area dimensions of driveways/staging areas.
3. Typical elevation drawings of the front and rear of each building.
4. Residential density schedule showing the number of dwelling units per net acre, unit type, unit size, and number of each unit type.

G. Other

Other information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

Section 5.5 Site Plan Review Standards

- A. In reviewing the site plan, the Planning Commission/Township Board shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission/Township Board shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below unless the Planning Commission/Township Board waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.
1. **Ingress/Egress.** The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, shall be safe and efficient. Where possible, shared commercial access drives shall be encouraged.
 2. **Circulation.** The traffic circulation features within the site and location of automobile parking areas shall be safe and efficient.
 - a. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets, shall be assured.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods shall be assured.
 - c. Vehicular and pedestrian circulation shall be well-defined.
 3. **Utilities and Drainage.** The sewage disposal facilities, water supply facilities, stormwater drainage, fire protection, and other utility provisions shall be safe and adequate.
 4. **Adjacent Uses.**
 - a. The location, use and the nature of the operation shall not be in conflict with the primary permitted uses of the district or neighborhood.
 - b. The use shall not be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.
 - c. The use shall not discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

5. **Privacy.** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
6. **Emergency Vehicle Access.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
7. **Preservation of Natural Landscape.** The natural landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas.
8. **Snow Storage.** Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.
9. **Landscaping.** Landscaping, including grass, trees, shrubs and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area. The use of native plant species is encouraged.
10. **Outside Storage.** Outside storage areas, including areas for storage of trash which face or are visible from residential districts or use or the public right-of-way, shall be screened.
11. **Groundwater and Hazardous Substances.** The following standards shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands. These standards may not be applicable to every use.
 - a. Storm water detention, retention, transport, and drainage facilities shall be are adequate. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the [Gladwin County Drain Commissioner](#).
 - b. General purpose floor drains shall be in accordance with State and County requirements, unless a groundwater discharge permit has been obtained from the [State of Michigan](#).
 - c. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
 - d. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with State and Federal requirements.
 - e. Underground and aboveground storage tanks (abandoned or in use) shall be registered, installed, operated, maintained, closed and removed in accordance with [State of Michigan](#) regulations.

- f. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the [State of Michigan](#).
- g. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the [State of Michigan](#) and the [District Health Department](#).
- h. State and Federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste, or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from State, County, and local agencies.

B. Conformity to Site Plan Required.

Following approval of a site plan by the Township Board, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed.

Section 5.6 Site Plan Amendments

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any requested changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their recommendation to the Township Board. Requested changes shall not violate the regulations contained within this Ordinance.

A. Determination of Minor Changes to a Site Plan.

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25%) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25%) percent.
3. Movement of a building or buildings by no more than ten (10) feet.
4. Reduction of the size of any building and/or sign.

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5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10%) percent or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the Township or other State or Federal regulatory agencies in order to conform with other laws or regulations provided the extent of such changes does not alter the basic design and character of the site plan nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

B. Revised Site Plan with Minor Changes.

After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

C. Amendment to Site Plan – Major.

1. For amendments to site plans that do not qualify as a minor amendment or which require Township Board action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Township Board has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

Section 5.7 Revocation of a Site Plan

A. Revocation.

When the construction of a building or creation of a use is found to be in noncompliance with the approved site plan, the Zoning Administrator may revoke the site plan approval by giving the owner evidence in writing of such action. After such notice is received by the property owner, the use and/or construction shall cease immediately. The property owner then has ten (10) days from the receipt of such notice to remedy the situation. The property owner shall notify the Zoning Administrator when the situation is remedied. If the Zoning Administrator finds the project in compliance with the approved site plan, he/she shall re-instate the permit.

B. Appeal of Revocation.

The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within forty-five (45) days of the notice to the owner of such revocation action.

Section 5.8 Expiration of a Site Plan

Any approved site plan shall become invalid if the authorized work is not commenced within eighteen (18) months after the zoning permit is issued or if the authorized work is suspended or abandoned for a period of eighteen (18) months after time of commencing the work. Thirty (30) days prior to expiration of an approved site plan, an applicant may make application to the Zoning Administrator for a one (1) year extension of the site plan approval. The Zoning Administrator shall grant the requested extension for this additional one (1) year if he/she finds good cause for the extension.

Article 6

Special Use Review

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6.2	General Provisions	6-1
6.3	Special Use Review Procedures	6-1
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Section 6.1 Intent

Special Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Uses. Special Uses shall be subject to all general provisions and [Article 7](#) (Supplemental Regulations) of this Ordinance as well as to the provisions of the zoning district ([Article 4](#)) where it is located. Each use shall be considered on an individual basis.

Section 6.2 General Provisions

- A. Only uses which have been designated as Special Uses in each respective zoning district shall be considered for approval as Special Uses. Special Uses are designated with an "S" in [Section 4.7](#) (Full Table of Permitted and Special Uses and also within each District Table of Permitted and Special Uses).
- B. All uses of land or structures which are designated as Special Uses in this Ordinance shall require the granting of a Special Use Permit in accordance with the procedures of [Section 6.3](#) prior to the issuance of a Zoning Permit.

Section 6.3 Special Use Review Procedures

A. Application Submittal.

1. **Initiation of Request for Special Use.** Any person owning or having an interest in property in the Clement Township may initiate a request to operate a Special Use in Clement Township by submitting an application for a Special Use Permit.

2. **Application.** An application for a Special Use Permit shall be filed with the Zoning Administrator on a prescribed form along with the required fee. The application shall be accompanied by plans, drawings, or other data furnished by the applicant. Such plans, data, and statement shall indicate, in necessary detail, the type of use, size, location, and estimated time until occupancy of the proposed use.
3. **Timing of Application.** Special Use applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the Special Use will be reviewed. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least forty-five (45) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.
4. **Plot Plan or Site Plan Required.** In addition to a complete application form, the applicant is required to submit a plot plan in accordance with [Section 5.2](#) or a site plan prepared in accordance with [Section 5.4](#). [Table 5.1](#) indicates which type of plan is required. The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use. The Zoning Administrator may require that the applicant furnish any engineering or architectural drawings, specifications, operating plans, or any other reasonable data or information deemed necessary to completely clarify the proposed Special Use. For Special Uses which require a plot plan or site plan, ten (10) copies of such plan shall be submitted with the application. A digital copy of the site plan may be required.

B. Internal Review of Application.

1. **Review of Application by Zoning Administrator.** The Zoning Administrator shall review the application and supporting documents and indicate, by endorsement, that the application is complete. If the application is incomplete, the Zoning Administrator shall send a notice with a detailed list of all deficiencies to the applicant. Once the submitted materials are deemed by the Zoning Administrator to be complete, the application is then forwarded to the Planning Commission for review and recommendation to the Township Board.
2. **Coordination with Other Agencies.** The Zoning Administrator may distribute the application materials to the following for comment or recommendation prior to consideration for approval:
 - a. The [Gladwin County Soil Erosion and Sedimentation Control Officer](#).
 - b. The [Gladwin County Drain Commissioner](#).
 - c. The [Gladwin County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#).
 - d. [Central Michigan District Health Department](#).

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- e. Local police, fire and ambulance service providers.
- f. Planning consultant.
- g. Other agencies as deemed appropriate.

C. Planning Commission Review.

1. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the application shall be required to obtain the approval of the Zoning Board of Appeals prior to review by the Planning Commission.
2. **Review and Hearing by Planning Commission.** Upon receipt, in proper form, of the Special Use application, the Planning Commission shall review said application to ensure that all conditions of this Article have been complied with including the Special Use review standards in [Section 6.4](#). The Planning Commission shall hold at least one (1) public hearing on each application for a Special Use Permit. Notice of the public hearing shall be provided pursuant to [Section 9.7](#).
3. **Representation at Meeting.** If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.
4. **Review and Recommendation by Planning Commission.** Following the Public Hearing on the Special Use request, the Planning Commission, based on its review of the request and considering all requirements necessary for the approval of the Special Use request shall make a recommendation to the Township Board for approval, approval with conditions/modifications, or denial.

D. Township Board Action.

1. Within sixty (60) days of receiving a recommendation from the Planning Commission, the Township Board, may deny, approve, or approve with conditions/modifications the request for the Special Use approval. The decision on a Special Use shall be incorporated in a statement of conclusions relative to the Special Use under consideration. The statement shall specify the basis for the decision and any conditions imposed pursuant to [Section 9.8](#). Approval of a request for a Special Use Permit shall not be granted if the Township Board finds that such Special Use would fail to comply with any of the requirements of this Ordinance.
2. **Signed Copies.** If a plot plan or site plan is required, upon approval of the plan, two (2) copies of the plot plan or site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant and one (1) copy shall be made part of the Township's permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved plot plan or site plan shall be provided by the applicant. The Zoning Administrator shall not issue a zoning permit until he/she has an approved and signed plot plan or site plan on file.

Section 6.4 Special Use Standards

A request for the approval of a Special Use Permit may be approved, provided that the following conditions are assured:

A. Compliance with Other Regulations.

1. The proposed use will comply with all special regulations as specified in [Article 7](#) as well as complying with all appropriate regulations applicable to the district.
2. The proposed use will comply with all applicable laws, ordinances and regulations of Clement Township, Gladwin County, and the State of Michigan.

B. The proposed use is in harmony with the purpose and intent of this Ordinance.

C. Compatibility with Adjacent Uses.

1. The proposed use will not adversely affect the health and safety of the public and the workers and residents of the area.
2. The proposed use will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
3. The proposed use will not be objectionable or detrimental to adjacent and nearby properties by reason of traffic, vehicle parking, hours of operation, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, lights, or disposal of waste and sewage.

D. Transportation System.

1. The location and design of the proposed Special Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
2. The proposed Special Use shall not cause traffic congestion, conflict, or movement in significantly greater proportion to that normally prevailing for the use in the particular zoning district.

E. Natural Resources.

The proposed Special Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds,

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streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

F. Economic Well-Being of the Community.

The proposed Special Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs.

G. Public Services.

1. The proposed Special Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Use will be adequately served by public or private streets, water and sewer or septic facilities, and refuse collection and disposal services.

Section 6.5 Amendment to a Special Use Permit

Minor amendments to a previously approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.6](#). Amendments which do not fall under [Section 5.6](#) shall be processed in the same manner as a new Special Use.

Section 6.6 Inspection of a Special Use

The Zoning Administrator or other authorized Township official shall have the right to inspect any Special Use to ensure continued compliance with the conditions of the Special Use and this Ordinance.

Section 6.7 Expiration, Abandonment & Revocation of a Special Use Permit

A. Expiration of Special Use Permit.

In any case where a Special Use has not been established within eighteen (18) months after the granting or approval of the Special Use Permit, then without further action by the Township Board, the Special Use Permit shall become null & void and the zoning permit shall be canceled. Thirty (30) days prior to expiration of an approved Special Use permit, an applicant may make application to the Zoning Administrator for a one (1) year extension of the Special Use permit. The Zoning Administrator may grant the requested extension for this additional one (1) year if he/she finds good cause for the extension.

B. Special Use that has been Replaced or Superseded.

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The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

C. Abandonment of Special Use.

The Special Use permit shall expire if the Special Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Use.

D. Special Use and Transfer or Sale of Property.

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).

E. Special Use Revocation.

1. When a Special Use is found to be in noncompliance with its approval or in violation of any Section of this Ordinance, the Zoning Administrator may revoke the Special Use permit by giving the owner evidence in writing of such action. After such notice is received by the property owner, the use shall cease immediately. The property owner then has ten (10) days from the receipt of such notice to remedy the situation. The property owner shall notify the Zoning Administrator when the situation is remedied. If the Zoning Administrator finds the project in compliance with the original approval, he/she shall re-instate the permit.
2. The decision of the Zoning Administrator may be appealed by the owner to the Zoning Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within forty-five (45) days of the notice to the owner of such revocation action.
3. The Zoning Administrator may revoke a Special Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his/her agent.

Article 7

Supplemental Regulations

Sec	Name	Pg	Sec	Name	Pg
7.1	Purpose	7-1	7.15	Wind Turbines	7-11
7.2	Multiple-Family Dwellings	7-1	7.16	Wireless Communications	7-13
7.3	Hotels/Motels & Clubs/Lodges/ Fraternal Organizations	7-2	7.17	Biofuel Production Facilities on Farms	7-19
7.4	Housing for the Elderly	7-3	7.18	Medical Marijuana Primary Caregiver Facilities	7-21
7.5	Manufactured Housing Communities/Mobile Home Parks	7-3	7.19	Sexually-Oriented Businesses	7-23
7.6	Campgrounds & RV Parks	7-3	7.20	Planned Unit Developments	7-26
7.7	Sanitary Landfills	7-3	7.21	Site Condominium Developments	7-30
7.8	Public Utility Facilities	7-4	7.22	Commercial Event Facilities	7-32
7.9	Radio or Television Stations	7-4	7.23	Food Trucks	7-34
7.10	Clinics & Convalescent Homes	7-5	7.24	Retail Sales Establishments & Personal Services Establishments - A-1, R-1 Districts	7-35
7.11	Riding Stables in R-1 (non- commercial)	7-5	7.25	Kennels	7-35
7.12	Home Occupations & Cottage Industries	7-6	7.26	Seasonal Use Sales/Temporary Pop-Up Businesses	7-36
7.13	Short Term Rental Homes	7-8	7.27	Marihuana Facilities	7-36
7.14	Solar Energy	7-10			

Section 7.1 Purpose

The uses contained within this Article shall comply with the specific development standards listed for said use in this Article along with provisions listed elsewhere in this Ordinance. Uses marked with an “*” in [Section 4.7 Table of Permitted and Special Uses](#) are included in this Article.

Section 7.2 Multiple-Family Dwellings

- A. **Lot Size.** The site, lot, or parcel for any multiple-family dwelling facility shall have a minimum area of three (3) acres.
- B. **Density.** The maximum density for a multiple-family dwelling facility shall be ten (10) dwelling units per acre.
- C. **Setback and Height.** There shall be a minimum distance of forty (40') feet between any building and any property line. The maximum height of any building shall be thirty-five (35') feet. In

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multiple-family dwelling developments with more than one building per lot, the distance between the buildings shall be twenty (20') feet.

D. **Parking and Circulation.**

1. On-site parking shall be provided at a ratio of two (2) parking spaces per dwelling unit.
2. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone, or a hard surfaced material and shall be well-drained.
3. All parking and service areas which are within forty (40') feet of a property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall, or planted materials no less than six (6') feet high. Said screen shall obscure vision and provide separation between the two uses.

Section 7.3 Hotels/Motels & Clubs/Lodges/Fraternal Organizations

The following applies to hotels and motels in the A-1 District and clubs, lodges, and fraternal organizations in the A-1 or R-1 Districts:

- A. **Lot Size.** The site, lot or parcel accommodating a hotel, motel, club, or lodge shall have a minimum area of one (1) acre.
- B. **Setback and Height.** Buildings shall be located not less than forty (40') feet from all property lines. The maximum height of said buildings shall be thirty-five (35') feet.
- C. **Accessory Uses.** Retail business and personal services including eating and drinking places, barber and beauty shops, and other similar uses may be permitted as accessory uses within the principal building of the principal use provided that these accessory uses are in compliance with all applicable Township, County, State, and Federal laws, codes, or regulations.
- D. **Parking and Circulation.**
 1. On-site parking shall be provided at as indicated in [Section 3.26.D.10](#). For compound use of the facility, parking space shall be provided as though each use were on a separate site or lot.
 2. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public and private roadways.
 3. Parking areas and drives shall be improved with compacted gravel, stone, or a hard surfaced material and shall be well-drained.

4. Any parking or service areas which are within forty (40') feet of a property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall, or planted materials no less than six (6') feet high. Said screen shall obscure vision and provide separation between the two uses.

Section 7.4 Housing for the Elderly

- A. **Lot Size.** The site, lot, or parcel accommodating an elderly housing facility shall have a minimum area of one (1) acre.
- B. **Setback and Height.** The buildings shall be located not less than forty (40') feet from all property lines. The maximum height of said buildings shall be thirty-five (35') feet.
- C. **Parking and Circulation.**
 1. On-site parking shall be provided as indicated in [Section 3.26.D.10](#).
 2. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways.
 3. Parking areas and drives shall be improved with compacted gravel, stone, or a hard surfaced material and shall be well-drained.

Section 7.5 Manufactured Housing Communities/Mobile Home Parks

All requirements pertaining to manufactured housing communities/mobile home parks shall be in accordance with the [Michigan Mobile Home Commission Act, 1987 PA 96](#), as amended. All manufactured housing communities/mobile home parks shall comply with the currently adopted [administrative code](#) set forth by the [Michigan Department of Licensing or Regulatory Affairs](#) or such subsequent regulatory agency.

Section 7.6 Campgrounds & RV Parks

All requirements pertaining to RV parks or campgrounds shall be in accordance with Part 125 of the [Public Health Code, 1978 PA 368](#), as amended. Setbacks of campsites shall be the same as for a primary building in the district.

Section 7.7 Sanitary Landfills

A sanitary landfill, as defined by [Part 115 \(Solid Waste Management\) of the Natural Resource and Environmental Protection Act, 1994 PA 451](#), as amended, shall be the only approved method of outdoor disposal of refuse and shall be developed in accordance with State Statutes and administrative rules.

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Section 7.8 Public Utility Facilities

- A. The public utilities may be located within the district when operating requirements are necessary to serve the immediate vicinity.
- B. **Lot Size.** The site, lot, or parcel accommodating the public utilities facility shall have a minimum area of one-half (½) acre.
- C. **Setback and Height.** Any buildings or structures shall be located not less than forty (40') feet from all property lines.
- D. **Lighting.** Any lighting on the premises, for yard lighting, sign lighting, or other similar types of exterior lighting shall be a steady light that does not create a hazard or nuisance to the public and conforms to [Section 3.17](#).
- E. **Vehicle Parking.** Surrounding grounds may be used for the temporary parking of service or maintenance vehicles or for parking of employees or attendants vehicles while driver is on premises, but shall not be used for the storage of equipment, supplies, or construction or operating materials.
- F. **Screening.** Any property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall, or planted materials. Said screen shall obscure vision and provide a separation between the two uses and be no less than eight (8') feet high.

Section 7.9 Radio or Television Stations

- A. **Lot Size.** The site, lot, or parcel accommodating a radio or television station shall have a minimum area of one-half (½) acre.
- B. **Setback and Height.** The buildings shall be located not less than forty (40') feet from all property lines. The maximum height of said buildings shall be thirty-five (35') feet.
- C. **Towers, Antennae, and Masts.** Any antennae, towers, masts, or similar structures shall be so located on the property that the base of the structure shall conform to [Section 7.16 \(Wireless Communications\)](#).
- D. **Parking and Circulation.**
 - 1. On-site parking shall be provided as indicated in [Section 3.26.D.10](#).
 - 2. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways.

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3. Parking areas and drives shall be improved with compacted gravel, stone, or a hard-surfaced material and shall be well-drained.
- E. **Lighting.** Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting, except as dictated by safety regulations, shall be a steady light that does not create a hazard or nuisance to the public and conforms to [Section 3.17](#).

Section 7.10 Clinics & Convalescent Homes

- A. **Lot Size.** The site, lot, or parcel accommodating a clinic or convalescent home shall have a minimum area of one (1) acre.
- B. **Setback and Height.** Any buildings shall be located no closer than forty (40') feet from any property line. The maximum height of any building shall be thirty-five (35') feet.
- C. **Parking and Circulation.**
 1. On-site parking shall be provided as indicated in [Section 3.26.D.10](#).
 2. Parking areas and drives shall be improved with compacted gravel, stone, or a hard surfaced material and shall be well drained.
 3. Any parking or service areas which are within forty (40') feet of a property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall or planted material no less than six (6') feet high. Said screen shall obscure vision and provide separation between the two uses.
- D. **Lighting.** Any lighting on the premises, for parking areas, yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light that does not create a hazard or nuisance to the public and conforms to [Section 3.17](#).
- E. All requirements as specified by the State of Michigan shall be met.

Section 7.11 Riding Stables in R-1 (non-commercial)

In the R-1 District, riding stables on non-commercial farms shall comply with the following standards:

- A. The site, lot, or parcel accommodating a riding stable shall have a minimum area of five (5) acres.
- B. The buildings shall be located not less than one hundred (100') feet from all property lines. The maximum height of any building shall be thirty-five (35') feet.
- C. All exercise areas, grazing areas, and similar areas for the corralling of the horses shall be surrounded by an adequate fence or wall.

Section 7.12 Home Occupations & Cottage Industries

A Home Occupation does not require a zoning permit or zoning approval but shall comply with the standards listed herein. A Cottage Industry requires Planning Commission and Township Board approval through a Special Use Permit.

- A. A Home Occupation or Cottage Industry use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like.

B. Employees.

Off-street parking for employees shall be provided on the lot containing the Home Occupation or Cottage Industry.

1. **Home Occupation.** A Home Occupation shall not have employees that do not physically reside on the premises containing the Home Occupation.
2. **Cottage Industry.** The maximum number of employees that do not physically reside on the premises containing the Cottage Industry shall be determined at the time of Special Use approval.

C. Use of Dwelling.

The use of the dwelling unit for the Home Occupation or Cottage Industry shall be clearly incidental and subordinate to its use for residential purpose by the occupants. Provided further that not more than twenty-five (25%) percent of the total actual floor area of any story of the residence may be used for Home Occupation or Cottage Industry purposes. One hundred (100%) percent of the floor area of an accessory building may be used for the Home Occupation or Cottage Industry.

D. Outside Appearance.

There shall be no change in the outside appearance of the structure or premises of such Home Occupation or Cottage Industry, other than one (1) sign pursuant to [Section 3.27](#).

E. Traffic.

No traffic shall be generated by such Home Occupation or Cottage Industry in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such Home Occupation or Cottage Industry shall be provided by an off-street area.

F. Equipment.

No equipment or process shall be used in such Home Occupation or Cottage Industry which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of

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persons off the lot. In the case of electrical interference, no non-FCC (Federal Communications Commission) licensed equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. Outdoor Storage and Display.

1. **Home Occupations.** All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind or other external or visible evidence of the conduct of a Home Occupation.
2. **Cottage Industries.**
 - a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
 - b. **Finished Goods.** The Township Board may permit the display of finished goods as part of the approval process.

H. Hours of Operation.

Hours of operation for Cottage Industries will be set during the approval process.

I. Compliance, Inspections, and Violations.

1. Upon written application by the owner, the Township Board may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Township Board to present his or her case. The hearing notice procedures shall be the same as those for a Special Use.
4. Following the public hearing, the decision of the Township Board shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this

Ordinance. The Township Board shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

5. Proposed revisions or additions to a Home Occupation or Cottage Industry shall constitute a change of use and shall be subject to a new review and approval unless it falls under the definition of a minor amendment as indicated by [Section 5.6](#) and as determined by the Zoning Administrator.

Section 7.13 Short Term Rental Homes

A. Standards.

1. **Zoning Permit.** A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership.
2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
4. **Nuisance.** Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations, or trespass.
5. **Traffic.** Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
6. **Parking.** All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site in the garage, driveway, or other improved area.
7. **Noise.** Noise shall be subject to the [Clement Township Noise Ordinance](#).
8. **Fireworks.** Fireworks shall not be allowed later than 11 pm except as superseded by Section 7 of [2011 PA 256](#), as amended (Michigan Fireworks Safety Act).
9. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

1. Each owner of a Short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.

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2. The local agent must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
3. The Township will provide the phone number of the local agent to all neighbors within a three hundred (300') foot radius of the subject property boundaries.
4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local agent.
5. The permit holder shall notify the Township of any changes in ownership or in the local agent.

C. Owner Responsibility.

The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.

D. Zoning Permits.

1. Short term rentals require a zoning permit.
2. The following application elements are required prior to receipt of a Short Term Rental zoning permit or permit renewal:
 - a. A fully completed and signed Zoning Permit Application form provided by the Township including all the required supplemental documents.
 - b. Owner contact information.
 - c. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 - d. **More Than One (1) Owner or Ownership by Entity.** Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the Short Term Rental dwelling and for the president, general manager, or other chief executive officer of the organization.
3. A Short Term Rental zoning permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.

E. Violations.

Failure to adhere to the standards in this Section shall be a violation of this Ordinance per [Section 9.10](#).

Section 7.14 Solar Energy

A. Solar Energy Facilities (Utility Scale).

1. **Reflection/Glare.** Attached, building-integrated or freestanding solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
2. **Impervious Surface/Stormwater.** If more than eight thousand (8,000') square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
3. **Screening.** Solar devices shall be screened from view from any residential district or residential use by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
4. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines.
5. **Battery Storage.** Sufficient space shall be reserved on the property for battery storage.
6. **Abandonment.** Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

B. Solar Energy Panels (as Accessory Use).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A zoning permit is required.

1. Height.

- a. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed a height of twenty (20') feet when oriented at maximum tilt.
- b. Building-mounted or roof-mounted accessory solar energy panels shall not exceed the maximum allowed building height in any zoning district.

2. Setbacks.

- a. Ground-mounted or pole-mounted accessory solar energy panels shall adhere to setbacks established for detached accessory buildings pursuant to [Section 3.12](#).
- b. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12") inches.

3. Glare. Panels shall not result in glare onto adjoining properties or public rights of way.**Section 7.15 Wind Turbines****A. Purpose and Goals.**

The purpose of this Section is to establish guidelines for siting wind turbines. This Section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines installed to reduce on-site consumption of electricity supplied by utility companies and/or to produce power that will be directly supplied to the electric power grid system.
2. To lessen potential adverse impacts that wind turbines may have on residential areas and land uses through careful design, siting, and noise limitations.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. Technological Advances and Design Standards Flexibility.

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The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind turbines within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Township may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties, or the immediate neighborhood.

C. Wind Turbines - On-Site.

A wind turbine which is intended to primarily serve the needs of the property upon which it is located shall comply with the following site development standards:

1. **Design & Installation.** All wind turbines (ground and roof-mounted) shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer's specifications.
2. **Plot Plan Submittal.** An application for the installation of a wind turbine shall include a plot plan including the following information:
 - a. Location of the proposed wind turbine.
 - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Height.** Wind turbines shall not exceed the maximum height for buildings stated in the District. The wind turbine must be able to be contained on the property owner's lot in the event that it should fall.
4. **Number and Spacing of Turbines (Horizontal or Vertical).** The number of wind turbines shall be determined by the spacing requirement of the manufacturer. Wind turbines shall be spaced so that, in the event that they fall, they do not fall on any structure or another wind turbine.
5. **Rotor Clearance.** A minimum fifteen (15') foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
6. **Guy Wires.** The use of guy wires shall be prohibited.

7. **Noise.** Wind turbines shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
8. **Vibration.** Wind turbines shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. **Reception Interference.** Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
10. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
11. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
12. **Visual Impact.** All visible components of a wind turbine shall be a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
13. **Safety.** A wind turbine shall have an automatic braking system to prevent uncontrolled rotation.
14. **Other Regulations.** Wind turbines shall comply with all applicable State construction and electrical codes, [Federal Aviation Administration](#) requirements, [Michigan Aeronautics Commission](#) requirements, [1959 PA 259](#), as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.) and the [Michigan Public Service Commission](#) and [Federal Energy Regulatory Commission](#) standards.
15. **Roof-Mounted Wind Turbines.**
 - a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
 - b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.

Section 7.16 Wireless Communications

A. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110**, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.), co-location of wireless communications equipment is a permitted use of property. No zoning permit is required.
 - a. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
 - b. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
2. **New Wireless Communications Support Structure (also called "Tower") or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Use in the A-1 District and shall be evaluated using the procedures stated in **subsection C** below using the standards stated in **subsection D**.
3. All other wireless facilities that do not fall under subsections A.1 and A.2 (above) shall follow the procedures and standards of the facilities listed in subsection A.2.

B. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other "customer end" devices covered by 47 CFR Section 1.4000) are exempt from this Section. An amateur radio service station antenna structure and other such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See **Over-the-Air Reception Devices (47 CFR Section 1.4000)**. Such towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the Township prior to erecting such a tower. This exemption does not cover antennas used to transmit signals to and/or receive signals from multiple customer locations. A zoning permit is required.

C. Approval Procedure.

1. An application for Special Use approval of wireless communications facility shall include all information required by **Section 5.4: Site Plan Data Required** including a - c below.
 - a. **Ownership.** The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the wireless communications facility. The

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applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the wireless communications facility within thirty (30) days of the effective date of the change.

- b. **Visual Impact Analysis.** The applications for Special Use permit for the tower shall include a visual impact analysis prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area. The Planning Commission may waive this requirement.
 - c. **Co-Location.** Whether or not it is feasible to provide equivalent services by locating the antenna on an existing tower or other existing structure in the Township or on an existing tower or other existing structure located in neighboring communities.
 2. After an application for a Special Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
 3. If, before the expiration of the fourteen (14) day period under [subsection C.2](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen (14) day period under [subsection C.2](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
 4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to [Section 9.7](#).
 5. After a public hearing is held, the Planning Commission shall conduct a site plan review using the standards in [Section 5.5](#) and the Special Use standards contained in [Section 6.4](#), and the standards in [subsection D](#) below. The Planning Commission shall make a recommendation to the Township Board pursuant to [Section 6.3](#).
 6. The Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Township Board fails to timely approve or deny the application, the application shall be considered approved and the Township Board shall be considered to have made any determination required for approval.

D. Standards for Wireless Communications Facilities.

1. Height.

- a. **Height.** A tower shall be exempt from building height limits established by zoning district regulations.
 - b. **Height Decrease.** If the height required for the tower to serve its intended function decreases from such height as installed due to technical advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
2. **Setbacks.**
- a. **Support Structures (Towers).** The tower shall be setback a distance at least equal to the height of the tower measured from the base of tower to all points on each property line. The tower and any supporting or appurtenant structures shall be no closer to any building, which is regularly occupied by people and which is located on the same property as the tower, than the distance at least equal to one and a half (1 ½) times the height of the tower measured from its base at grade to its highest point. A fence not less than six (6') feet in height with anti-climb features shall be constructed around the base of the tower.
 - b. **Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities.** Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least one hundred seventy-five (175') feet from the outside edge of the equipment enclosure to each property line. The Township Board may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.
3. **Visual Impact.** The tower and any ancillary building or buildings housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area and as minimally obtrusive as possible. Landscape screening may be required by the Township Board to accomplish screening of ancillary equipment buildings.
4. **Guy Cables and Anchors.** Guy cables and anchors shall comply with applicable zoning district setback requirements.
5. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the site. Towers shall not be artificially lighted, unless required by the [FAA](#) or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
6. **Color.** Towers shall either maintain a galvanized steel finish or be colored to be as unobtrusive as possible. Towers in alternate bands of orange and white shall be permitted only if specifically required by [Federal Communications Commission \(FCC\)](#) or [Federal Aviation Administration \(FAA\)](#) regulations. If alternate band painting is required by [FCC](#) or [FAA](#) regulations, the applicant shall provide documentation of such requirements and regulations.

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The antenna and/or array installed on a tower structure and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the tower structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

7. **Signs.** No signs other than signs required pursuant to Federal, State, or local law and ordinance shall be allowed on an antenna or tower or site.
8. **Performance Guarantee.** The Township Board shall require the owner of the wireless facility to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the facility and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5') feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
9. **Abandonment.** If a wireless facility ceases operation for its original use or is abandoned for any reason for one (1) year, the Township may order its removal from the site by the owner of the wireless facility within one hundred eighty (180) days of notification of abandonment by the Township. Failure to remove the wireless facility within the prescribed time period shall be considered a violation of this Ordinance. The Township may cause to have the wireless facility removed and may recover costs of such from the property owner. This subsection shall apply to all wireless facilities including single-use towers and masts.
10. **Compliance with Other Regulations.** The applicant shall provide documentation of conformance with any [Federal Communications Commission](#) and [Federal Aviation Administration](#) regulations.
11. **Waiver.** The Township Board may grant a waiver to any of the [subsections D.1 through D.9](#) above upon the following findings:
 1. Granting the waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 2. Granting the waiver will not otherwise impair the public health, safety, and general welfare of the residents.
 3. Granting the waiver will uphold the spirit and intent of this Ordinance.

E. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the [Small Wireless Communications Facilities Deployment Act, 2018 PA 365](#), as amended. In

such case, a utility pole in the ROW may not exceed forty (40') feet above ground level and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Special Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with [2018 PA 365](#), as amended shall be subject to review by the Planning Commission and review and approval by the Township Board as a Special Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - (2) The running of the time period tolled under [subsection \(1\)](#) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Township Board shall approve or deny the Special Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Township Board.
 - b. The Planning Commission and Township Board shall base their review of the request on the standards contained in [Sections 5.5](#) and [Section 6.4](#) provided, however, that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
 - c. In addition to the provisions set forth in [subsection b](#), in the review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

- (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Township Board may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Township Board may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
3. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Township Board and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.17 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, the following regulations shall apply to biofuel production facilities:
1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100') feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Use approval under [subsections A.3 to A.5](#):

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- a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b** but that does not meet the requirements of **subsection A.1.c**.
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b**.
3. An application for Special Use approval for a biofuel production facility described in **subsection 2** shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2 and A.5**.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Use approval under **subsection A.2** not more than sixty (60) days after the application is filed.
5. Special Use approval of a biofuel production facility described in **subsection A.2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, State, and Federal laws.

- b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the State and Federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.18 Medical Marijuana Primary Caregiver Facilities

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address Primary Caregivers as authorized by the enactment of the **Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008**, MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

Primary caregiver facilities are hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the **Michigan Department of Licensing and Regulatory Affairs** or any successor agency under the provisions of the **MMMA**.
2. Except when being transported as provided in **subsection 8** below, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility

- that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
 4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband, and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
 5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
 6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
 7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.
 8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
 9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
 10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:

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- a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (1) in the presence of his/her parent or guardian, or (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
- a. Any church or place of worship and its accessory structures.
 - b. Any public or private school, having a curriculum including kindergarten through twelfth grade and its accessory structures.
 - c. Any preschool, child care, or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.
14. If the primary caregiver facility is within a dwelling unit, the dwelling unit shall be occupied and shall not be a vacant residence. The primary use of the property shall remain residential.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from Federal law.

D. Commercial Marijuana Establishments or Facilities.

All commercial medical and recreational (adult-use) marijuana facilities or marijuana establishments as defined in the [Medical Marijuana Facilities Licensing Act, 2016 PA 281](#), as amended, and [Initiated Law 1 of 2018](#), MCL 333.27951 et seq., as amended, are prohibited.

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Section 7.19 Sexually-Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, State, or Federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500') feet of the A-1 or R-1 district, residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000') feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in [subsection B and C](#) above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that, to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

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- G. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2") inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises," and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the [Americans with Disabilities Act](#).
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device.
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room, or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

Section 7.20 Planned Unit Developments (PUD)

A. Purpose.

The intent of a Planned Unit Development is to permit more flexibility and encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, open space, and the preservation of natural scenic qualities.

B. Permitted Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.
3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated.

C. Flexibility of District Standards.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guideline. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance.

D. Development Standards.

1. **Uses.** Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.
2. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.

3. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
4. **Open Space.**
 - a. **Common Open Space.** A minimum of twenty (20%) percent of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. Open space and recreational areas shall be areas which are usable to the residents and shall not consist of roads, parking areas, on-site drainage, and the like. The open space shall be disposed of as required in [subsection \(b\)](#) below. The Planning Commission or Township Board may waive or reduce this requirement during the approval process.
 - b. **Disposition of Open Space.** The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Township Board. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.
5. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
6. **Perimeter Setback.** The Township may require a setback from the perimeter of the PUD property.

E. Review and Approval.

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission prior to the submission of the development plan. The purpose of this meeting is to discuss, early and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to obtain feedback on the preliminary proposal.
2. **Submission of Preliminary Site Plan.** The applicant shall submit ten (10) copies of a preliminary site plan at least forty-five (45) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:

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- a. General footprint of proposed and existing buildings.
- b. Indication of proposed uses and their general locations.
- c. General layout of streets, drives, parking areas, and pedestrian paths.
- d. Individual parcels, if applicable.
- e. Proposed setbacks for district perimeters and individual buildings within the development.
- f. Proposed perimeter buffer zones and screening.
- g. Conceptual landscape plan.
- h. Development phases, if applicable.
- i. Type, estimated number, and density range for residential development.
- j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.
- k. Additional supporting documentation including a written narrative describing the project.

3. Preliminary Site Plan Approval.

- a. **Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan, the notification of which shall be in accordance with [Section 9.7](#) of this Ordinance.
- b. **Planning Commission Preliminary Site Plan Approval/Action.** Following the public hearing, the Planning Commission shall recommend approval, denial, or approval of the preliminary plan subject to specified conditions/revisions to the Township Board.
- c. **Township Board Preliminary Site Plan Approval/Action.** After receiving the recommendation of the Planning Commission, the Township Board shall make final approval, denial, or approval subject to specified conditions.

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

4. Final Site Plan Approval.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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- a. **Application.** The applicant shall submit ten (10) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least forty-five (45) days prior to the meeting at which Planning Commission Review will occur.
 - (1) The final site plan shall include all site plan data required in [Section 5.4](#).
 - (2) The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.
 - b. **Public Hearing.** The Planning Commission shall conduct a public hearing, the notification of which shall be in accordance with [Section 9.7](#) of this Ordinance.
 - c. **Planning Commission Final Site Plan Action.** Following the public hearing, the Commission shall take action to recommend approval, denial, or approval with conditions of the final site plan. Planning Commission recommendation of approval shall be based on the requirements stated in this Section, site plan review criteria in [Section 5.5](#), Special Use approval standards in [Section 6.4](#), and a finding that the final site plan is consistent with the preliminary site plan approved by the Township Board, including any conditions or required modifications.
 - d. **Township Board Final Site Plan Approval/Action.** After receiving the recommendation of the Planning Commission, the Township Board shall make final approval, denial, or approval subject to specified conditions. Township Board approval shall be based on the requirements stated in this Section, site plan review criteria in [Section 5.5](#), Special Use approval standards in [Section 6.4](#), and a finding that the final site plan is consistent with the preliminary site plan approved by the Township Board, including any conditions or required modifications.
 - d. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission and Township Board for review and re-approval. The Planning Commission or Township Board may reject or require modifications to the plan if, in its opinion, conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
 - e. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.
5. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in [Section 5.6](#).

Section 7.21 Site Condominium Developments

A. Intent.

The purpose of this Section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

B. General Requirements.

1. **Compliance with Federal, State, and Local Laws.** All site condominium projects, including manufactured/mobile home condominium developments, shall comply with all applicable Federal, State, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use, unless otherwise allowed by this Ordinance.
 - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review and Special Use Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and Special Use review by the Planning Commission and Township Board in accordance with [Article 5](#) and [Article 6](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
 - a. **Application.**
 - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) and [Article 6](#) of this Ordinance. All procedures and standards of [Article 5](#) and [Article 6](#) shall apply to site condominium projects.
 - (2) All condominium site plans shall include the information required in Section 66 of [1978 PA 59](#), as amended (Condominium Act, being MCL 559.166).

(3) The application shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the **County Register of Deeds** for review and approval by the Planning Commission and Township Board.

(4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements, and building envelopes shall be shown on the site plan.

b. Deed Restrictions, Master Deed, By-Laws.

(1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

(2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. Performance Guarantees. As a condition of approval of the site plan, the Planning Commission or Township Board may require performance guarantees by the developer in accordance with the provisions of **Section 9.4**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

4. Easements for Utilities. Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage, and sewers, and subject to easements to be dedicated to the Township.

5. Additional Filings Required. Subsequent to the recording of the deed restrictions and/or master deed and by-laws and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 7.22 Commercial Event Facilities

- A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.
- B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site." "On site" is defined as at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission and Township Board are authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Township Board may approve, in its discretion and upon recommendation of the Planning Commission, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
- C. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by [subsection B](#) above.
- D. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 11 AM and shall terminate no later than 11 PM. However, the Township Board shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
- E. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without written consent of the Township Board as part of site plan review. The Planning Commission and Township Board shall determine that no public nuisance will be established. Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12 PM, shall be terminated by 11 PM. Enclosed buildings, tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries. Sources of amplified sound (such as speakers) shall be located no less than one thousand (1,000') feet from the property boundary.
- F. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless such overnight accommodations are included in the applications and approved through site plan review. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.

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- G. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
- H. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the **Health Department**.
- I. **Number of Events.** The Township Board may limit the number of events allowed per year.
- J. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission and Township Board in consultation with emergency responders and the County Road Commission, based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
- K. **Buffers.** The Township Board may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.
- L. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.
- M. **Submittal Requirements.**
1. In addition to the requirements in **Section 5.4**, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities.
 2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission and Township Board for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities, and maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation must include setup and takedown times.
 - b. The event plan must provide expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
 - d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the special use permit, a new Special Use permit process shall be required.

N. The Township Board may grant a deviation from any of the subsections A through L above upon the following findings:

1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
2. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
3. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the Special Use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new Special Use permit process shall be required.

Section 7.23 Food Trucks

- A. The term food truck shall include food trailers and food stands.
- B. Food trucks regulated by this Section are intended to be temporary or permanent, stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream truck).
- C. A zoning permit is required for food trucks.
1. The Zoning Administrator is responsible for issuing zoning permits for temporary food trucks (temporary food trucks are those that remain at a particular location for a maximum of one (1) week).
 2. Food trucks that are proposed to remain at a location for more than one (1) week require review of the Planning Commission and approval of the Township Board through the site plan review process. The property owner shall submit a plot plan pursuant to [Section 5.2](#). The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property.
- D. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- E. Grease and liquid waste may not be disposed of in storm drains or on public streets.

- F. The food truck operator shall be responsible for maintaining adequate trash receptacles and disposing of trash resulting from the food truck operation. All areas within twenty (20') feet of the food truck shall be kept clean and free of debris.
- G. Food trucks shall be located at least three hundred (300') feet from the front door of any brick and mortar restaurant or outdoor dining area which is located on a different property unless the Township Board waives this requirement.

Section 7.24 Retail Sales Establishments & Personal Services Establishments in A-1 & R-1 Districts

- A. Retail sales or personal services establishments may include or be similar to: grocery stores, gasoline service stations, restaurants and drinking places, variety stores, professional offices, brokerages or any other uses deemed by the Township Board to be of a character compatible with the surrounding area.
- B. The site, lot, or parcel accommodating the retail sales or personal service facility shall have a minimum area of one (1) acre.
- C. The buildings shall be located not less than forty (40') feet from all property lines. The maximum height of said buildings shall be thirty-five (35') feet.
- D. On-site parking shall be provided at a ratio of not less than three (3') square feet of parking area for each one (1') square foot of gross building area. Entrance and exit drives shall be provided to permit safe and convenient access between parking areas and approved public or private roadways. Parking areas and drives shall be improved with compacted gravel, stone, or a hard surfaced material and shall be well drained into an approved drainage system.
- E. Any lighting on the premises, for parking areas, yard lighting, sign lighting, or other similar types of exterior lighting shall be a steady light that does not create a hazard or nuisance to the public.
- F. Uses shall be screened on all sides which abut a residential lot or parcel. Said screen may be an ornamental fence or wall or planted materials such as trees or shrubs which shall obscure vision and provide a separation between the two uses. Said screen shall be a minimum of six (6') feet in height.

Section 7.25 Kennels

- A. All commercial kennels shall be operated in conformance with County and State regulations.
- B. The minimum lot requirement for a commercial kennel shall be five (5) acres.
- C. Where the kennel is operated as an accessory use to a residence, the home occupation/cottage industry requirements of this Ordinance shall also apply.

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- D. Where the kennel is operated as the principal use of a property, it shall occur only in those districts where specifically listed.
- E. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5') feet in height.
- F. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.
- G. If facility is located within five hundred (500') feet of the property line of a residential use, animals shall be kept in a building between the hours of 10 p.m. and 8 a.m.
- H. Outdoor enclosures shall be located at least one hundred (100') feet from the property line and at least five hundred (500') feet from any dwelling on adjacent premises.
- I. Fences for outdoor areas shall be six (6') feet in height.

Section 7.26 Seasonal Use Sales/Temporary Pop-Up Businesses

- A. A zoning permit is required.
- B. All product shall be removed from the lot on cessation of the temporary business.
- C. Seasonal use sales and temporary pop-up businesses shall be in operation for no longer than ninety (90) consecutive days.

Section 7.27 Marihuana Facilities

Amended 4/12/23; Effective 4/26/23

A. General Standards and Submission Requirements.

- 1. Marihuana facilities shall receive a license from the Township prior to operating and shall continue to comply with the Clement Township Marihuana Licensing Ordinance.
- 2. Only the entity named on the license may operate at a facility or establishment.
- 3. Marihuana facilities shall remain in compliance with the State of Michigan licensing requirements.
- 4. A site plan, pursuant to [Article 5](#) and [Article 6](#), shall be submitted in conjunction with a licensing application. The site plan should show public, private, and secured areas. In addition, the applicant shall submit elevation drawings which show the front façade of the building including any planned design treatments. Building plans and a description of building improvements may be required.

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5. The permit holder, owner, and operator of the permitted premises shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
6. **Uses Not Permitted.** The following marihuana facilities are NOT permitted in Clement Township (both Adult-Use and Medical): Marihuana Microbusinesses, Marihuana Growers, Marihuana Processors, Marihuana Safety Compliance Facility, and Marihuana Secure Transporters.

B. Specific Standards.

In addition to the site plan review standards in [Section 5.5](#) and the Special Use standards in [Section 6.4](#), the following standards shall apply:

1. The types of marihuana facilities permitted by Special Use in the Township are listed in [Table 4.7](#) and in the individual district tables.
2. **Location.** Each marihuana facility shall be operated only from the premises approved on the site plan.
3. **Indoor Operation Required.** All activities of marihuana facilities or establishments permitted under the permit holder's license or permit must occur indoors. The establishment operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises.
4. **Isolation Distance.**

Marihuana facilities shall not be located within three hundred (300) feet of any building used for residential, education, child care, or addiction treatment purposes (herein referred to as "eligible buildings") or within three hundred (300) feet of the lot line of a park whether or not those eligible buildings or parks are in Clement Township. This measurement shall be measured from building to building except for the case of a park where the measurement shall be from the marihuana facility building to the lot line of a park. These required separation distances cannot be waived except as allowed below:

- a. The application shall provide evidence that all eligible buildings within the separation distance area have been notified by the applicant of the intent to seek a waiver from the separation distance requirements. Failure to satisfy this requirement may be grounds to deny a proposed separation distance waiver.
- b. If an objection is not filed by the owners or tenants of an eligible building, the Planning Commission may waive the required separation distance, at the public hearing, in accordance with the standards provided in subsection (c).

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- c. The Planning Commission may grant a reduction in the separation distances upon finding that granting the reduced separation distance:
 - (1) will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties or impair quality of life.
 - (2) will not otherwise impair the public health, safety, and general welfare of the residents.
 - (3) Will not damage the neighborhood character.
 - d. Prior to granting the waiver, signed statements shall be required from each impacted property owner (whose property contains an eligible building within three hundred (300) feet of the proposed facility) which indicate that each owner of the property is aware of and in agreement with the waiver. All owners listed in the Township tax records shall sign the statement.
5. **Screening.** Screening along the side and rear lot lines shall be provided adjacent to residential districts or residential uses.
 6. **Security.** Marihuana facilities shall keep all marihuana products in a secured location pursuant to the State of Michigan rules and regulations.
 7. **Impact to Adjacent Premises.** The operation and design of the permitted premises shall minimize any impact to adjacent uses including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises.
 8. Clement Township may impose such reasonable terms and conditions on a Marihuana Facility Special Use as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

Article 8

Zoning Board of Appeals

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Section 8.1 Authority

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, and duties of which are prescribed in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth.

Section 8.2 Membership

A. Membership – General.

The Zoning Board of Appeals shall consist of three (3) regular members to be appointed by the Township Board. The first regular member of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining members must be selected from the electors of the Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.

B. Alternates.

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. The alternate members may be called to serve as a member of the Zoning Board of Appeals by the chairperson of the Zoning Board of Appeals on an alternating basis in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings or if a regular member has abstained in a particular case for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

C. Employees.

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An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

D. Terms of Office.

The terms of office for members of the Zoning Board of Appeals 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 the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than three (3) months after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

E. Officers and Compensation.

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson, and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the Township Board. The alternate members shall be paid for meetings where they are called upon to sit on the Zoning Board of Appeals.

F. Member of the ZBA who is also a Planning Commissioner or Township Board Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

G. Removal of a Member and Conflict of Interest.

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 a 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.

Section 8.3 Meetings

A. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.

B. Bylaws and Records.

1. The business of the Zoning Board of Appeals shall be conducted in accordance with its adopted bylaws.

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2. The Zoning Board of Appeals shall keep a record of its proceedings showing:
 - a. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
 - b. The grounds for every determination made by the ZBA; and
 - c. The final ruling of each case.
3. The ZBA shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record.

C. **Quorum.**

A majority of the full membership of the Zoning Board of Appeals shall constitute a quorum for purposes of transacting the business of the Board. Each member of the Board shall have one (1) vote. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

D. **Meeting Scheduling and Notice.**

Meetings shall be held at the call of the Chairperson, in response to the receipt of an Application for Appeal, and at such other times as the Zoning Board of Appeals may determine. Public notice of the date, time, and place of the public hearing shall be given in the manner prescribed in [Section 9.7](#).

E. **Oaths and Witnesses.**

The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 8.4 Jurisdiction

A. **Powers.**

The duties and powers of the Zoning Board of Appeals shall, in general, include the following:

1. **Administrative Review.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Administrator, Planning Commission, or Township Board.
2. **Interpretation.** Hear and decide upon requests for interpretation of the provisions of the Ordinance including text interpretations and zoning district boundary interpretations.

3. **Variance.** Investigate and grant non-use variances from the strict requirements of this Ordinance, so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done only in cases where the applicant demonstrates, in the official record of the public hearing, that practical difficulty exists by showing all of the following:
 - a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
 - b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
 - d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

When acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54 leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.

B. Powers Not Granted.

1. **Special Uses and Planned Unit Developments.** The Zoning Board of Appeals may not hear appeals from Planning Commission or Township Board decisions concerning Special Use approvals or Planned Unit Developments. However, when a Special Use Permit has been revoked by the Zoning Administrator, that decision to revoke may be appealed to the Zoning Board of Appeals.
2. **Amendments.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Clement Township Board in the manner provided by law.
3. **Use Variances.** Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the power or authority to grant a use variance.

C. Exercise of Powers.

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In exercising the above powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

Section 8.5 Procedures & Decisions

A. Application for Appeal.

1. An appeal to the Zoning Board of Appeals may be made by a person aggrieved or by an officer, department, board, or bureau of the Township, County, or State by filing a written Application for Appeal with the Zoning Administrator.
2. **Timing of Appeal.** All appeals from a decision of the Zoning Administrator, Planning Commission, or Township Board shall be made within forty-five (45) days from the date of any decision constituting the basis for appeal.
3. **Documents Required.** The applicant shall submit five (5) copies of surveys, plans and data, or other information which is requested by the Zoning Administrator or Chair of the Zoning Board of Appeals and which is reasonably necessary. In the event an application is made involving more than one (1) building, the total development may be incorporated in (1) one appeal provided that the subject property is continuous and is not divided by another zoning district. Once all applications materials are deemed complete, the Zoning Administrator shall transmit, to the Zoning Board of Appeals, the application and all the papers constituting the record upon which the action appealed from was taken.
4. **Stay.** An appeal stays all proceedings in furtherance of the action appealed for unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeals has been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court.

B. Fee.

A fee as established by the Township Board shall be paid to the Township at the time the petitioner files an Application for Appeal. The purpose of such fee is to cover the necessary advertisements, mailings, investigations, hearing records, and other expenses incurred by the Township in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party. If an applicant requests and receives a postponement of the hearing after the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Township to re-notice the hearing.

C. Hearing and Public Notice.

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1. Following receipt of an Application for Appeal, the Zoning Board of Appeals shall fix a reasonable time for a public hearing. Such public hearing shall be held within forty-five (45) days of the Application for Appeal. Notice of said public hearing shall be given in accordance with [Section 9.7](#).
2. **Appearance.** At the hearing, any party may appear in person or by agent or attorney.
3. **Recess.** The Board may recess a duly called public hearing from time to time, and, if the date, time, and place of the continued hearing are announced by passing a motion at the time of adjournment, no further notice shall be required.

D. Decisions.

1. The Zoning Board of Appeals shall render its decision within forty-five (45) days of filing of the Application for Appeal unless an extension of time is necessary to review new information pertinent to making the decision and is agreed upon by the appellant and a majority of members of the Zoning Board of Appeals present.
2. Upon hearing of such appeals, the Board may reverse, affirm, change, or modify the ruling, decision, determination, or requirement, wholly or in part, or make such other or additional determinations as it shall deem proper under the circumstances and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
3. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or Township Board to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or to grant a variance in the Zoning Ordinance.
4. **Findings of Fact.** In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance. Copies of the written Findings of Fact shall be supplied to the Township Board and Planning Commission.
5. **Decision Final.** Any decision of the Zoning Board of Appeals, after following correct and lawful procedure, shall be final ten (10) days from the date of entry of such decision unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. A party aggrieved by the decision may appeal to the Circuit Court of Gladwin County.
6. **Conditions.** In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with [Section 9.8](#). Violations of such conditions and safeguards, when made part of the terms under which the appeal is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

7. **Resubmittal.** No application for variance or special exceptions which has been denied shall be resubmitted within one (1) year from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.
8. **Time Limit.** No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

Article 9

Administration & Enforcement

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Section 9.1 Administration

A. Zoning Administrator.

1. **Appointment & Authority.** The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Clement Township Board for such term and subject to such conditions as said Board deems desirable to carry out the provisions of the Ordinance. He/she shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Board may also appoint a Deputy Zoning Administrator under such conditions, and for such term, and for such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of his/her office.
2. **Duties & Responsibility.**
 - a. **Administration.** The Zoning Administrator shall be responsible for the updating and maintenance of the "master copy" of the Zoning Ordinance text and map. The Zoning Administrator shall be thoroughly familiar with the provisions of this Ordinance in order to administer it adequately.
 - b. **Inspection.** The Zoning Administrator shall make periodic checks of all properties in the Township to assure compliance with this Ordinance.
 - c. **Enforcement.** Any violations of this Ordinance shall be reported to the Township Board for further action. While the Zoning Administrator shall have the authority to issue a "stop order" either by posting on the illegal structure or by mailing written notice to the owner of record, the Zoning Administrator has no authority to enforce any part of the Zoning Ordinance but must notify the Township Board of recognition of any violation of the Ordinance for further action by the Township Board. A "stop order" may only be removed by the Zoning Administrator or by action of the Township Board.

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- d. **Zoning Permits.** The Zoning Administrator shall review all applications for zoning permits to assure the proposed use is in compliance with the terms of this Ordinance and shall issue zoning permits when proposed uses are in compliance. If any such application is not in compliance with this Ordinance, the Zoning Administrator shall instruct the Building Inspector to withhold approval of a building permit until the matter has been reviewed by the Township Board. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, that may occur upon the granting of said permit.
- e. **Review.** The Zoning Administrator shall receive all requests for site plan review, rezoning, ordinance amendments, variances, interpretations, appeals, and Special Use permits and forward these requests to the proper board. Under no circumstances shall the Zoning Administrator be permitted to make changes in any part of this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- f. **Advisor.** The Zoning Administrator shall act as a non-voting advisor to the Township Board, Zoning Board of Appeals, and the Planning Commission. Any information, data, or statements presented to these bodies by the Zoning Administrator shall be purely advisory in nature for the purpose of clarification and coordination and will not restrict decisions made by these bodies.
- g. **Records.** The Zoning Administrator shall maintain permanent and correct records of the Ordinance including, but not limited to, zoning permits issued, all maps, amendments, Special Use permits, variations, and appeals.

B. Planning Commission.

- 1. **Appointment & Establishment.** The Township Planning Commission is authorized by the provisions of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, to perform the duties as specified in the Act.
- 2. **Duties & Responsibilities.** The Planning Commission is authorized to adopt Rules of Procedure consistent with the statutes of Michigan, the provisions of the Township Laws, and the provisions of this Ordinance.
 - a. **Zoning Ordinance.** The Planning Commission shall develop and administer a Zoning Ordinance.
 - b. **Site Plan Approval.** The Planning Commission shall review site plans and issue its recommendation to the Township Board.
 - c. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall issue its recommendation to the Township Board.

- d. **Review of Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

C. Township Board.

1. **Establishment & Authority.** Townships in Michigan are established with the authority to operate under the provisions of Section 17, Article VII of **Michigan Constitution of 1963** as amended. For the purposes of this Ordinance, the Township Board in accordance with **2006 PA 110** and **2008 PA 33**, as amended, may provide for and maintain or may appoint a Planning Commission, Zoning Board of Appeals, and a Zoning Administrator to develop and maintain a Zoning Ordinance and to report any recommendations to the Township Board.
2. **Duties & Procedures.** For the purposes of administering this Ordinance, all matters concerning zoning will be directed to the appropriate official, board, or commission for proper action.
 - a. **Site Plan Approval.** The Township Board shall receive recommendation from the Planning Commission and shall issue a final approval, conditional approval, or denial.
 - b. **Special Uses.** The Township Board shall receive recommendation from the Planning Commission and shall issue a final approval, conditional approval, or denial.
 - c. **Rezoning or Text Amendment.** The Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning).
 - d. **Fees.** The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Township Board may also act to waive any fee.

Section 9.2 Zoning Permits

A. Zoning Permit Required.

1. **General.**
 - a. No building over one hundred forty-four (144) square feet shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced, until a zoning permit application has been filed with Clement Township and a zoning permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. Buildings which are one hundred forty-

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four (144) square feet and under shall not require a zoning permit but shall be required to meet all standards in this Ordinance.

- b. No zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance unless changes in use or structures are made.
 - c. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.
2. **Zoning Administrator-Approved Zoning Permits (per Table 5.1).** If the Zoning Administrator finds the application conforms with the requirements of the Ordinance, the copies submitted shall be so marked over his/her signature, including the date. One (1) copy shall be filed with the Planning Commission and one (1) returned to the applicant. No permit shall be transferable except upon transfer of property.
 3. **Township Board-Approved Zoning Permits (per Table 5.1).** The Zoning Administrator shall issue a zoning permit for applications that have been approved by the Township Board through the Site Plan Review or Special Use Review process. One (1) signed and dated site plan shall be provided to the applicant and one (1) copy shall be made part of the Township's permanent record of proceedings on the site plan. No permit shall be transferable except upon transfer of property.
 4. **Survey, Property Staking and Inspection.**
 - a. **Survey.** The Zoning Administrator may require a current boundary survey by a Michigan-licensed surveyor unless such survey is determined by the Zoning Administrator to be unnecessary for the zoning permit decision in question.
 - b. **Staking the Property.** The location of the property boundaries and all proposed structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit. The applicant shall notify the Zoning Administrator when the property has been staked and is available for inspection.
 - c. **Final Inspection.** The Zoning Administrator shall be given the opportunity to make a final inspection of all buildings and structures after completion, before occupancy begins, upon receiving notice from the owner, contractor, or their agent that said building is ready for final inspection. All buildings or alterations shall comply with the statements in the approved application, plot plan or site plan, and specifications.

B. Other Required Permits.

A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.

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C. Zoning Permit Expiration.

Any zoning permit shall expire if work is not commenced within eighteen (18) months after said permit is issued or if the authorized work is suspended or abandoned for a period of eighteen (18) months. All new construction shall be completed externally within eighteen (18) months of the commencement of construction unless an alternate timeline has been approved by the Zoning Administrator or Township Board during the review process. Thirty (30) days prior to expiration of a zoning permit, the applicant may make application to the Zoning Administrator for a one (1) year extension. The Zoning Administrator shall grant the requested extension for this additional one (1) year if he/she finds good cause for the extension.

D. Zoning Permit Revocation.

The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with the provisions of the Ordinance or with provisions of the zoning permit issued (including conditions approved) or in the case of a false statement or misrepresentation made in the application. When noncompliance with the approved zoning permit is found, the Zoning Administrator may revoke the zoning permit by giving the owner evidence in writing of such action. After such notice is received by the property owner, the use and/or construction shall cease immediately. The property owner then has ten (10) days from the receipt of such notice to remedy the situation. The property owner shall notify the Zoning Administrator when the situation is remedied. If the Zoning Administrator finds the project in compliance with the approved site plan, he/she shall re-instate the permit.

E. Payment of Fees.

No zoning permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Gladwin County may charge additional fees for the Building Permit. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

F. Conformance with Approved Plans.

Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission/Township Board authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

G. Failure to Obtain a Zoning Permit.

1. Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary zoning permit shall be subject to [Section 9.10](#) unless a Permit-After-the-Fact is obtained pursuant to [subsection G.2](#) below.

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2. **Permit After-the-Fact.** Any building, structure, or use erected, relocated, or altered which requires a zoning permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, and the fee listed for “after-the-fact” permits in the fee schedule shall apply. This fee applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and Special Use Permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.
- H. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings, shall be transmitted to the Township Assessor.

Section 9.3 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, and rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related but not limited to the following:
 1. Zoning permits.
 2. Special Use permits.
 3. Requests for ordinance interpretations by the Zoning Board of Appeals and appeals of administrative decisions.
 - a. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Requests for variances from the Zoning Board of Appeals.
 5. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text.
 - a. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 6. Site plan reviews.
 7. Requests for a planned unit development (PUD).

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8. Any other discretionary decisions by the Planning Commission, Township Board, or Zoning Board of Appeals.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the same determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission, Township Board, or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in an escrow account in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission, Township Board, or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission, Township Board, or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.
- D. **Reimbursing Township for Expenses; Withholding Township Approval.** No zoning permit or final township approval or permit shall be granted for an application until all outstanding expenses incurred by the Township as specified in this resolution have been reimbursed to the Township from the escrow account.
- E. **Escrow Fund; Records; Disbursement of Funds.** Record regarding the escrow fund and disbursements from the fund shall be authorized in accordance with the standard township accounting practices and the laws of the State of Michigan. The escrow fund (from one or more applicants) shall be accounted for separately and maintained in a trust and agency account.
- F. **Escrow Fund; Collecting and Applying Funds; the Applicants Appeal to the Township Board.** The Township shall collect and apply escrow funds in a reasonable manner. If an applicant

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objects to the reasonableness or amount of escrow funds he must deposit with the Township, or how the escrow funds have been applied, he may appeal the Township's determination regarding these matters to the Township Board. The Township Board may, in its discretion, reduce the amount of funds required to be deposited in the escrow account in the case of an individual applicant when, in its opinion, the amount specified in this resolution creates an unnecessary hardship.

- G. **Adopting Separate Fee Schedules.** Nothing in this shall be construed or interpreted as limiting the authority of the Township Board to adopt separate fee schedules involving the design, engineering, and construction of buildings, improvements, and developments within the Township.

Section 9.4 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Use permits, or a Planned Unit Development project, the Planning Commission or Township Board may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, site clean-up and restoration, and the completion of conditions imposed by the Planning Commission or Township Board which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission or Township Board. Any remaining cash deposit or certified funds shall be refunded for the development, or for each phase of a multi-phase development, in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. An additional third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the

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Planning Commission or Township Board may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission or Township Board may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 9.5 Conflicting Regulations

- A. **When this Ordinance is More Restrictive.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern except where legally superseded by such other law.
- B. **When Another Ordinance is More Restrictive.** Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.
- C. **Conflicts within this Ordinance.** Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail. The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.
- D. This Ordinance is not intended to nullify any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the regulations of this Ordinance shall govern.

Section 9.6 Use of Consultants

From time to time, the Township Board and/or Planning Commission may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings or other matters related to the planning and development of the Township.

Section 9.7 Public Notification for Public Hearings

All applications for development approval requiring a public hearing (including but not limited to Special Uses, rezonings, and Zoning Board of Appeals requests) shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

Each public hearing shall be for the purpose of permitting residents and property owners to state views, opinions, suggestions, and questions about the item for which the hearing is being held. Public hearings shall be open for public attendance and participation within the procedures adopted for conducting such hearings. Each public hearing shall be conducted in accordance with the statutory

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procedure as well as with the procedures adopted by the respective board or commission. An official record of each public hearing shall be made by means of the Secretary's or Clerks minutes, a copy of which shall be maintained as a public record. Comments from the public shall be noted.

A. Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township, and mailed or delivered as provided in this Section. All public notices shall also be posted on the Township website.

B. Content.

All mail, personal, and newspaper notices for public hearings shall:

1. **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.
2. **Location.** Indicate the property that is subject to the request if applicable. 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, identification of the nearest cross street, or the inclusion of 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.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **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.
5. **Disabled Access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in [Section 9.7.C.2](#) and [Section 9.7.C.3](#) below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.

- b. Notice of the hearing shall be published in a newspaper of general circulation.
- c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
- d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) 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.
2. Newspaper publication as required in [Section 9.7.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals, notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in [Section 9.7.C.1](#) above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
 - b. **Requirements.** The requesting party must provide the Township Clerk information to ensure notification can be made.

Section 9.8 Conditions

The Township Board and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 9.9 Rehearing Process

A. Rehearing Performed by Planning Commission, Township Board or ZBA.

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

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

B. Rehearing Procedure.

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A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission, Township Board, or Zoning Board of Appeals on its own motion.

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

Section 9.10 Violations & Penalties

A. Inspection.

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.

B. Stop Work Order.

1. If construction or land uses are being undertaken contrary to a zoning permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of this Ordinance.
2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a

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dangerous condition or remove the violation or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

C. Penalties.

1. Any violation of this Ordinance is declared to be a nuisance per se. Any court of competent jurisdiction may order the nuisance abated and the owner or agent in charge of the dwelling, building, structure, tent, vehicle, equipment, or land is guilty of maintaining a nuisance per se.
2. Violation of any provision of this Ordinance shall constitute a municipal civil infraction and is subject to the [Clement Township Civil Infractions Ordinance](#).
3. Each day that a violation is permitted to exist shall constitute a separate offense and shall be subject to the applicable fine, costs, penalties, and sanctions as a separate offense.
4. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 9.11 Action Summary Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance and supplements the preceding text, but is not a substitute for it:

Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s) - Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Dwellings, signs, fences, accessory structures, temporary dwellings, temporary food trucks, accessory dwelling units, seasonal uses	Applicant	ZA	No	-----	-----	ZBA
Site plan approval	Applicant	TB	No	-----	-----	ZBA
Special use permit	Applicant	TB	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Planned unit development	Applicant	TB	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, TB, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Appeal from decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Rezoning or Text Change (Amendment)	Applicant, PC, TB, or ZA	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision
		County Planning Commission reviews amendment & provides comment (30 days)				
		Step 2: TB	No	-----	-----	-----
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8 th day after publication.				
Zoning Ordinance Enforcement	ZA	-----	-----	-----	-----	ZBA
ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals						

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Article 10

Adoption & Amendments

Sec	Name	Pg	Sec	Name	Pg
10.1	Amendment to this Ordinance	10-1	10.5	Severability	10-8
10.2	Amendment Procedure	10-1	10.6	Vested Right	10-8
10.3	Rezoning Standards	10-3	10.7	Repeal & Savings Clause	10-8
10.4	Conditional Rezoning	10-4	10.8	Enactment & Effective Date	10-9

Section 10.1 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed pursuant to the authority and according to the procedures set forth in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- D. Corrections of spelling, typographical errors, etc. may be made without public hearings or the amendment process, provided that said corrections do not change the meaning or intent of this Ordinance.

Section 10.2 Amendment Procedure

All rezoning amendments or supplements shall be referred to the Planning Commission for study, recommendation, and public hearing.

A. Filing of Application.

All applications for amendment to this Ordinance or Zoning Map shall be in writing, signed, and filed with the Township Zoning Administrator, with the appropriate fee, for presentation to the Township Planning Commission at least forty-five (45) days prior to the Planning Commission meeting at which the request will be considered. All petitions for amendments to this Ordinance shall contain but not be limited to:

1. The petitioner's name, address, and interest.

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2. The name, address, and interest of every person, firm, or corporation having a legal or equitable interest in the land, if applicable.
3. Parcel (tax) ID number and legal description of the parcel.
4. The nature and effect of the proposed amendment.
5. If a map amendment is being requested, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification, the zoning classification of all abutting districts, and all public and private rights-of-way and easements bounding and intersecting the land under consideration.

B. Action by Planning Commission.

1. **Public Hearing.**
 - a. The Planning Commission shall hold the required public hearing as noticed per [Section 9.7](#). Affidavits of publication, affidavit of mailing and affidavit of posting must be kept on file at the Township Offices.
 - b. After providing the notice required under this Section and without further notice, except that as required under the [Open Meetings Act](#), the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.
2. **Submission to Gladwin County.** Following the public hearing, the proposed Zoning amendment, including any zoning maps, shall be submitted for review and recommendation to the Gladwin County Planning Commission. The County shall have thirty (30) days to review and respond to the proposed amendment. The County will have waived its right for review and recommendation of an amendment if the County does not respond within thirty (30) days.
3. **Transmittal to Township Board.** Following the County review, the Planning Commission shall transmit a summary of comments received at the public hearing, the results of the County review (if any), the proposed amendment, including any zoning maps, recommendations, and reports to the Township Board.

C. Action by Township Board.

1. **Public Hearing.** Upon receipt of the transmittal, the Township Board shall commence final consideration of the Planning Commission's recommendation. In this regard, the Township Board may decide to hold additional hearings on the proposed amendment, if in its judgment, it deems that further hearings may be necessary. The Township Board shall have a public hearing if it is requested by the property owner by Certified Mail to the Township Clerk, and also may hold additional hearings if considered necessary. Notice of such additional hearing shall be published in accordance with [Section 9.7](#).

2. **Modification of Amendment.** If the Township Board modifies the amendment, such shall be submitted to the Planning Commission for review and comment. Following review and comment by the Planning Commission, the Township Board shall reconsider the amendment.
3. **Decision.** Thereafter, at a regular or special meeting properly called, the Township Board may adopt the proposed amendment by a majority vote of its membership with or without amendments that have been previously considered by the Planning Commission or at a hearing.

D. Notice of Adoption.

Following Township Board adoption, the amendment shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice of adoption shall include the following:

1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected or the text of the amendment, as adopted.
2. The amendment shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as specified by the Township Board.
3. The place and time where a copy of the amendment may be purchased or inspected.

E. Resubmittal Procedure.

No petition for rezoning which has been disapproved by the Township Board shall be submitted for a period of one (1) year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

Section 10.3 Rezoning Standards

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Township Board may consider the following criteria in making its findings, recommendations, and decision:

- A. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values?
- B. Will there be an adverse physical impact on surrounding properties?
- C. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

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- D. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed rezoning consistent with recent development trends in the area?
- E. Are the physical, geological, hydrological, and other environmental features of the site compatible with the potential uses allowed in the proposed zoning district?
- F. Is the capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of Township residents?
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Uses within a district.

Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a

Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in [Section 9.7](#) of this Ordinance and consideration of the factors set forth in [Section 10.3 \(except 10.3 \(G\)\)](#) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the County Planning Commission as specified in [Section 10.2.B.2](#) for not more than thirty (30) day review period, according to the provisions of Section 307 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

E. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

- a. Be in a form recordable with the **County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to

comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within two (2) years after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the time frame specified under [subsection H](#) above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to [subsection I](#) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the [County Register of Deeds](#) that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to [subsection H](#) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

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Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 10.5 Severability

This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is declared by the courts to be unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one (1) or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 10.6 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 10.7 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Clement Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted. Said Ordinance or Ordinance sections repealed are hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Clement Township Zoning Ordinance**Section 10.8 Enactment & Effective Date**

- A. The required public hearing was held before the Clement Township Planning Commission on the 19th day of May, 2022, for this Zoning Ordinance of Clement Township. The Ordinance was adopted by the Clement Township Board of Trustees at a regular meeting held on June 8, 2022.
- B. Notice of adoption shall be published in a newspaper having general circulation in Clement Township within fifteen (15) days after adoption.
- C. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Clement Township Board after publication of a notice of adoption of said amendments.

I hereby certify that the above Ordinance was adopted by the Clement Township Board at a regular meeting held on June 8, 2022.



Clement Township Clerk

Published: June 15, 2022

Effective Date: June 22, 2022

Affidavit of Publication Required.

Clement Township Zoning Ordinance Amendments

[illegible]