

ARTICLE I

TITLE, PURPOSE
ENABLING AUTHORITY AND CONDITIONS
OF ENACTMENT

The Township of Wilber, Iosco County, Michigan

Ordains:

Section 1.01 - Title:

This Ordinance shall be known as the Wilber Township Zoning Ordinance.

Section 1.02 - Intent and Purpose of this Zoning Ordinance

An ordinance which has the intent and purpose for the protection of the public health, safety and other aspects of the general welfare of the Township through the establishment in the unincorporated portions of the Township, of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety, protective developmental and locational measures that shall be required for, and the maximum number of families that may be housed in dwellings; buildings and structures that may be erected or altered; to provide based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public utilities, facilities and services required to be provided to the residents, businesses and organizations of the Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest, open space lands, wetlands, floodplains, floodways and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other state and federal laws and state and federal administrative rules and regulations and local Township and County ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of Michigan Zoning Enabling Act 110 of 2006 as amended, and this Ordinance; to provide for the collection of fees for zoning permits and other approvals required under this Ordinance; to provide for appeals for interpretation and variances of the provisions of this Ordinance.

Section 1.03 - State Legislation Enabling Authority

This Ordinance is adopted pursuant to Michigan Zoning Enabling Act 110 of 2006, as amended, and, when so far as it is applicable, Michigan Public Act 33 of 2008 as

amended. Said Public acts covering Township Planning (Act 33) and Zoning (Act 110) are hereby made a textual part of this Ordinance to the extent necessary and required.

Section 1.04 - Enactment Declaration

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of the Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect upon its (1) passage by the Township Board of Trustees, (2) thirty calendar (30) days after its publication in a newspaper of general distribution in the Township and (3) as required by law otherwise.

Section 1.05 - Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance

The Zoning Ordinance of Wilber Township, presently in effect in the Township and all amendments thereto, hereby are repealed. This Ordinance supersedes, reorganizes, and amends the present Zoning Ordinance on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole or any subsequent amendment to it shall subsequently be defeated at a public referendum or be judicially determined to have been unlawfully adopted, such a referendum or judicial determination shall then automatically reinstate the present Township Zoning Ordinance and all of its amendment to their full effect.

ARTICLE II

DEFINITIONS

Section 2.01 - Rules Applying to Text

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “building” includes the word “structure”, and “dwelling” includes “residence”, the word “person” includes “corporation”, “co-partnership”, and “association” as well as an “individual”; the word “shall” is mandatory and directory. The Zoning Board of Appeals shall define terms not herein defined within the intent and purpose of this Ordinance.

Section 2.02 - Definitions

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

Accessory Building - See “Building, Accessory”

Accessory Use - See “Use, Accessory”

Activity - Means the active use of land for human and other purpose related to human endeavor.

Activity, Accessory - Means actions or combinations of actions which are normally or commonly and naturally incidental to, subordinate to, and related exclusively to the principal use or activity on the land, in the buildings and other structures, including all structures detached from the principal structure above and below ground, and all designed surface structures and areas.

Adjacent Property - Means property that adjoins any sides or corners of a specific parcel of land.

Adult Foster Care Facility - Means a state licensed residential facility that provides housing with supervision, assistance, protection and personal care in addition to room and board to person’s 18 years of age and older.

Agricultural Land - Means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Airport - Means an airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State Of Michigan, 1945 PA 327, MCL 259.86.

Airport Approach Plan and Airport Layout Plan - Means a plan, or an amendment to a plan, filed with the zoning commission under Section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151.

Airport Manager - Means that term as defined in Section 2 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.2.

Airport Zoning Regulations - Means airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

Alterations - Means any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Animal Hospital - Means a self-enclosed building wherein animals, including domestic household pets and farm animals, are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Animal Shelter - Means 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.

Apartments - Means the dwelling units in a multiple dwelling building as defined herein:

Efficiency Unit - Means a dwelling unit consisting of not more than one (1) room, which includes kitchen and dining facilities and required separately enclosed sanitary facilities and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit - Means a dwelling unit consisting of not more than two (2) rooms, in which one room includes kitchen and dining facilities, required separately enclosed necessary sanitary facilities and the second room is for bedroom purposes, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit - Means a dwelling unit consisting of not more than three (3) rooms, in which one room includes kitchen and dining facilities, required separately enclosed sanitary facilities and two (2)

separate rooms for bedroom purposes, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit - Means a dwelling unit herein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Appeal - See “Zoning Appeal”

Automotive Car Wash - Means building or portion thereof, where self-propelled automotive vehicles are washed.

Automotive Repair - Means place where, with or without the sale of engine fuels, the following services may be carried out: general automotive repair, automotive engine rebuilding, rebuilding or reconditioning of automotive vehicles; collision service, such as automotive body, frame or fender straightening and repair; or painting and undercoating of automotive vehicles.

Automotive Service - Means place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease, used in the operation of motor vehicles, are retailed directly to the public on premises; including sale of minor accessories and services for automotive vehicles.

Automotive or Trailer Sales Area - Means any enclosed building or area or open space used for display, sales, or rental of automotive vehicles or trailers in new and for used and operable condition.

Automotive Storage, Damaged - Means temporary storage of inoperable automotive vehicles intended to be repaired back to operable condition, but not including those damaged vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for automotive vehicles to be junked.

Basement - Means that portion of a building partly below grade, but so located that the vertical distance from the outside ground grade level to the basement floor is greater than the vertical distance from the outside ground grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall which provides barrier free access to the exterior outside grade level of the structure and with at least fifth (50) percent of that one wall with no outside grade against any portion of its exterior above the basement floor level and which has at least two exits which can function as exterior fire escape routes.

Bedroom - Means a bedroom is a dwelling room used for or intended to be used safely and healthfully for sleeping purposes by human beings.

Block - Means property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of lineal development along one side of a street.

Board of Appeals - See “Zoning Board of Appeals”

Breezeway - Means any covered passageway with open sides which is located between and is connected to two building and/or structures.

Buffer Area - See “Greenbelt”

Building - Means independent structure, either temporary or permanent, having a roof supported by columns or walls which includes houses, stores, offices, factories, sheds, garages, stables, greenhouses, and/or other accessory structures. A detached building is one separated on all sides from adjacent buildings by unobstructed open spaces from the ground up. When any portion of a building is completely separated and has no pedestrian access to or from any other part thereof, by solid dividing walls and without openings, doors or windows, each portion of such structure shall be deemed a separate building.

Building, Accessory - Means supplemental building or structure on the same lot or parcel of land as the main or principal use building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory use(s), but such use shall not include any accessory building or structure used for dwelling, residential, lodging, or sleeping purposes for human beings.

Building Area - Means space or land area remaining after the minimum open space requirements of this Ordinance, as determined by setback, yard and other open space requirements have been met.

Building, Farm - Means any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on various types of farms for the pursuit of their typical agricultural activities, including the storage or housing of farm equipment, supplies, produce and/or farm animals.

Building Height - Means the vertical distance of a building or structure from the established outside ground grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridges for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured by determining it from a point representing the average ground level of the outside finished grade existing around the foundation wall.

Building Inspector - Means official appointed by the Township Board to administer and enforce the provisions of this Zoning Ordinance.

Building Line - Means line formed by any face of the building, and for the purpose of this Ordinance, a building line is the same as a setback line.

Building, Main - Means building or structure in which the principal use or activity on a lot or parcel takes place.

Building Permit - Means written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal - Means building in which the principal use(s) or activity(ies) is (are) conducted on each separate lot or parcel.

Building Setback Line - Means line formed by the outer elevation surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum building setback lines which are established, in general, parallel to the front road or street right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

Building, Temporary - See “Temporary Use or Building”

Campground - Means uses and activities which take place on a lot or parcel of land for resort, vacation or recreation purposes in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A.368 as administered by the County, District Health or State Public Health Departments.

Child Day Care Facility - Means a State licensed family and group child care facility which meets the requirements of Public Act 116 of 1973, being MCL 722.111, Act 110 of 2006 as amended and the Administrative Rules and Regulations promulgated to implement these Acts and MCL’s and only apply to the bona fide private residence of the operator of the family.

Child Foster Care Facility - Means State licensed residential facility which provides housing with supervision, assistance, protection and personal care in addition to room and board to persons under 18 years of age.

Church, Temple or Synagogue - Means a building and its accessory structures and areas where persons assemble, regularly for religious worship and related activities and maintained and operated by a nonprofit organized religious body.

Clinic, Animal - Means a building or group of buildings and/or structure(s) where domestic animals are admitted for examination, treatment and care by a state licensed veterinarian and related paraprofessionals and technicians

and where such animals may be provided with overnight or short term housing.

Clinic, Human - Means a building or group of buildings where human patients are admitted for examination and treatment as outpatients by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

Club or Lodge - Means organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

College - Means an educational facility for students seeking education beyond high school and of higher learning providing specialized facilities for teaching and research of a general, professional, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

Commercial - Means business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

Commercial Area Means an area designated for commercial use or activity as defined herein.

Commercial District or Center - Means a concentration of commercial uses or activities, located in a specific area planned and zoned for commercial purposes.

Common Areas, Uses and Services - Means land areas, improvements, facilities and utilities, the use, enjoyment, and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision, condominium or a planned development.

Construction - See "Erected"

Construction Code - Means the Michigan State Construction Code or any Code established in accordance with the provisions of the State Construction Code Act, Public Act 230 of 1974.

Conservation Easement - Means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.

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

Coordinating Zoning Committee - Means a coordinating zoning committee as described under Section 307.

Development Rights - Means the rights to develop land to the maximum intensity of development authorized by law.

Development Rights Ordinance - Means an ordinance, which may comprise part of a zoning ordinance adopted under Section 507.

District - See “Zoning District”

Drive-in Establishment - Means establishment which offers goods and services over a take-out counter or to customers remaining in motor vehicles.

Drive-in Restaurant - Means any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, permitted to be consumed by patrons elsewhere on the site outside the main building or permitted to be taken off the premises for consumption elsewhere.

Dwelling - Means a building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings or accessory structures.

Dwelling, Farm - Means dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use and activity of the parcel of land upon which it is located.

Dwelling, Group - (Group Housing) Means two (2) or more separate single or multiple family dwelling structures located on a parcel of land under single or condominium ownership.

Dwelling, Mobile Home - Means a dwelling unit manufactured primarily for location in State licensed mobile home parks in one or more sections designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but when located outside of a State licensed mobile home park, meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the requirements of this Ordinance and the Construction Code.

Dwelling, Multiple Family - Means a dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other in separate dwelling units although contained in the same building.

Dwelling, One Family - Means a separate single dwelling structure designed exclusively for occupancy by one (1) family.

Dwelling, Two Family or Duplex - Means a separate multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

Filling - Means depository or dumping of any matter into or onto the ground, except that which is a part of common household gardening and general care.

Filling Station - See “Automobile Service”

Flood Plain - Means portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle.

Floor Area, Gross (GFA) - Means sum of a gross horizontal areas of one or several floors of the building measured from the exterior face of the exterior walls or from the centerline of common walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition). Any building space or paved areas devoted to automotive parking shall not be included in the construction of gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or not enclosed) or attached garages shall also not be included in gross floor area measurements.

Floor Area, Usable (UFA) - Means measurement of area shall be that portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for dwelling purposes, or to provide services to the public as customers, patrons, clients, members or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom as measured between the floor surface and the ceiling surface.

Foster Care Facility - Means a State licensed child or adult care facility that is organized for the purpose of receiving, housing and boarding of children or adults for care, maintenance, and supervision in buildings licensed for that purpose, and operated throughout the year. Foster Care Facilities do not include a hospital licensed under Section 59 and Act. No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended or a hospital for mentally ill licensed under Act. No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care center.

Frontage, Street - See “Road Frontage”

Garage, Commercial - Means a garage, not including a nonprofit, public or private garage, available to the public, operated for profit, and used for

storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage, Private - Means accessory building not to exceed the height of the principal structure used for parking, housing and care of vehicles or storage as may be required in connection with the permitted use(s) of the principal building.

Gas Station - See “Automobile Service”

Grade - Means a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground grade around the perimeter of the building.

Greenbelt - Means a buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Greenway - Means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Group Child-Care Home and Family Child Care Home - Means those terms as defined in Section 1 of 1973, PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

Group Housing - See “Dwelling, Group”

Highway - Means any public thoroughfare dedicated and maintained for the use and operation of automotive vehicular traffic by the Michigan Department of Transportation. (Also see “Road”)

Historical Building, Site or Area - Means those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local community by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political, or architectural history; (b) stabilize and improve property values on such sites or in such areas; (c) foster civic attractiveness; (d) strengthen the local economy; and (e) promote the use of such sites for the preservation of tradition and promote education, pleasure, and welfare of the local residents and of the general public.

Home, Motor - Means motorized automotive vehicular unit primarily designed for family travel and/or recreational usage, which may also contain complete housing facilities for overnight lodging. This term does not include mobile homes or any other motorized or nonmotorized vehicles, including boats.

Home Occupation - Means any use customarily conducted entirely within a limited portion of the dwelling or an accessory structure and carried on by only the family residing therein, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for family dwelling purposes, does not change the internal and external character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of visual nonresidential activities, noise, noxious emissions, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such home occupation, profession or hobby. Such home occupations shall not require external alterations of construction features, outdoor storage or signs not customarily permitted or found in residential areas.

Hospital - Means 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, out-patient department, training facilities, central and public access and service facilities and staff offices.

Hotel - Means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals, with or without meals, in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel").

Hunting Trailers - Means a short term, seasonal or vacation type of temporary or non-permanent residence in the form of a recreation vehicle, motor home, camping or other type of recreation vehicle or a mobile home which is capable of being driven or drawn behind an automotive vehicle.

Improvements - Means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Industrial - Means a business operated primarily for profit, including those of product manufacturing or conversion through 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 - Means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, and providing them with all necessary facilities and services in attractive surroundings among compatible land uses and activities.

Institutional - Means a public, semipublic or private organization having a social service, educational or religious purpose established by law, custom, practice or a system to serve the general or a limited public.

Intensity of Development - Means the height, bulk, area, density, setback, use and other similar characteristics of development.

Junk - Means all rubbish, refuse, waste material and garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles and equipment or parts thereof. This shall not preclude home or farm composting for on-site use as a permitted activity.

Junk Yard - Means any lot, parcel, field, area or tract of land, on which there is an accumulation of junk, whether operated for either profit or nonprofit purposes. The term "junk yard" includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building or structure.

Kennel - Means any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing, household or domestic pets of like number are bred or sold.

Laboratory - Means a building, structure, area or place where the principal use is devoted to experimental, routine, or basic study, such as testing and analytical operations.

Lake - Means a permanent natural or man-made body of water of at least five (5) acres of contiguous water surface, excluding swamps, bogs, drainageways and connecting streams in area.

Landscaping - Means any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden

structures and any surface and subsurface structures, grading or excavation included on a landscape site plan.

Land Use Permit - See “Zoning Permit”

Legislative Body - Means the county board of commissioners of a county, the board of trustees of a township, or the council or other similar elected governing body of a city or village.

Lighting, Source of - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament, which is exposed or visible through a clear material. Exposed sodium or mercury vapor lamps or neon gas lamps shall be considered a direct source of light.

Loading Space - Means an off-street space on the same lot with a building or group of buildings, provided for the temporary parking of commercial vehicles while loading and/or unloading merchandise, materials or passengers.

Local Unit of Government - Means a county, township, city or village.

Lot - Means a separate parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use or uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records, “Also see “Parcel” or “Plat”). A lot shall not include public or private road easements or road right-of-ways.

Lot Area - Means the total horizontal plane area contained within the boundary lot lines of a lot or parcel.

Lot, Corner - Means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degree.

Lot Coverage - Means a percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel, including principal and accessory buildings and surface and above surface water impermeable ground covering structures.

Lot Depth - Means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage - Means any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner Lot. In the case of

a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.

Lot, Interior - Means any lot other than a corner lot.

Lot Lines - Means the exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front - Means in the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, “front lot line” shall mean that line separating said lot from that road which is designated as the front road in the plat.

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

Lot Line, Side - Means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record - Means a lot existing prior to or developed subsequent to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds’ Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a “Lot of Record”. (Includes “Parcel of Record”)

Lot, Waterfront - Means a lot having frontage directly upon a lake, river or other body of surface water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the portion adjacent to the road shall be designated the road frontage of the lot.

Lot Width - Means the horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.

Major Thoroughfare - Means a road, street or highway designated as such in the Master Plan for “Road and Highways”.

Marginal Access Road - Means a public or private road or driveway paralleling and adjacent to one of the major roads and arterials as designated in the Master Plan for “Roads and Highways”.

Mobile Home - See “Dwelling, Mobile Home”

Mobile Home Park - Means for the purpose of this Ordinance, a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use and licensed by the State

of Michigan in accordance with Public Act of “The Mobile Home Park and Commission Act”.

Mobile Home Space or Pad - Means specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home or a mobile home site.

Motel - (also see “Hotel”) - Means a motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient housing or lodging accommodations for the public for compensation.

Motor Court - See “Motel”

Nonconforming Building or Structure - Means a building or portion thereof lawfully existing on the effective date of this Ordinance, or existing prior to any subsequent amendments thereto, and which does not conform to the provisions of the Ordinance and those specified in the zoning district in which it is located.

Nonconforming Use or Activity - Means a use or activity which lawfully occupied a building or land on the effective date of this Ordinance, or any subsequent amendments thereto, and that does not conform to the provisions of this Ordinance or the use or activity regulations of the zoning district in which it is located.

Nuisance - Means an offensive, annoying, unpleasant, or obnoxious use, activity, thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any of its physical characteristics of activity or use across a property line which can be perceived by or adversity affects a human being in a significantly definable manner.

Nuisance Per Se - Means 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.

Nursing Home - See “Convalescent Home”

Occupied - Means a building, structure, or land area designed, occupied and used for the purpose permitted under the provisions of this Ordinance.

Office - Means a separate enclosed area that has as its primary use, rooms for providing personal, professional, technical or financial services to individuals, families and organizations.

Office Park - Means a special or exclusive type of planned office area designed and equipped to accommodate a community or assemblage of offices and office buildings, and providing them with all of the necessary facilities

and services in attractive surroundings among compatible land uses and activities.

Off-Street Parking - See “Park, Off-street”

Off-Street Parking Lot - See “Parking, Off-street, lot”

Off-Street Parking Space - See “Parking, Off-street, space”

Open Air Business Uses - Means business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- A. bicycle, utility truck or trailer, motor vehicle, boat or home equipment sale, repair, or rental services.
- B. outdoor display and sales of homes, sheds, garages, motor homes, mobile homes, recreation vehicles, snowmobiles, farm implements, swimming pools and similar products.
- C. retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, fill dirt, etc.
- D. tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, golf courses, miniature golf courses, golf driving range, children’s amusement parks or similar recreation uses (transient or permanent).

Open Space - Means any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings or surface or above surface structures.

Open Space Uses - Means any principal or accessory use of a lot or parcel not involving the use of buildings or structures that are required to meet the Construction Code.

Open Storage - Means land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Other Eligible Land - Means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

Outdoor Advertising Signs - See “Signs, Outdoor Advertising” and Article XV, “Sign Regulations”.

Parcel - See “Lot”

Parking, Off-street - Means vehicular parking provided on a lot or parcel, but not within a highway or public or private road right-of-way.

Parking, Off-street, Lot - Means a facility providing automotive vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than five (5) automobiles.

Park, Off-street, Space - Means an area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted automotive vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

Parking Space - Means a land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Person - Means an individual, partnership, corporation, association, governmental entity or other legal entity.

Pet - Means only such animals as may commonly be housed within domestic household living quarters.

Planned Unit Development - Means a planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.

Plat - Means map or plan of the layout of the subdivision of a parcel of land, which is in conformance with all of the provisions of Public Act 288 of 1967; the Subdivision Control Act and the Subdivision regulation of the Township if and when enacted.

Pond - Means a small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Population - Means the population according to the most recent federal decennial census or according to a special census, conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

Porch, Enclosed - (includes patio) Means 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 - (includes patio and deck) Means a covered entrance to a building or structure which is enclosed except for columns supporting the porch roof, 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.

Practical Difficulties - See “Zoning Variance”

Private Road - See “Road, Private”

Public Utility - Means any person, organization, firm, corporation, municipal department, board, or commission duly authorized to furnishing, and furnishing under federal, state, municipal, authority or corporate regulations to the public, electricity, gas, steam, communications, telegraph, cable television, transportation, water, stormwater collection or wastewater collection and treatment.

Recreation Vehicle (RV) - Means a motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a nonmotorized vehicle mounted on or drawn by another vehicle to be used for recreation, vacation or traveling purposes.

Recreation Vehicle Park (RV Park) - Means a family recreation oriented facility for the overnight or short-term parking of motor homes, travel trailers, and other recreation vehicles or tents. May also be known as a campground. All RV parks must meet the provisions of Public Act 368 or 1978, Park 125, “Campgrounds” and the Administrative Rules of the Division of Community Environmental Health, State Department of Public Health.

Restaurant - Means a building which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

Right-Of-Way, Road - See Road Right-of Way: includes ‘Highway and Street Right-of-Way’.

Road - Means any public or private thoroughfare dedicated and maintained for the use and operation of automotive vehicular traffic by the County Road Commission, other public agency or by private property owners.

Road Frontage - Means legal line that separates a publicly dedicated or private road right-of-way or easement from abutting land.

Road, Frontage Access - Means public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface - Means a highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

Road, Private - Means a non-public road is one which serves at least 2 separately owned lots or parcels and which meets the County Road Commission standards.

Road Right-of-Way Line - Means the line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand - Means a temporary or permanent building or structure operated for the purpose of selling produce raised or produced on the same premises and the immediate surrounding area, by the proprietor of the stand or the proprietor's family. Its use shall not make the land upon which it is located a commercial district on land which would be otherwise classified as agricultural or residential. Its use shall not be deemed a commercial activity, but an accessory use to the principal use. The maximum floor area of a Roadside Stand shall not exceed 400 square feet.

Salvage - Means the same as junk (see definition of Junk).

Sanitary Landfill - Means a private or public landfill that meets all of the requirements of Public Act 641 or 1978 and the rules promulgated under this Act by the Michigan Department of Natural Resources.

Setback, Road - Means the distance between the road right-of-way line and the nearest point of the foundation of the principal structure located on an abutting lot or parcel.

Setback, Waterfront - Means the distance between the shoreline of a surface water feature and the nearest point of the foundation of the principal structure located on an abutting lot or parcel.

Shoreline - Means the line which separates land from a surface water feature, which 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. For the purpose of this Ordinance, the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign - Means the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign, Lighted - Means any sign having a conspicuous, continuous or intermittent variation in the illumination of the message portion of any part of the sign.

Sign, Outdoor Advertising - (also Billboard) Means any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin board or structures used to display official court or public notices.

Site Plan - Includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Special Use - Means a permitted, but specified as a special use, which is subject to approval by the Township after meeting all of the procedures and provisions of site plan review. A permitted special use is not considered to be a nonconforming use.

Special Use Permit - Means permission granted by the Township for permitted special land uses.

State Licensed Residential Facility - Means 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 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

Story - Means that part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story is not one in which more than fifty (50) percent, by cubic content, is below the average level of the adjoining ground around a building or structure (See Basement)

Story, Half - Means an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor is less than two-thirds (2/3) of the floor area in the story directly below, and contains at least two hundred (200) square feet of floor space which has a ceiling height of at least seven (7) feet, six (6) inches.

Story, Height - Means the vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street - Means a street, avenue, boulevard, highway, road, lane, alley, viaduct, or other way intended for use by automobiles

Structure - See "Building", and in addition, any man-made surface or above surface feature or designed earth feature other than normal finished grading

for surface contour and drainage purposes including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.

Structural Alterations - Means any change in the supporting members of a building such as bearing walls, columns, beams, or girders or any substantial changes in the alignment of the roof and exterior walls.

Television Satellite Dish - Means an outdoor structure used for the purpose of receiving television signals and programs from space satellites.

Swimming Pool - Means any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than 18 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Temporary Building - See “Building, Temporary”

Temporary Use - See “Use, Temporary.”

Tent - Means a shelter of canvas or the like supported by poles and fastened by cords to pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.

Township - Means Wilber Township

Travel Trailer - Means a mobile non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.

Undeveloped State - Means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Use - Means the lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Use, Accessory - Means a use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and area.

Use, Agricultural - Means any use permitted in the RD and AR Agricultural Zone in this Ordinance.

Use, Commercial - Means any use permitted in the CSC Commercial and Planned Unit Development (PUD) Commercial Areas in this Ordinance.

Use, Industrial - Means any use permitted as a special Industrial Land Use and Industrial Planned Unit Development (PUD) in this Ordinance.

Use, Institutional - Means any of the public or private organizational uses permitted in this Ordinance.

Use, Land - Means the principal and accessory uses and activities being made of all land areas, buildings, and structures located upon a lot or parcel.

Use, Principal - Means the primary or dominant use or activity to which a lot or parcel is put.

Use, Public - Means any of the publicly owned or leased uses of land, buildings, or structures administered and operated by a public agency or official.

Use, Residential - Means any of the uses permitted in the Residential and Residential Planned Unit Development (PUD) zones in this Ordinance.

Use, Temporary - Means a use, activity, or building or structure permitted to exist during period of construction of the main building or use, or for special events.

Variance - See “Zoning Variance”

Yard - Means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.

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

Yard, Front Roads and Waterfronts - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of surface water features.

Yard, Rear - Means the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.

Yard, Side - Means the open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is

the horizontal distance from the nearest point of the side lot to the nearest point of the principal building.

Zoning Administrator - Means the public official appointed by the Township Board for the purpose of administering and enforcing the provisions of this Zoning Ordinance, including approved amendments, site plans and Zoning Board of Appeals variances.

Zoning Appeal - Means an entreaty or demand for a hearing and/or review by the Zoning Board of Appeals of facts and/or decisions or actions by the Zoning Administrator, Planning Commission, Township Board or any other local body or official involved in the decision making procedure in the administration and enforcement of this Zoning Ordinance.

Zoning Board of Appeals - Means the term “Board of Appeals” means the Township Zoning Board of Appeals.

Zoning District - Means a geographical or legally described portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Exception - See Zoning Interpretation” and “Zoning Variance”

Zoning Interpretation - Means an official act on the part of the Zoning Board of Appeals which determines the intent and purpose of this Ordinance only after review of an application requesting an interpretation of the provisions of this Zoning Ordinance by the Zoning Board of Appeals which may include the advice and counsel of the Planning Commission. Such review is necessary because the provisions of this Ordinance, in respect to the application of all of its provisions, may not be precise enough without interpretation and such review and decisive interpretation of the provisions of this Ordinance is therefore required.

Zoning Jurisdiction - Refers to the area encompassed by the legal boundaries of a city, or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to township zoning ordinance.

Zoning Permit - A permit for commencing, proceeding with and completing construction, issued in accordance with a site plan for construction, that complies with all of the provisions of this Zoning Ordinance.

Zoning Variance - The term “Variance” shall mean a modification of the literal provisions of this Zoning Ordinance, which is granted when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial point of a variance is practical difficulties, which would

preclude the same type of variance from being repetitively granted in a zoning district, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district, The term variance shall not mean to include granting variances for substantially larger or smaller buildings or additional uses other than those sizes of buildings and types of uses specifically permitted in the respective zoning district.

Practical difficulties - Means that quantitative or dimensional zoning requirements cannot be met for building or structural uses and activities by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of their characteristics from other more typical lots located in the same zoning districts.

ARTICLE III

GENERAL PROVISIONS

Section 3.01 - Purpose

The purpose of General Provisions is to establish board fundamental rules, regulations and provisions which affects all Zoning Districts. Some of the General Provisions help explain or are required by Michigan Zoning Enabling Act 110 of 2006 as amended.

Section 3.02 - Existing Uses of Lands, Building and Structures

The provisions of this ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

Section 3.03 - Scope of Ordinance

Except as provided by Sections 3.02, all land and premises shall be used and all buildings and structures shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date herein.

Section 3.04 - Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Article IV	RD - Resource Development District
Article V	AR - Agricultural Residential District
Article VI	RR - Rural Residential District
Article VII	MDR - Medium Density Residential District
Article VIII	CSC - Community Service Commercial District
Article IX	I - Industrial District
Article XI	PUD - Planned Unit Development District

Section 3.05 - Provisions for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Wilber Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

Section 3.06 - Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and Michigan Zoning Enabling Act 110 of 2006 as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

Section 3.07 - Authority of Official Zoning Map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the Township Clerk and shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

Section 3.08 - Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by

the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

Section 3.09 - Applications and Interpretation of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XIX of this Ordinance and Act 110 of 2006 as amended.

Section 3.10 - Scope of Regulations

- A. Except as may otherwise be provided in Article XIX, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses as determined by the Planning Commission. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or if similar to the listed special uses as determined by the Planning Commission and if the required conditions are met.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building, or structure.

- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein, except as provided by the Zoning Board of Appeals. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established here.
- G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with this Zoning Ordinance and the Subdivision Control Act of 1967, as amended.

Section 3.11 - Conformance to Other Public Laws, Rules and Regulations

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provision of this Zoning Ordinance.

Section 3.12 - Conflicting Regulations

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

Section 3.13 - Zoning - Not a Vested Right

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not 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 in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

Section 3.14 - Site Plan Review Procedures

All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XVI, "Site Plan Review Procedure", required by the Zoning Administrator, except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XVII, "Site Plan Review", and submitted with the application for a zoning permit.

Section 3.15 - Zoning Permits in Relation to Building Permits

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant, for construction under the provisions of the Construction

Ordinance, to first apply for and obtain a zoning permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

Section 3.16 - Permitted Zoning District Uses and Other Provisions

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations included in other Articles in this Zoning Ordinance may also appropriately apply, including those provisions contained in Article XIII, "Supplemental Regulations"; Article XII, "Nonconforming Land, Building and Structural Uses"; Article XV, "Off-Street Parking, Loading and Unloading Requirements"; Article XVI, "Sign regulations"; and Article XVII, "Site Plan Review Procedures". Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

Section 3.17 - Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning District. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article XX, except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance and the granting of variances.

Section 3.18 - Continued Conformance with Regulations

The maintenance of uses, activities, yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements 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, use or activity is located.

Section 3.19 - Conformance of Lots and Parcels to the Subdivision Control Act

All uses permitted in any district shall be located on lots or parcels of land split or subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, "The Subdivision Control Act" and the Subdivision Regulations of the Township adopted and in effect at the time.

ARTICLE IV

RD RESOURCE DEVELOPMENT DISTRICT

Section 4.01 - Purpose

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features, including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area.

Section 4.02 - Permitted Principal Uses

- A. All uses permitted in the AR District, types of farming presently existing in the RD Districts and their related or accessory agricultural operations may continue and these same types of farming may be established in new locations within the District in accordance with the relevant provisions of the “AR” District.
- B. Single family dwellings, on at least ten (10) acres of contiguous acres of land that can accommodate on-site septic tanks and wells which meet the approval of the County Health Department.
- C. Those uses permitted under the provisions of (1) Public Act 203 of 1979, “The Wetland Protection Act”, (2) Public Act 245 of 1929, “The Water Resources Conservation Act” (those Sections specific to Floodplains), (3) Public Act 346 of 1972, “The Inland Lakes and Streams Act” and (4) Public Act 231 of 1970, “The Natural River Act,” provided they meet the provisions of these Acts and the Administrative Rules and Regulations promulgated to implement these Acts.
- D. Public and private conservation or recreation uses, which are located on an area of at least ten (10) contiguous acres of land.

Section 4.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article X, “Special Uses”:

Permitted Special Uses

- 1. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous areas of land.

2. Public and private areas to preserve natural open space, natural vistas, geological features, archeological sites and other significant natural and historical features and sites which are located on an area of at least twenty (20) contiguous acres of land.
3. Public, private or pet cemeteries that are located on an area of at least twenty (20) contiguous acres of land.
4. Public and private areas for golf courses, parks, playgrounds, resorts, recreation vehicle parks and swimming and court game clubs which are located on at least twenty (20) contiguous acres of land except the golf courses shall have a minimum of forty (40) acres per nine (9) golf holes.
5. Electronic receiving, transmitting and relay facilities located on an area of land which has its minimum area determined by having the minimum distance in all directions from the perimeter of the base of the tower to the nearest property line at least equal to the height of the tower. An open-air fence of at least six (6) feet in height shall enclose the tower.
6. Extraction of sand, gravel, rock and minerals that are located on at least twenty (20) contiguous acres of land planned, operated and maintained in accordance with Article X "Special Uses" and specifically Section 10.15.

Section 4.04 - Permitted Accessory Uses

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article XVI, "Sign Regulations."
- C. Home occupations normal and appropriate to the skills of the occupants of the principal use located on a lot or parcel in this District as conditions by Section 13.19.
- D. Private residential pools as conditioned by Section 13.18 located on the same lot or parcel with the principal residential structure
- E. Farm vehicle and implement repair and maintenance in conjunction with farming or other principal agricultural use located on the same parcel.
- F. Herbicide, insecticide and fertilizer sales and application in conjunction with farming or other principal agricultural use located on the same parcel.

- G. Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- H. Sales of seed and other product sales in conjunction with farming or other principal agricultural use located on the same parcel.

Section 4.05 - Permitted Accessory Uses with Conditions

Roadside Stands

In the RD District, each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm or in the immediately surrounding area in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

1. The structure shall not be more than one (1) story in height.
2. The floor area shall not be more than 400 square feet.
3. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the road right-of-way.

Section 4.06 - Dimensional Requirements

- A. Lot Area: A permitted parcel shall have a minimum of ten (10) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: The minimum of three hundred and thirty 330 feet at the required building setback line.
- C. Lot Coverage: Maximum of twenty (20) percent.
- D. Floor Area The minimum first floor area of a one (1) story dwelling 900 square feet, and for a two (2) story dwelling 600 square feet on the ground floor, and a minimum total of 900 square feet for both stories.
- E. Yard and Setback Requirements
 1. Front Yard: Minimum of fifth (50) feet from the road right-of-way line.
 2. Side Yard: Minimum of fifty (50) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
 3. Rear Yard: Minimum of fifty (50) feet.

- F. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed one hundred twenty (120) feet in height.

ARTICLE V

AR AGRICULTURAL RESIDENTIAL DISTRICT

Section 5.01 - Purpose

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for farming and residential purposes.

Section 5.02 - Permitted Principal Uses

A. All types of agricultural operations are permitted.

B. Single family dwellings on at least ten (10) acres of contiguous acres of land that can accommodate on-site septic tanks and wells which meet the approval of the County Health Department.

Section 5.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article X, "Special Uses":

A. Outdoor kennels for dogs

1. All dog kennels shall be operated in conformance with all applicable county, state and federal regulations; special use permits being valid for no longer than one (1) year, but subject to being renewed annually.
2. For dog kennels, the minimum lot size shall be ten (10) acres with the ratio of dogs not to exceed six (6) dogs for the first acre and an additional one-sixth (1/6) acre for each one (1) additional dog.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 300 feet from any occupied residential property line or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.
4. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, soundproofing and sanitary requirements.

B. Electronic receiving, transmitting and relay facilities

Electronic receiving, transmitting and relay facilities located on an area of land which has its minimum area determined by having the minimum distance in all directions from the perimeter of the base of the tower to the

nearest property line at least equal to the height of the tower. An open-air fence of at least six (6) feet in height shall enclose the tower.

C. Agribusiness

1. Permitted Special Uses:

- a. Auctions for livestock, provided they are located at least 330 feet from adjacent residential structures.
- b. Farm machinery: sales, service, rental or repair.
- c. Grain elevators for storage, drying and sales, provided they are located at least 330-feet from adjacent residential structures.
- d. Grain and livestock truck and cartage facilities provided they are located at least 330 feet from adjacent residential structures.
- d. Sawmills provided they are located at least 330 feet from adjacent residential structures.
- e. Seed dealership outlets and distribution center.
- f. Veterinary hospitals, clinics and indoor kennels.

2. Conditions

An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the agricultural or other natural resource commodities produced in the AR District. Permitted agribusinesses are listed above with the following conditions:

- a. Minimum lot or parcel area shall be ten (10) acres and minimum road frontage shall be 330 feet, except as otherwise required for specific uses listed.
- b. All agribusiness uses, except as otherwise provided in Section 5.04 C.1., shall be located at least 330 feet from all RR and MDR zoning district boundary lines, and existing residential structures located on adjacent properties.
- c. All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

D. Permitted public and private institutions for human care, religion, education and other human social purposes

1. The proposed site for any of these types of uses which would attract persons from or are intended to serve areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road.
2. Front, side and rear yards shall be set back at least fifty (50) feet, and shall be landscaped with trees, shrubs, and grass. All such landscaping shall be maintained in a neat and healthy condition. There shall be no parking or structures permitted in required yards, except required entrance drives, boundary fences and walls and those walls used to screen the use from abutting residential lots and parcels.

Section 5.04 - Dimensional Requirements:

- A. Lot Area: A permitted parcel shall have a minimum of ten (10) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: Minimum of 330 feet for 10 acre parcel, at the building required setback line, except that lots and parcels existing prior to the adoption and/or revision of this Zoning Ordinance and not meeting the minimum lot or parcel size and width shall be permitted to be built upon, providing they can meet all of the other requirements of this Zoning Ordinance.
- C. Lot Coverage: Maximum of twenty (20) percent.
- D. Floor Area: The minimum first floor area of a one (1) story dwelling 900 square feet, and for a two (2) story dwelling 600 square feet on the ground floor, and a minimum total of 900 square feet for both stories.
- E. Yard and Setback Requirements:
 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line.
 2. Side Yards: Minimum of fifty (50) feet for each side yard.
 3. Rear Yard: Minimum of fifty (50) feet.
- F. Height limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings' accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

ARTICLE VI

RR RURAL RESIDENTIAL DISTRICT

Section 6.01 - Purpose

The purpose of this district is to provide for single family housing neighborhoods free from other uses, except those that are (1) normally accessory and (2) compatible, supportive and convenient to the residents living within such a district.

Section 6.02 - Permitted Principal Uses

Single family dwellings of conventional or manufactured construction on a minimum of two (2) acre parcel, if on-site water supply and wastewater disposal systems met the requirements of the County Health Department.

Section 6.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article X, "Special Uses":

- A. Permitted special uses:
1. Public buildings on at least five (5) acres of land.
 2. Public recreational playgrounds on at least ten (10) acres of land.
 3. Non-profit recreation areas on at least ten (10) acres of land.
 4. Religious institutions on at least five (5) acres of land.
 5. Health, educational and social institutions on at least ten (10) acres of land.
 6. Golf courses and country clubs on at least forty (40) acres of land per nine (9) golf holes.
 7. Child care centers provided they are licensed by the State of Michigan
- B. Above permitted uses subject to the following requirements:
1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
 2. Front, side and rear yards shall be setback at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall

be no parking or structures permitted in these yards, except required entrance drives, boundary fences and walls, and those walls used to obscure the use from abutting residential lots and parcel.

Section 6.04 - Permitted Accessory Uses:

- A. Normal existing accessory uses to single family housing.
- B. Customary home occupations, as conditioned by Section 13.19.
- C. Private residential pools, as conditioned by Section 13.18.

Section 6.05 - Dimensional Requirements:

- A. Lot Area: A single family residential parcel or lot shall have a minimum of two (2) acres in area.
- B. Lot Width: Minimum of 200 feet at the building setback line.
- C. Lot Coverage: Maximum of thirty (30) percent.
- D. Floor Area: The minimum first floor area of a one (1) story dwelling 900 square feet, and for a two (2) story dwelling 600 square feet on the ground floor, and a minimum total of 900 square feet for both stories.
- E. Yard and Setback Requirements:
 - 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way, except as otherwise required in Section 6.03 B.2.
 - 2. Side Yard: Minimum of twenty-five (25) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
 - 3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of thirty-five feet (35) for all residential structures, a maximum of twenty-five (25) feet for all residential related accessory structures for farm accessory buildings refer to AR District.

ARTICLE VII

MDR MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 7.01 - Purpose

The purpose of this Medium Density Residential Zoning District is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

Section 7.02 - Permitted Principal Uses

Single family dwellings of conventional or manufactured construction on lots that meet the requirements of Section 7.06A or 7.06B, whichever is applicable.

Section 7.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, building and structures are permitted subject to the provisions of Article X, "Special Uses":

- A. Permitted special uses:
1. Public buildings on at least five (5) acres of land.
 2. Public recreational playgrounds on at least ten (10) acres of land.
 3. Non-profit recreation areas on at least ten (10) acres of land.
 4. Religious institutions on at least five (5) acres of land.
 5. Health, educational and social institutions on at least five (5) acres of land.
 6. Golf courses and country clubs on at least forty (40) acres of land per nine (9) golf holes.
 7. Childcare centers provided the State of Michigan licenses them.
 8. State licensed residential foster care facilities housing six (6) or less persons in single family dwellings.
- B. Above permitted principal special uses are subject to the following requirements.

1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting on impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
2. Front, waterfront, side and rear yards shall be setback at least seventy-five (75) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
3. Shall meet the requirements of Article XV, "Off-Street Parking" and all other applicable requirements of this Zoning Ordinance.

Section 7.04 - Permitted Accessory Uses

- A. Normal, existing accessory uses to single family housing.
- B. Customary home occupations, as conditioned by Section 13.19.

Section 7.05 - Permitted Accessory Uses with Conditions.

Private pools for use as a part of single family dwellings in conformance with the provisions of Section 13.18.

Section 7.06 - Dimensional Requirements

- A. Lot Area: Minimum of 20,000 square feet with public or common sewer and water.
- B. Lot Area: Minimum of one (1) acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
- C. Lot Width: Minimum of 100 feet for A. above and 150 for B. above.
- D. Lot Coverage: Maximum of 30%
- E. Floor Area The minimum first floor area of a one (1) story dwelling 900 square feet, and for a two (2) story dwelling 600 square feet on the ground floor, with a minimum total of 900 square feet for both stories.
- F. Yard and Setback Requirements:
 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, and shoreline of any surface water features, except as otherwise required in Section 7.03 B.2. and unless a greater setback from the

waterline is required by the Michigan Department of Natural Resources or other public agency.

2. Side Yard: The buildings shall cover no more than 80 percent of lot width at the building site, and the side yard shall be no less than one-third (1/3) of the remaining lot.
3. Rear Yard: Minimum of fifty (50) feet.
4. Exception: Greenwood Subdivision may have 25-foot setbacks.
Approved by Board on 4-6-98

G. Height Limitations: Maximum of thirty-five (35) feet for residential structures, a maximum of twenty-five (25) feet for all residential related accessory structures.

ARTICLE VIII

CSC COMMUNITY SERVICES COMMERCIAL AREA

Section 8.01 - Purpose

This article has the intent of providing areas wherein retail trade and service outlets can be located.

Section 8.02 - Permitted Principal Uses

Uses are permitted that are in accordance with Michigan Zoning Enabling Act 110 of 2006 as amended, and subject to provisions of Article X, "Special Uses".

Section 8.03 - Permitted Principal Special Uses with Conditions:

Planned shopping centers in accordance with the provisions of Article X, "Special Uses" for a collective grouping of two (2) or more of the principal uses permitted in this district.

Section 8.04 - Dimensional Requirements, Except as Otherwise Specified in this Ordinance.

- A. Lot Area: *Minimum of one (1) acre per principal use.*

- B. Lot Width: Minimum of 150 feet of building setback line, when on-site well water supply and septic tank wastewater disposal systems are used, or a minimum of 80 feet at building setback line, when public or common water supply and wastewater sewage and treatment systems are directly accessible to the lot or parcel.

- C. Lot Coverage: Maximum of fifty (50%) percent

- D. Yard and Setback Requirements:
 - 1. Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines.

 - 2. Side Yards: Minimum of ten (10) feet for (1) side yard, but a minimum total of twenty-five (25) feet for both side yards.

 - 3. Rear Yard: Minimum of fifty (50) feet.

- E. Height Limitations: Maximum of thirty-five (35), except that a detached accessory structure shall not exceed twenty-five (25) feet.

- F. Location and Site Development Requirements:

1. All uses shall only have vehicular access via a hard surface year-around paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road(s) except as otherwise provided in Section 13.23.
2. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures, unless it is screened in accordance with Section 13.20

ARTICLE IX

I INDUSTRIAL AREA

Section 9.01 - Purpose

It is the intent of this article to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this area to permit only those industrial manufacturing uses having performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

Section 9.02 - Permitted Principal Uses With Conditions

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- Cement products
- Commercial garages
- Commercial free standing towers.
- Contractor's establishments
- Dry bulk blending plants
- Electrical and electronic equipment manufacturers
- Fabricated metal products
- Grain elevators - storage and retail sales.
- Handling of liquid nitrogen, fertilizer and anhydrous ammonia
- Jobbing and machine shops
- Junk yards
- Meat processing plants
- Metal plating and finishing
- Monument and cut stone manufacturers
- Outdoor storage
- Pallet manufacturing
- Plastic products forming and molding
- Printing and publishing
- Processing of machine parts
- Public service and utility facilities
- Research and development establishments
- Sand and gravel operations
- Sawmills
- Slaughter houses
- Solid waste disposal transfer stations

Sports equipment manufacturing
Storage facilities for building materials – indoor and outdoor
Storage or transfer warehouses
Temporary buildings
Tool manufacturing
Trade and industrial schools
Truck and rail freight terminals
Warehouses, including mini-warehousing
Wholesale trade stores
Wood products

Section 9.03 - Permitted Special Uses with Conditions

Planned Industrial Parks in accordance with the provisions of Article X, “Special Uses” for the collective grouping of two (2) or more of the uses permitted in this district.

Section 9.04 - Permitted Accessory Uses

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

Banking
Caretakers quarters
Child care centers
Customary home occupations in existing single family homes, as conditioned by Section 13.19.
Education, library and training facilities
Medical and health care facilities
Normal accessory uses to all Permitted Principal Uses
Office Facilities
Recreation and physical fitness facilities
Research and experimentation facilities
Restaurants
Sales display facilities and areas
Truck and equipment service, maintenance, repair and storage facilities
Warehouse and storage facilities
Work clothing sales and service facilities

Section 9.05 - Requirements for All Area Uses

- A. Access Roads: All uses shall only have vehicular access via a hard surface year-round paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road(s), except as otherwise provided in Section 13.23.
- B. Barriers: All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable

barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.

- C. Screening: When adjacent to or across the road from existing residential developments or zoning districts, an industrial use of a lot or parcel shall provide a landscaped greenbelt, wall or screen in accordance with Section 13.27.
- D. Sewage Disposal: Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standard of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
- E. Toxic Waste Disposal: All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 9.06 - Dimensional Requirements, except as Otherwise Specified in this Ordinance

- A. Lot Area: Minimum of two (2) acres per principal use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewage and treatment system, in which use the lot or parcel may have a minimum area of 40,000 square feet per principal use.
- B. Lot Width: Minimum of 200 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at building setback line when public or common water supply and wastewater sewage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of fifty (50%) percent
- D. Yard and Setback Requirements:
 - 1. Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines.
 - 2. Side Yards: Minimum of twenty (20) feet for one (1) side yard, but a minimum total of fifty (50) feet for both side yards.
 - 3. Rear Yard: Minimum of fifty (50) feet.

- E. Height Limitations: Maximum of forty (40) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in this Ordinance.
- F. Location and Site Development Requirements:
1. All uses shall only have vehicular access via a hard surface year-around paved road, including the road system which connects it to the state and federal designated highway routes by means of a frontage access road(s) except as otherwise provided in Section 13.23.
 2. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures, unless it is screened in accordance with Section 13.20.

ARTICLE X

SPECIAL USES

Section 10.01 - Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or in the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use.

Section 10.02 - Authority to Grant Permits

The Township Board shall have the authority to grant Special Use Permits, subject to the review and recommendation of the Planning Commission, and subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance and in accordance with Section 3.15.

Section 10.03 - Application and Fees

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Zoning Administrator by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Zoning Administrator. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

Section 10.04 - Data, Exhibits and Information Required in Applications

An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a notarized statement that the applicant is the owner(s) involved or is acting on the behalf of all owners, (c) the address of the property involved, (d) an accurate plot of survey and site plan of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance.

Section 10.05 - Public Hearing

The Township Planning Commission may hold a public hearing, or hearings, upon any application for a Special Use Permit with the proper notices given as below.

Except as otherwise provided under this act, if a local unit of government is required to provide notice and hearing under this act, the local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit government. MCL 125,3103, not less than fifteen (15) calendar days of hearing.

Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. 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 persons, 1 occupant of each unit or area shall be given notice. If a single structure contains more than 4 dwelling units owned or leased by different persons, 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. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the requirements will be followed according to the Michigan Zoning Enabling Act 110 as amended.

The notice shall be given not less than fifteen (15) calendar days before the date the application will be considered for approval. If the name of the occupant is not know, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

- A. Describe the nature of the request.
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exist within the property. If there are no street addresses, other means of identification may be used.
- C. State when and where the request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

Section 10.06 - Required Standards and Findings for Making Determinations

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel and makes its recommendation accordingly to the Township Board:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.

Section 10.07 - Site Plan Review

If a site plan is disapproved by the Township Board, the applicant is required to wait one (1) year before resubmitting the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance, but not of land, building or structural use.

Section 10.08 - Junk Yards and Inoperative Vehicles

Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the “RD” and “AR” Districts, and shall be located only in sites which are completely screened from adjacent properties and public view. Inoperative vehicles or parts of vehicles shall be considered as a junk yard and unlicensed if located in the open and not completely contained with an enclosed structure or area.

Section 10.09 - Mobile Home Parks

All mobile home parks shall comply with the requirements of Public Act 243 of 1959, “The Trailer Coach Park Act” and Public Act 419 of 1976, “The Mobile Home Park Commission Act” and the following additional regulations. Minimum site size for a mobile home park shall be twenty (20) acres.

- A. Open Space - An open area shall be provided on each mobile home lot, to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each mobile home, and shall equal at least forty (40) percent of the area of each lot.
- B. Location and Access - Mobile home parks shall have frontage and direct access from a hard surfaced paved road.

- C. Mobile Home Lot Access - Convenient access to each mobile home lot apron shall be provided by means of a minimum twelve (12) foot wide access road or drive reserved for maneuvering mobile homes into positions and kept free of trees and other immovable obstructions.
- D. Roadways - There shall be provided a hard surfaced and adequately drained roadway of at least thirty (30) feet in width, which affords direct access to each mobile home lot and precludes through traffic. A mobile home park shall provide vehicle off-street parking spaces as provided for in Article XV. A sixteen (16) foot wide open way shall be maintained at all times on all roadways for the passage of fire apparatus or other emergency vehicles. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) mobile home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress.
- E. Canopies and Skirting
1. The skirting shall be of no less than twenty-six (26) gauge metal and connected with a rat-proof wall or slab, so constructed and attached to the mobile home as to make it impossible for the entrance of rodents, flies, bugs, or other insects. One access door in the skirting shall be permitted and a screen vent shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation. Each mobile home must be skirted within thirty (30) days after its establishment in a mobile home park.
 2. Each mobile home shall be jacked up in a uniform manner.
 3. Canopies and awnings of the same material and character as the mobile home construction and design may be attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor exceed the length or height of the mobile home.
- F. Fences - If fences are constructed on each mobile home site, they shall be uniform in design and character for all mobile home lots. Such fences shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to permit access to all sides of each mobile home for fire fighting purposes.
- G. Landscaping
1. All mobile home park boundary line areas shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads or planting beds.
 2. The retention of existing desirable trees on a site is encouraged.

- H. Outdoor Storage - No outdoor storage shall be permitted, except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well-maintained structure, located at the rear of the mobile home lot, and not exceeding eighty (80) square feet in floor area or seven (7) feet in height. To the maximum extent possible, these facilities shall be uniform in design, location, and color throughout the mobile home park.
- I. Trash Disposal - Adequate facilities for the storage and disposal of trash, garbage and other waste materials shall be provided at conveniently located points within 150 feet of any given mobile home lot. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with Section 13.20 "Solid Waste Receptacle Areas".
- J. Television Antenna - If cable or other television service is provided, one (1) or more master antenna facilities shall be installed with the underground service connections to each mobile home lot.
- K. Roadway and Yard Lights - Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting the light source and any other unnecessary illumination from the dwelling portions of each mobile home lot.
- L. Central Building - Central buildings for other than administrative or laundry facility usage are permitted. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings should be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.
- M. Permit Requirement - It shall be unlawful for any person or corporation to construct, alter or extend any mobile home park unless they first obtain valid licenses and permits from the Director of the Michigan Department of Public Health and the Township in the name of said person or corporation. The application for permit shall be accompanied by a site plan as required by Article XVII, "Site Plan Review Procedures.
- N. License and Certificate Requirements - It shall be unlawful for any person or corporation to conduct or operate a mobile home park in the Township without a currently valid license issued by the Director of the Michigan Department of Public Health and a Certificate of Occupancy and an annual special permit of compliance from the Township Zoning Administrator.
- O. Periodic Inspection - The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a mobile home park at any time for the purpose of determining and/or enforcing compliance with any provision of this or any other Township

Ordinance applicable to the construction and operation of a mobile home park.

Section 10.10 - Temporary Mobile Homes Located Outside of a Mobile Home Park, including Trailers, Motor Homes and Recreation Vehicles

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home or recreation vehicle on to any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance.

- A. Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than 100 feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A “Temporary Permit” shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.
- B. For parking or storage of mobile homes in RD, AR, RR and MDR zoning districts and for dwelling located in all other districts refer to Section 13.24.
- C. For temporary occupancy of visitor-owned mobile homes and recreation vehicles refer to Section 13.27.

Section 10.11 - Valid Nonconforming Use of Mobile Homes, Travel Trailers, Motor Homes or Recreation Vehicles

- A. The use of any mobile home, travel trailer, motor home or other recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a “Valid Nonconforming Use” that may be continued, subject to the provisions pertaining to “Nonconforming Uses” contained in Article XII
- B. Mobile Homes to be used as a residence are allowed in all Zoning Districts, subject to the following restrictions:
 - 1. All mobile homes shall have the tongue and axles removed and a state building code approved masonry foundation installed as skirting. This will be accomplished within one year of the permit issue date.

2. The mobile home shall conform to all ordinance dimensional requirements for the district it is located in.
3. Yard and setbacks shall conform to the ordinance requirements for the district it is located in.

Section 10.12 - Temporary Transient Amusement Enterprises

The following provisions shall apply, in addition to all applicable regulations, in the district in which they are to be located.

- A. All “Temporary Transient Amusement” uses shall be located on sites large enough so as not to occupy or cover more than fifty (50%) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be setback at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any RR or MDR Residential District.

Section 10.13 - Gasoline Service Stations

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the area in which they are to be located.

- A. Frontage and Area: Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. Setbacks: Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.
- C. Construction Standards: All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
 2. The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area, as is landscaped and protected from vehicle use by a low barrier.
 3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
 4. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty-four (24) feet.
 5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be not less than sixty (60) degrees.
 6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
 7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.
- D. Lighting: - All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.
- E. Gasoline service stations are only permitted in the CSC Area.

Section 10.14 - Sanitary Landfills

Sanitary landfills shall: (1) only be located in the RD and AR District, (2) only if planned to be located in the County, in accordance with the County Plan prepared in conformance with Public Act 641 of 1978 “The Solid Waste Management Act” or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979 “The Hazardous Waste Act” and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission.

Section 10.15 - Extraction of Natural Resources

- A. Permitted Uses - The following special uses will be permitted only in the RD and AR Districts and when applicable, in conformance with PA 303 of 1982, “Michigan Surface and Underground Mine Reclamation Act”.
1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for onsite use only are excluded from

the regulations of this Ordinance except for the setback and yard requirements specified in the AR District.

2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
 3. The mining of clay.
 4. The extraction of peat or marl.
 5. The quarrying of stone.
 6. The mining of coal.
- B. Permitted Accessory Uses - Any use customarily incidental to the permitted Principal Special Use.
- C. Extractive Mining Area, Bulk and Equipment Location Requirements
1. Limits of Excavation: Sufficient setbacks shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.
 2. Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.
 3. Elevation of Plant Site: Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
 7. Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
 8. Minimum Site Area: For natural resource extraction sites under this Ordinance the minimum area shall be twenty (20) acres.
- D. General Requirements - Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements.
1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall

be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be following in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.

2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas that have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
 - a. The mining area shall be enclosed within a five (5) foot high continuous wall or fence or by a screen planting or hedge fence of similar capability.
 - b. The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart.
4. Sight barriers shall be provided along all boundaries adjacent to roads that lack natural vegetative or terrain conditions that provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
 - a. Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
 - b. Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
 - c. Masonry walls or solid fences which shall be constructed to a height of five (5) feet.

5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
9. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.
10. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Natural Resources.

E. Reclamation of Mined Areas

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting for the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any zoning permit is issued by the Zoning Administrator.

3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
 - a. All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
 1. that the excavated area shall not collect and retain stagnant water, or
 2. that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Topsoil shall be applied to a depth of at least four (4) inches.
 - d. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, building, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000 per each additional operational acre that exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, or (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

F. Administration of Mining District

1. The following procedures shall be followed before establishing a mining operation:
 - a. The operating company shall file an operational plan, in accordance with the requirements of Section 10.15.E of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
 - b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 10.15 F.2. and shall provide a financial guarantee in accordance with the requirements of Section 10.15 E.4. of this Ordinance.
 - c. The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
 - d. The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with Section 10.15 E.4. of this Ordinance.
2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established "Township Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.
3. Inspections and Conformance
 - a. Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.
 - b. Any violations shall be reported in writing to the Township Board. The Zoning Administrator shall forward the report with a request for compliance, to the operating company.
 - c. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and

sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

G. Special Requirements

1. Waiver of excavation limits

The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavation in Section 10.15 C.1. under the following conditions:

- a. The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
- b. Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
- c. All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

Section 10.16 - Bed and Breakfast Inns, Criteria and Conditions

- A. Bed and Breakfast Inn establishments shall be located in existing residential structures with access either directly to or immediately to a public road.
- B. Residential structures proposed for bed and breakfast inn operations shall require a building inspection by the Zoning Administrator prior to any approval or uses as a bed and breakfast inn operation. Any violation(s) of State or local regulations shall be corrected prior to approval or use as a bed and breakfast operation.
- C. No structure or premise shall be utilized for a bed and breakfast inn unless there are at least two (2) exits to the outdoors from such structure or premise, and rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast inn operation shall have a separate smoke detector alarm as required in the Building Code for the Township. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation. In no case shall there be less than one (1) lavatory and bathing facility for each four (4) sleeping rooms.
- D. One (1) additional off-street parking space per each room to be rented shall be provided. All parking spaces shall be paved.

- E. The dwelling unit in which the bed and breakfast inn takes place shall be the principal residence of the operator/owner and said operator/owner or their representative shall be on the premises at all times when the bed and breakfast inn operation is active.
- F. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of two and one-half (2.5) times the number of sleeping rooms in the bed and breakfast establishment.
- G. Each operator shall keep a written list of the names of all persons staying at the bed and breakfast inn operation. Such list shall be available for inspection by Township or other appropriate officials at any time.
- H. The maximum stay for any guests/occupants of bed and breakfast inn establishments shall be twenty-one (21) days.
- I. Bed and breakfast inn operations shall not have more than fifth (50) percent of their total floor area being used for sleeping rooms. In no case shall the number of sleeping rooms exceed eight (8) rooms.
- J. Applicants shall submit a site plan, landscape plan and a floor plan of the residential dwelling unit illustrating the proposed operation will comply with all of the rules and regulations which apply. In addition, site plans shall include all existing man-made and natural features on-site and all man-made and natural features for a distance of one hundred (100) feet adjacent to the site upon which the bed and breakfast facility is located.
- K. Signs for a bed and breakfast establishment located with direct or immediate access to a public road shall be limited to one non-illuminated sign announcing only the name and street number of the establishment, and said sign shall not exceed eight (8) square feet in surface display area per side, such sign being placed no closer than ten (10) feet from the street line.
- L. Special Use Permits for bed and breakfast establishments shall be valid for a period not exceeding twelve (12) calendar months upon which an application for renewal may be made. Prior to an issuance of a bed and breakfast special use permit renewal, the Zoning Administrator shall inspect the premises for compliance. If there is no violation(s) found, a special use permit renewal will be issued for a period not exceeding twelve (12) calendar months. If any violation(s) are found, a special use permit renewal shall not be issued until all violation(s) are corrected.

Section 10.17 - Use of Mobile Homes as an Accessory Use for the Sick and Infirm

The use of one (1) mobile home as a temporary dwelling for the sick and infirm shall be permitted on a single family lot or parcel in any zoning district providing the following conditions are met:

- A. The lot has a principal single family dwelling located upon it.
- B. The lot is a legal lot of record.
- C. The occupancy of the lot shall not exceed the maximum lot coverage permitted in the Zoning District in which it is to be located.
- D. The occupants have a direct family relationship to those persons occupying the principal dwelling.
- E. The persons seeking the use of and occupancy of the mobile home have a need as determined by their acquisition and presentation to the Zoning Administrator of a physician's certificate prescribing the need for such housing during the period of illness or infirmity.
- F. Mobile homes shall have a minimum width of ten (10) feet and a minimum floor area, as measured inside and the perimeter of the exterior walls, of 400 square feet.
- G. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
- H. All such accessory mobile homes shall be located within the setback requirements for the side and rear yards. No front yard shall be used for the location of mobile homes for this purpose.
- I. Zoning Permits shall be issued by the Zoning Administrator for this purpose and thereafter reviewed annually for continued need and compliance.
- J. Zoning Permits issued for such use shall terminate at such time that anyone or combination of the above conditions ceases to be met, in which case the mobile home shall be removed.
- K. Prior to the issuance of a Zoning Permit, the applicant shall submit to the Zoning Administrator a performance guarantee in the amount of five hundred dollars (\$500) in the form approved by the Township Board.

Section 10.18 - Roadside Stands

Roadside stands are only permitted in the frontage of farms located within the township and shall be for the purpose of selling produce or other products grown on the farm and produced by the family occupying the farm. The roadside stand shall be located and constructed to meet the following requirements:

- A. The roadside stand shall not exceed fifteen (15) feet in height.
- B. The floor area of the stand shall not exceed 400 square feet.

- C. The stand shall be located no closer than forty (40) feet from the nearest edge of the street, pavement, or other traveled surface. In no case shall the stand occupy any part of the street right-of-way or easement.

Section 10.19 - Private Airstrips

Private airstrips will be allowed in Resource Development and Agricultural Resident only.

Section 10.19A - Public Airports

If a public airport wishes to locate within the boundaries of Wilber Township, they must comply with Michigan Zoning Enabling Act 110 of 2006, 125.3203, Section 203, as amended.

Section 10.20 - New & Used Automotive & Recreational Vehicle Sales and Service

New and used sales and service of automobiles, boats and trailers, campers, motorcycles, recreation vehicles and trailers, are permitted in CSC Areas only and shall conform to the following regulation, and any applicable supplemental regulation.

- A. All service activity shall be conducted within an approved building or structure.
- B. Exterior lighting shall be in compliance with Section 13.21.
- C. Driveway entrances and gates shall be in compliance with Section 13.22.
- D. Frontage access roads and driveways shall be at least paved with processed road gravel and have a minimum width of twenty (20) feet.
- E. Off street parking:
 - 1. All off street parking spaces shall be no closer than ten (10) feet from any property line.
 - 2. All off street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
 - 3. Any off street parking area providing spaces for five (5) or more units for sale shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces a residential lot by a masonry wall or compact evergreen planting not less than four (4) feet in height, plantings shall be maintained in good condition.

- F. Use of parking lot shall be in compliance with Section 15.03 and 15.04.
- G. Advertising signs – Add advertising signs must comply with the regulations set forth in Article XVI.
- H. Landscaping – All boundary line areas shall be maintained in a clean and presentable condition at all times. A grass/lawn or other suitable ground covering shall be maintained as yard surfacing except for those portions of the lot covered by structural additions, sheds, walks, or approved hard surfacing.

ARTICLE XI

PLANNED UNIT DEVELOPMENT DISTRICT

Section 11.01 - Purpose

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principal. This shall be in accordance with the Michigan Zoning Enabling Act 110 of 2006 as amended.

Section 11.02 - Permitted and Accessory Uses

In the “PUD” Planned Unit Development Districts, the following provisions, regulations and restrictions shall apply:

A. Principal Permitted Uses

1. All principal permitted uses allowed in the RR and MDR residential districts on parcels of at least 20 acres.
2. All principal permitted uses allowed in the CSC Commercial Areas on parcels of at least 5 acres.

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to the above-named permitted uses.
2. Signs - See Article XVI “Sign Regulations” herein.

C. Special Uses

1. Recreational activity centers
 - a. Golf courses
 - b. Nature preserves
 - c. Swimming pools
 - d. Tennis or racquet clubs

- e. Utility structure(s) and equipment necessary for the operation thereof (excluding outdoor storage).

Section 11.03 - General Provisions

- A. Continuing Applicability of Information on Approved Site Plans - The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a “PUD” district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a “PUD” district classification, until the requirements of this Article have been met.
- B. Construction - No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for a “PUD” district classification, until the requirements of this Article have been met.
- C. Performance guarantees - will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting performance guarantee amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Township or the appropriate Public Agency or PUD Engineer.

Section 11.04 - Pre-Application Conference

- A. An applicant for a PUD district may request a pre-application conference with Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Planning Commission Chairperson who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Township Planning Commission Chairperson shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.

- C. Statements made in the conference shall not be legally binding commitments.

Section 11.05 - Site Plan Requirements

A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article XVII, "Site Plan Review".

The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a "PUD" district request for recommendation to the Township Board with respect to this requirement.

To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per 24 hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

Section 11.06 - Site Plan: Administrative Review Procedure

- A. An application for a "PUD" district shall be made by the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a "PUD" or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the office of Township Clerk who shall transmit the application and the site plan to the Township Planning Commission. The application shall be filed at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered.
- C. The Township Planning Commission shall hold a public hearing on the application and site plan, said hearing to be held within thirty-one (31) days of the filing date or at the regular Township Planning Commission meeting following that is closest to that date.
- D. At the public hearing, the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end, evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include

the required site plan and any complementary sources of information necessary to satisfy the requirements detailed in Section 17.07.

- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report thereon to the Township Board within sixty (60) days of the filing date. This report shall contain the Planning Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the County Health Department, Road Commission and Drain Commissioner.
- F. The Township Board shall review the application and site plan and the Township Planning Commission reports thereon, and shall approve, approve with conditions, deny or table for future consideration, the application and site plan. Changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. The Township Board may attach conditions to its approval of a "PUD" proposal.
- G. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included with the "PUD" shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Board and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

Section 11.07 - Supplementary Development Standards and Regulations

The following requirements expand upon and/or are in addition to the requirements detailed in Article XVII "Site Plan Review". They shall, in all cases, be adhered to by developments in a "PUD" district.

- A. District Location and Minimum Size
 - 1. All development in this district shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of "PUD" Districts.
 - 2. All development in this district shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission, except for RR and MDR and Planned Unit Development Districts.
- B. External and Internal Circulation and Access
 - 1. Access points to a "PUD" development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the

adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.

2. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Township Board.
3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
4. As property is developed as a “PUD” Planned Unit Development District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities. (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separating of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
6. Public and private streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission except that such standards may be modified as provided in sub-section 11.06 B.5 and Section 13.12.

If private streets are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of making the streets suitable for public acceptance.

C. Open Space Regulations

1. A land, water or land/water area constituting not less than fifty (50) percent of the total (a) land area, or (b) land area, plus no more than 300 feet into or no more than one-half (1/2) the width of distance across, a natural surface water area of the waterfront parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an irrevocable conveyance

thereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.

2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the function intended and which will be maintainable.
5. Standard sidewalks and/or a system of streetlights may be required of developments in the "PUD" district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

D. Site Design, Layout and Density Criteria

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
2. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included surface water area exceed 20% of the total land area of the PUD or any single or combination of phases of the PUD.
3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.

4. All principal buildings and all accessory buildings or structures shall be located at least one-hundred (100) feet from any exterior public roadway right-of-way line, private road and/or area to be platted.
5. The outdoor storage of goods and materials shall be prohibited in the “PUD” Planned Unit Development District.

E. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
 - a. The HOA, ACE, or AIE shall be established before any building or structure in the “PUD” are sold or occupied.
 - b. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
 - c. Restrictions shall be permanent.
 - d. The HOA, ACE, or AIE shall be made responsible for liability.
 - e. Building unit owners shall pay their pro-rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

F. Project Phasing

1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan is submitted.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services and open spaces and recreation facilities.

Section 11.08 - Standards for Review

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Township Land Use Plan or any part thereof, or represent land use policy, which, in the Planning Commission's opinion, is a logical and acceptable change in the Township Land Use Plan, or land use policy.
- B. The proposed development shall conform to the intent and all regulations and standards of a "PUD" District.
- C. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- D. Common open space, other common properties and facilities, individual properties, and all other elements of a "PUD" are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create a minimum disturbance to natural features and landforms.

- J. Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the “PUD” where applicable.

Section 11.09 - Amendments to Site Plans

Preliminary and final site plans may be amended in accordance with the process detailed in Section 17.01 of Article XVII “Site Plan Review.”

Section 11.10 - Subdivisions Plats

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 11.11 - Extension of Time Limits

Time limits set forth in Article XVII “Site Plan Review” may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

Section 11.12 - Performance Guarantees

Performance guarantees shall be provided in accordance with Section 16.16 of Article XVII “Site Plan Review”.

Section 11.13 - Violations

Violations shall be dealt with in the manner detailed in Section 17.17 of Article XVII “Site Plan Review”.

ARTICLE XII

NONCONFORMING LAND, BUILDING AND STRUCTURAL USES

Section 12.01 - Purpose

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as ground for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this section.

Section 12.02 - Continuance of Nonconforming Uses

- A. Structural Changes: The building that is nonconforming shall not be structurally changed, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this Ordinance for the district in which it is located except as provided below.

- B. Prior Construction Approval: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Section 12.03 - Restoration of Damage

Any lawful nonconforming use damaged by fire, explosion, or an act of God or by other causes may be restored, rebuilt, or repaired.

Section 12.04 - Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. 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.

- A. The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption,

restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

- B.. The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses or structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government.
- C. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

Section 12.05 - Reversion to a Nonconforming Use

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

Section 12.06 - Displacement of a Conforming Use

No nonconforming use shall be extended to displace a conforming use.

Section 12.07 - Change to Another Lesser Nonconforming Use.

The Township Planning Commission may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is being replaced.

Section 12.08 - Illegal Nonconforming Uses

Those nonconforming uses, which are created after the effective date of this Ordinance, shall be declared illegal nonconforming uses and shall be discontinued. Uses, which were illegal under a prior Ordinance and which do not conform to this Ordinance, shall continue to be illegal.

Section 12.09 - Changes in Zoning District

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 12.10 - Elimination of Nonconforming Uses

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose or use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 12.11 - Nonconforming Lots and Parcels

- A. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent to permit only minimum variances, which may be granted by the Planning Commission upon application by a property owner or a representative of the owner.

- B. If two (2) or more lots are contiguous, are in single ownership, and are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel.

ARTICLE XIII

SUPPLEMENTAL REGULATIONS

Section 13.01 - Purposes

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

Section 13.02 - Area Limitations

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

Section 13.03 - Dwelling Lots or Sites

Every dwelling, cottage, cabin, occupied trailer coach or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

Section 13.04 - Accessory Building Provisions

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. An accessory building may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of a non-required rear yard.
- C. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- D. No detached accessory building in the RR and MDR Districts shall exceed twenty-five (25) feet in height. Accessory buildings in all other districts may be constructed up to the permitted maximum height of structures in said districts.
- E. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the

rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project, beyond the side yard line of the lot in the rear of such corner lot.

Section 13.05 - Lot-Building Relationship

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

Section 13.06 - Accessory Building as Dwelling

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

Section 13.07 - Basement as Dwelling

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

Section 13.08 - Damaged Buildings and Structures

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

Section 13.09 - Required Water Supply and Wastewater Disposal Facilities

Shall meet the requirements established by the Sanitation Code of the County Department of Health.

Section 13.10 - Access to a Public Road or Highway

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be occupied, except where access to a public road right-of-way is provided by a public or private easement or other right-of-way no less than sixty-six (66) feet in width.

Section 13.11 - Frontage on Public or Private Road or Highway

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the County Road Commission, if the road is to be accepted by the

County Road Commission. If the road is to be a private road it shall meet the following minimum requirements:

- A. Sixty-six (66) foot wide road right-of-way.
- B. Twenty-two (22) foot wide automotive travel way.
- C. Three (3) foot minimum shoulder width on each side of the travel way.
- D. Travel way to have a subgrade stabilized in accordance with County Road Commission standards to a depth of one (1) foot and have a minimum of four (4) inches of compacted processed gravel dust free surface course.
- E. Drainage for the travel way, shoulders and right-of-way shall be a minimum three (3) foot wide ditch drainable to the nearest natural drainageway outlet.

Section 13.12 - Visibility at Intersections

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

Section 13.13 - Road Closures

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 13.14 - Height Regulations

The height regulations established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly lined to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county and township agencies.

Section 13.15 - Fences, Walls and Screens

Within the limits of a side or front yard space of a lot, no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than four (4) feet. No such fence or wall located within a rear yard shall exceed six (6) feet in height except as required in Section 13.14.

Section 13.16 - Essential Services

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collect, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-way shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- B. Essential service in all districts shall meet the requirements of the MDR Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication of manufacture of materials necessary to the provision of essential services.

Section 13.17 - Pools, Outdoor, including swimming, wading, jacuzzis, whirlpools, hot tubs and ponds

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
- B. There shall be a distance of not less than five (5) feet between the outside pool wall and any building located on the same lot.
- C. No pool shall be located less than fifty (50) feet from any front lot line.
- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements

with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.

- E. No pool shall be located in an easement.
- F. For the protection of the public, all yards containing pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence are enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

Section 13.18 - Home Occupations

Home occupations shall be permitted in all detached single family residential dwellings located in any Zoning District and include such customary home occupations as instruction in a craft or fine art within the residence, hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office and other similar occupations and other home occupations including incidental retail sales, legally operating in detached single family homes at the time of adoption of this Zoning Ordinance and in accordance with the Michigan Zoning Enabling Act 110 of 2006 and amendments.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25) percent of the ground floor or basement floor area of the principal structure or an equal floor area in an accessory building.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupations.
- D. The home occupation shall involve no employees other than members of the immediate family.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area and attached to the front exterior face of the residential building in a RR and MDR District.

Ten (10) square feet in area shall be permitted in the RD and AR Districts and is not required to be attached to the residential building.

- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential District, in terms of use and appearance, to be changed by the occurrence of external visible evidence of home of occupations.
- I. Retail sales are permitted as a home occupation provided they meet the requirements of the above. Section A-H and the provisions of Article X “Special Uses”.

Section 13.19 - Solid Waste Receptacle Areas

All truck-lifted or transported receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these area

Section 13.20 - Exterior Lighting

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five (5).

Section 13.21 - Driveway Entrances and Gates

Driveway entrances or gateway structures, including, but not limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted, and may be located in a required yard, except as provided in Section 13.13 “Visibility at Intersections,” provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

Section 13.22 - Frontage Access Roads

Ingress and egress from frontage access or service roads for all uses permitted in CSC Areas fronting on major local arterials as defined and designated by the Township Planning Commission are required in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing uses located upon existing lots and parcels. If isolated parcels are to be developed in undeveloped Commercial Areas and there are limited prospects for immediate development of adjacent lots or parcels, the Township Board may upon request from an applicant require the posting of an acceptable financial guarantee from the applicant equal to the amount of the estimated cost of the frontage access road. However, upon the application for development and use of an adjacent lot or

parcel having the same or connecting frontage, the applicant will be required to build the frontage access road.

- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall in no way obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C. No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust free condition.
- F. Park area layout shall follow standards prescribed in this Ordinance.
- G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.
- H. At its discretion, the Planning Commission may recommend to the Township Board that, if a lot or parcel is not in need for a Frontage Access Road because it is only lot or parcel developed or under development in a Zoning District which required such access roads or the development of a lot or parcel can function in relation to adjoining lots or parcels until such time as two (2) contiguous lots or parcels need to provide such an access road, the owners/developers of such parcels need not construct such access roads, but

will be required to reserve in a sufficient setback from all roads an area capable of constructing such an access road at a later date; providing that the owner/developer provides the Township Board with an adequate financial guarantee to cover the total estimated cost of constructing such an access road at a later date, e.g. when the frontage access road in the judgment of the Planning Commission and Township Board the access road is needed.

Section 13.23 - Parking or Storage of Recreation Vehicles, Trucks and Travel Trailers on Residential Lots and Parcels in RD, AR, RR and MDR Zoning Districts

Storage of not more than two (2) non-resident type recreational vehicles or trucks limited to a maximum of one (1) ton rated capacity and two (2) axles shall be permitted in RD, AR, RR and MDR Zoning Districts, and other single family dwellings located in all other districts provided that such units shall be completely within the side and rear yards or completely enclosed within a structure. In addition to the previous, if occupant of the principal structure is a school bus driver, one (1) school bus may also be permitted to be parked on the same lot or parcel in the RD, AR, RR and MDR Zoning Districts or on a lot or parcel of a nonconforming residential structure in any non-residential Zoning District.

Section 13.24 - Temporary Transient Uses

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section XVII, "Site Plan Review". Upon authorization, the Zoning Administrator shall issue a permit, which will cause compliance with this Ordinance, and any specified conditions required by the Planning Commission.

Section 13.25 - Fences

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning district wherein they are required because of land use development.
- B. Fences in a RD and AR District are exempt from the provisions of this Ordinance, when required for farm operations.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.

- G. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
1. No fence shall hereafter be erected along the line dividing lots or parcel of land or located within any rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 13.16.
 2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interest of public safety.
 3. On an Industrial Site, no fence shall exceed twelve (12) feet in height.
 4. Fences on all lots in all Residential Districts, which extend toward the front of the lot, past the side and front yard lines of the main building, shall not exceed four (4) feet in height.
 5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 13.13.

Section 13.26 - Walls and Protective Screening

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where a CSC Area abuts directly upon an RR or MDR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall not to exceed six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines, or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.

- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls may, upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district, which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height, said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.
- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

Section 13.27 - Use of Recreation Vehicles as Temporary Dwellings by Visitors

Travel trailers, motor homes and other recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting single family dwelling owner or lessee without charge, upon application by the owner or the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within seven (7) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home, travel trailer, motor home or recreation vehicle with sanitary facilities approved by the Township. A "Temporary Permit" may only be issued to one (1) mobile home, travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the mobile home, travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30th day of the permit period.

Section 13.28 - Building Grades

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

Section 13.29 - Moving Buildings

Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required by the Zoning Administrator for such buildings to be moved.

Section 13.30 - Television Satellite Dish Antennas

All television satellite dish antennas are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. Satellite dishes shall not be located in either a waterfront or road front of the principal structure.

Section 13.31 - Use of Financial Guarantees to Temporarily Delay Construction Requirements.

If in the judgment of the Planning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory financial guarantee to the Township Board. The financial guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

Section 13.32 - Household Pets

Small domesticated household pets, such as dogs, cats and birds are limited to the maximum number existing in dwelling units in the Township which is generally no more than two (2); however, if more than two (2) are desired, as long as all other County, State and Federal Laws are complied with, and an additional area of land equal to one-sixth (1/6) acre per animal is provided, additional domesticated household pets will be permitted up to a maximum of four (4).

Section 13.33 - Non-commercial Domestic Animals

Large domestic animals which are used essentially for pet, contest, riding, educational or other special purpose as individual animal-specimens permitted at a rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal are permitted in RD, RR and MDR Districts, provided that all housing and pens and manure storage for such animals shall be located at least 200 feet from any dwelling, excluding the owners.

Section 13.34 - Single Family Earth Homes

Single family earth homes are permitted in the RD, AR, RR and MDR 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.

Section 13.35 - Solar Buildings

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

Section 13.36 - Windmills

Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.

Section 13.37 - Conventional Dwelling Unit Requirements

All dwelling units in order to locate in the AR, RR, and MDR Residential Districts shall meet the following requirements:

- A. A minimum cross-section through at least one portion of a dwelling shall be twenty (20) feet wide.
- B. A minimum floor area in at least one portion of a dwelling shall have an area of at least twenty (20) feet by twenty (20) feet.

Section 13.38 - Yard or Garage Sales

The sale of goods on a residential parcel owned by the owner or occupant of the principal dwelling, anywhere on the lot or parcel of land is permitted, provided that the duration of such sales shall not be for more than three (3) days at any one time period and such sales shall not occur more than two (2) times each calendar year.

Section 13.39 - Flood Zones

- A. Intent and Purpose: Flood zones established by this Ordinance are intended to enact flood plain management measures in accordance with Section 1910.8C of the revised National Flood Insurance Program in order to provide for the Township's eligibility in the program. These flood zones are not meant to alter district regulations but to add additional requirements where flooding is possible. Hopefully, this will prevent loss of valuable property in the future.
- B. Requirements in all zoned designated on F.I.R.M. (Flood Insurance Rate Map):
 - 1. Land Use Permits are required for all proposed development in any area of special flood hazard. The term "development" is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

2. Land Use Permits will not be issued until all other necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law. (Letter of approval is required from the State.)
3. New construction (including prefabricated buildings and mobile homes) will be anchored to prevent flotation and lateral movement, and be constructed with flood resistant materials and methods. (See Section 19.10.3 (b) (8) of the National Flood Insurance Program for anchoring standards for mobile homes).
4. All subdivision proposals and proposals for other developments, including their utilities and drainage, will be located and designed to be consistent with the need to minimize flood damage.
5. All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is less, must include base flood elevation data.
6. New water and sewer systems (including on-site systems) will be located and designed to avoid impairment.
7. In riverline situations, adjacent communities and the State Coordinating Office will be notified prior to any alteration or relocation of a watercourse and copies of such notifications will be sent to FIA. Within the altered or relocated portions of any watercourse, assure that the flood carrying capacity is maintained.

C. Requirements in Specific Zones Designated on the F.I.R.M.:

1. In all flood zones, new construction and substantial improvements shall require that:

Residential structures have the lowest floor (including basement) elevated to at least one (1) foot above the base flood level.

Nonresidential structures have the lowest floor (including basement) elevated to at least one (1) foot above the base flood level, or be flood proofed to or above that level.**
2. In all flood zones where floodproofing** is used in lieu of elevation, a registered professional engineer or architect must certify that the floodproofing methods used are adequate to withstand the forces associated with the base flood and submit such certification to the Township Zoning Administrator.
3. In all flood zones, new, substantially improved, or expanded mobile home parks or subdivisions and for mobile home placement not in existing mobile home parks or subdivisions must have stands or lots

elevated to or above the base flood level, that adequate access and drainage is provided, and if pilings are used for elevation, that the construction standards for elevation on pilings are met (see Section 1910.3 C (5) (iii) of the National Flood Insurance Program.)

4. In all flood zones, until a regulatory floodway is designated, no new construction, substantial improvements, or other development when cumulatively combined with existing and proposed development, shall raise the base flood level more than one foot at any point.

** The term “floodproofed” is defined to mean “watertight with walls substantially impermeable to passage of water and with structural component have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Section 13.40 - State Licensed Residential Facility

A State licensed residential facility as defined in Act 110 of 2006, as amended, shall be permitted in any single family residential structure located in an RD, AR, RR and MDR Zoning District. There can be six (6) or less persons in the facility, provided that such facilities be located at least 1500 feet apart from the other as measured in a direct line between the nearest points on the property lines of the respective facilities.

Section 13.41 - Family or Group Child Day Care Facilities

A State licensed Family or Group Child Day Care facility as defined in MCL 722.111 or Public Act 116 of 1973, Section 1, which shall not exceed six (6) children at any one time in a Family facility and not exceed twelve (12) children in a Group facility. They shall meet all of the provisions of Act 110 of 2006, as amended, MCL 125.3206 Sec. 206. These facilities shall be permitted in any residential structure located in the RD, AR, RR and MDR Districts.

ARTICLE XIV

ENVIRONMENTAL CONSERVATION PROVISIONS

Section 14.01 - Purpose

The purpose of this Article is to promote in all Zoning Districts the conservation or wise use of important unrenovable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, water recharge areas, areas which periodically flood, natural rivers and their natural environment, features controlling wind or water erosion, wetlands, and areas of topographical, archaeological, geological, historical or agricultural significance for the purpose of preserving or conserving specific features and areas of these natural resources and environments for present and future generations of the Township.

Section 14.02 - Natural Environment

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State Guidelines: Preparation and Review of Environmental Impact Statements", Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement", Michigan Environmental Review Board, Office of Management and Budget.

Section 14.03 - Natural Resources

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrenovable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys, an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such well.

Section 14.04 - Lakes, Ponds, Rivers, Streams, Water Courses and Drainageways

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts, no river, stream, watercourse or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.
- B. In all Zoning Districts, the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Stream Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".
- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules and Regulations" adopted by the Michigan Department of Natural Resources are hereby made a part of this Ordinance.

Section 14.05 - Flood Plains

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding, based upon the 100-year flood cycle, shall be used only for agriculture, recreation and other open land uses, provided no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agencies responsible for defining and determining the boundaries of the 100-year flood plain areas.
- C. No building shall be located within a designated floodway. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

Section 14.06 - Wetlands

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be “Wetlands” in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1979, “The Wetlands Act” and State Administrative Rules and Regulations in order to encourage the proper use and development of the wetlands.

Section 14.07 - Environmentally Sensitive Areas

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:
 - 1. Rare or valuable ecosystems.
 - 2. Significant undeveloped agricultural, grazing or watershed areas.
 - 3. Forests and related land, which require long stability for continuing renewal.
 - 4. Scenic or historical roads/areas, including burial grounds.
 - 5. Such additional areas as may be determined by the Township, the Federal Government, the State of Michigan or the County.

- B. **General Requirements for Environmentally Sensitive Areas**
All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:
 - 1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the county.
 - 2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provision set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.

3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
 - a. Clearcutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
 - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
 - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the State and approved by the Planning Commission.
 - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.

- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
 1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
 2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.

- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be

required to conform to the provisions of both this Article and those of Article XVII "Site Plan Review".

ARTICLE XV

OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS

Section 15.01 - Purpose

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as trafficways which are intended to be limited to moving automotive vehicles.

Section 15.02 - Off-Street Parking Requirements

In all Districts, except AR, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- B. Outdoor parking of motor vehicles, in all Residential Districts, except in the AR District, shall be limited to passenger vehicles, one (1) nonresidential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except in accordance with Section 13.24 and except for those parked on school or church property, is prohibited in all residential districts, except in the RD and AR Districts. Parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming to the provisions of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 1. For 90 degree or perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.

2. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.
 3. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- A. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eight (8) feet in length.
- B. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than ten (10) feet to any property line.
 2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials that will have a dust-free surface resistant to erosion by wind and water.
 3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
 4. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
 6. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the

requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. Floor Area: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
2. Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

Section 15.03 – Use of Parking Areas

No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children’s play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

Section 15.04 - Off-Street Parking Space Requirements

The minimum required off-street parking spaces are set forth as follows:

<u>Use</u>	<u>Parking Space Requirements</u>
1. Automobile or Machinery Sales and Service Garages	One (1) space for each 200 square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2. Banks, Business and Professional offices	Two (2) parking spaces for each 200 square feet of floor area, plus one (1) parking space for each employee during maximum employment hours.
3. Barber Shops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee during maximum

- employment hours.
4. Boarding, Tourist, Lodging and Bed and Breakfast Houses
One (1) parking space for the equivalent of each double bed.
 5. Bowling Alleys
Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
 6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than Schools
One (1) space for each three (3) seats, or for each three (3) seats permitted in such buildings as determined by the State Fire Marshall
 7. Clinics
Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.
 8. Convalescent or Nursing Home, Orphanage or State Licensed Foster Care Home
One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during maximum employment hours.
 9. Drive-in Banks, Cleaners and Similar Businesses
Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours.
 10. Drive-in Eating Establishments without inside seating.
Ten (10) parking spaces, plus one (1) parking space for each 20 square feet of floor area and one (1) parking space for each employee working during maximum employment hours.
 11. Dwellings (Single and Two-Family)
Two (2) parking spaces for each family dwelling unit.
 12. Dwelling (Multiple Family) and Mobile Home Parks
Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.
 13. Funeral Homes and Mortuaries
Four (4) spaces for each slumber room or one (1) space for each 50 square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle and one (1) space for each employee

		working during maximum employment hours.
14.	Furniture, Appliance Stores Household Equipment and Furniture Repair Shops	One (1) space for each 400 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
15.	Gasoline Filling and Service Stations	One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.
16.	General Office Building	One (1) parking space for each 400 square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours.
17.	Hospitals	One (1) space for each bed, plus one space for each employee working during maximum employment hours.
18.	Hotels and Motels	One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.
19.	Libraries, Museums, Post Offices	One (1) parking space for each 800 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
20.	Livestock Auction	One (1) parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
21.	Manufacturing, Fabricating, Processing and Bottling Plants	One (1) space for each employee working during maximum employment hours.
22.	Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs and Private Clubs	One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
23.	Retail Stores	One (1) parking space for each 150 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.

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| 24. | Roadside Stands | Five (5) parking spaces, plus one (1) parking space for each 25 square feet of floor area. |
| 25. | School: Private or Public
Elementary and Junior
High Schools | One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity. |
| 26. | Senior High School and
Institutions of Higher
Learning, Private or Public | One (1) parking space for each employee plus one (1) for each 5 students, plus the parking requirements for auditorium, a gymnasium and an athletic field if they are included. |
| 27. | Self-Service Laundry or
Dry Cleaning Stores | One (1) space for each two (2) washing and dry cleaning machines plus one (1) space for each employee working during maximum employment hours. |
| 28. | Supermarket, Self-Service
Food and Discount Stores | Two (2) spaces for each 200 square feet of floor area, plus one (1) space for each employee working during maximum employment hours. |
| 29. | Wholesale Establishments
and Warehouses | One (1) space for each 400 square feet of floor area, plus one (1) space for each employee working during maximum hours. |
| 30. | If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Board of Appeals. | |

Section 15.05 - Off-Street Loading and Unloading Requirements

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure

- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, eighty (80) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.
- I. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt of distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

ARTICLE XVI

SIGN REGULATIONS

Section 16.01 – Purpose

The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in the Township.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenance and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

Section 16.02 - Definitions

- A. Abandoned Sign: A sign that no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. Billboard: See “Outdoor Advertising Sign”
- C. Business District or Shopping Center: A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- D. Canopy or Marquee Sign: Any sign attached to or constructed within or on a canopy or marquee.
- E. District: Zoning District as established by the Township Zoning Ordinance.
- F. Free Standing Sign: A sign supported by a structure independent of any other structure.
- G. Height of Sign: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- H. Identification Sign: A sign which carries only the name of the firm, the major enterprise, of the principal product or service offered for sale on the premises

or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

- I. Off-Site Sign: (Off-Premises Sign) - A sign other than an on-site sign.
- J. On-Site Sign: (On-Premises Sign) - A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- K. Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
- L. Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants or premises.
- M. Temporary Sign: - A sign that is intended to be displayed for a limited period of time.
- N. Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- O. Window Sign: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- P. Portable Sign: Any sign not permanently attached to the ground or a building.

Section 16.03 - General Sign Regulations

The following regulations shall apply to all signs in the Township:

- A. Illuminated Signs:
 - 1. RR and MRD Districts - only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light

rays from being visible from the public right-of-way or any adjacent residential property.

2. In CSC and I Areas and on industrial sites - indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
- B. Measurement of Sign Area: The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy of display materials shall not be included in computation of sign area. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of the face.
- C. Height of Signs: No freestanding sign shall exceed a height of twenty-five (25) feet.
- D. Setback Requirements for Signs: Except where specified otherwise in this Ordinance, all signs shall be setback a minimum of one-half (1/2) the yard requirements as measured from the road right-of-way line.

Section 16.04 - Signs Permitted in All Districts

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township:

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations and quasi-public uses may be set on road right-of-way property with written permission from the Iosco County Road Commission and the adjacent property owner. In the event the Road Commission denies permission, the sign may be placed on private property with the owner's permission. Each sign shall be no more than nine (9) square feet in area and may not exceed a height of eight (8) feet.
- B. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or log, and which do not exceed nine (9) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed nine (9) square feet. A directional sign shall be located on the lot or parcel behind the road right-of-way.
- C. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed fifteen (15) square feet in area and a height of six (6) feet, and is setback a minimum of ten (10) feet from the road right-of-way.

Section 16.05 - Prohibited Signs

- A. **Miscellaneous Signs and Posters:** Tacking, pasting or otherwise affixing of signs or posters visible from a public way except “no trespassing”, “no hunting”, “beware of animal” warning or danger signs and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences are prohibited.
- B. **Banners:** Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 16.10.G. - “Temporary Signs”.
- C. **Swinging Signs:** Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner or suspension or attachment is prohibited.
- D. **Moving Signs:** Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.
- E. **Abandoned Signs:** Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- F. **Unclassified Signs:** The following signs are prohibited:
 - 1. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words, except as otherwise provided in this Article.
 - 2. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.
 - 3. Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.

Section 16.06 - Permitted Signs in RD and AR Districts

- A. *Each sign advertising the type of farm products grown on the farm premises shall not exceed twenty-five (25) square feet in area.*
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupation. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.

Section 16.07 - Permitted Signs in RR and MDR Districts

- A. One identification sign shall be permitted for each public road frontage, for a subdivision development and mobile home park. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising “For Rent” or “Vacancy” may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.

Section 16.08 - Permitted signs in CSC and I Areas and on Industrial Sites

On-site canopy or marquee signs, wall signs, and freestanding signs are allowed, subject to the following.

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Section 16.08.B, are subject to the following:
 - 1. Each developed lot or parcel shall be permitted at least eighty (80) square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two (2) square feet of sign area or each one (1) linear foot of building length which faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No freestanding identification sign shall exceed 100 square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed twenty-four (24) square feet in area.
 - 2. Each developed lot or parcel shall be permitted two (2) exterior on-site signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways as classified in the “Master Plan” three (3) exterior on-site signs shall be permitted. Only one (1) freestanding identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Section 16.08.A.1.
 - 3. Each sign shall pertain exclusively to the name and type of business carried on within the building.

- B. Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings or industrial buildings not subject to Section 16.08.A. are subject to the followings:
1. Each shopping center or commercial area shall be permitted one (1) free-standing identification sign for each collector or arterial road or highway, as classified in the "Master Plan" that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public road. The maximum area for each freestanding sign shall be two hundred (200) square feet. Tenants of shopping center shall not permit individual freestanding identification signs.
 2. Each business in a shopping or commercial area with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty-five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.
- C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceeds a total of two hundred (200) square feet for any one building. If window signs occupy more than twenty-five (25) percent of said window area or exceed a total of two hundred (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 16.08 A.1. and 16.08 B.2.
- D. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- E. In addition to the provisions of Sections 16.08.A. and B. above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

Section 16.09 - Outdoor Advertising Signs (Billboards)

- A. Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in CSC and I Areas and Industrial sites, and shall be considered the principal use of such lots. Signs shall not be placed on a lot where such a sign is located.
- B. Where two (2) or more outdoor advertising signs are located along the frontage of a road or highway, they shall be not less than 1,000 feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20) degrees.
- C. The total surface area, facing in the same direction or any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels.
- D. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge obstruction, and similar conditions obstruct views of the sign.
- E. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.

Section 16.10 - Temporary Signs

On-site temporary exterior signs may be erected in accordance with the regulations of this Article.

- A. In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign not to exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70) percent of all lots or units within said subdivision or development.
- B. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.

- C. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- D. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 16.03.D. of this Ordinance.
- E. In RR and MDR Districts, one (1) temporary real estate “For Sale”, “For Rent”, or “For Lease” sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the CSC Areas and on Industrial Sites, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is setback in accordance with Section 16.03.D. of this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area in the RR and MDR and twenty-five (25) square feet in area in the CSC Areas and on Industrial Sites is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case, shall a sign list the sale, rent or lease of a building which is not located on the property on which the sign is located.
- F. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in CSC Areas for a period not to exceed thirty (30) consecutive days. Sign signs and objects shall not obstruct pedestrian or vehicular view.

Section 16.11 - Exempted Signs

The following types of signs are exempted from all provisions of this Ordinance, except for construction or safety regulations and the following standards:

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 16.05.A., providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted.
- C. Names of brands, manufacturers’ labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into

stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

Section 16.12 - Nonconforming Signs

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.

Section 16.13 - Permits and Fees

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to Sections 16.04, 16.06, 16.07, 16.08, 16.09, and 16.10, shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:
 - 1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
 - 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
 - 3. The address of the property.
 - 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed signs.
 - 5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement. The Zoning Administrator shall inspect foundations on the site prior to pouring of the concrete for the sign support structure.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

Section 16.14 - Removal of Signs

Signs erected or maintained in violation of this Ordinance shall be removed in accordance with the Enforcement Provisions, Article XVIII, contained in this Zoning Ordinance.

ARTICLE XVII

SITE PLAN REVIEW PROCEDURES

Section 17.01 - Purpose

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

Section 17.02 - Developments Requiring Site Plan Approval

The following land, building and structural uses require "Site Plan Approval":

All principal and special uses and their accessory uses in all Districts.

Section 17.03 - Developments not Requiring Site Plan Approval

- A. Single family homes and their accessory uses in the RD, AR, RR and MDR Districts.
- B. General or specialized farming and their accessory uses and roadside stands in the RD, AR, RR and MDR Districts, but not including all other principal and special uses and their accessory uses permitted in the RD, AR, RR and MDR Districts.

Section 17.04 - Role of the Zoning Administrator

The Zoning Administrator shall not issue a Zoning Permit for construction of, or addition to, any use until a final site plan has been approved by the Township Board and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Board and a Zoning Permit has been issued for it.

Section 17.05 - Site Plan Approval Required Prior to Starting Construction or Use of Land

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

Section 17.06 - Preliminary Conference on Proposed Site Plan

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

Section 17.07 - Preliminary Site Plan Requirements

- A. **Application** - Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least seven (7) copies of a preliminary site plan drawing(s) and other documents. Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) and other documents to the Planning Commission.

- B. **Information Required for Review** - Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review. This shall include preliminary reports from all State, County, School District and Township agencies and officials when a proposed project is affected by their respective rules, regulations and requirements.

- C. **Planning Commission Action** - The Planning Commission shall study the plan and shall, within sixty (60) calendar days of the filing date, recommend approval, approval with conditions or denial of the preliminary site plan to the Township Board. If denial is recommended, the Planning Commission shall prepare a report setting forth the findings of fact and conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant. If a site plan is to be denied, the specific reasons for denial shall be stated in the official minutes of both the Planning Commission and the Township Board.

- D. **Effect of Approval** - Approval of a preliminary site plan by the Township Board shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Township Board may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions may be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires

that the applicant meet all of the requirements of the Michigan “Soil Erosion and Sedimentation Control Act”, Public Act 347 of 1972, MCL 282.101 et seq.

- E. Expiration and Extension of Approvals - Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Board. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, until a Zoning Permit has been obtained for development shown on the approval final site plan within that time period.

Section 17.08 - Final Site Plan Requirements

- A. Application - Following approval of a preliminary site plan, the applicant shall submit seven (7) copies of a final site plan, as well as other data and exhibits, hereinafter required to the Township Clerk, the review fee and a completed application form. The Clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission.
- B. Information Required for Review - Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review. This shall include final reports from all State, County, School District and Township agencies and officials when a proposed project is affected by their respective rules, regulations and requirements.
- C. Planning Commission Action - The Planning commission shall study the final site plan and shall within sixty (60) calendar days of the date of the Planning Commission meeting at which the plan was received, recommend approval, approval with conditions or denial of the final site plan. This time limit may be extended upon written request by the applicant and approval by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant. The Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance. If a site plan is to be denied, the specific reasons for denial shall be stated in the official minutes of both the Planning Commission and Township Board.

Upon Township Board approval of the final site plan, the applicant and owner(s) of record, and the Township clerk or the designated replacement shall sign the approved plan. The Township Board shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, and to the applicant. One (1) copy shall be submitted to the Planning Commission.

If the final site plan is disapproved, the Township Board shall notify the Township Clerk, in writing, of such action and reasons.

- D. Effect of Approval - Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Township Board, whichever is specified in specific Section of this Ordinance, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved final site plan.

Section 17.09 - Criteria for Site Plan Review

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A. Preservation of Natural Environment: - Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
- B. Relations of Proposed Land Building and Structural Uses to Environment: - Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, screening with berms, evergreens, decorative fences and walls, terrain features or other structures.
- C. Drives, Parking and Circulation: - Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.
- D. Surface Water Drainage: - Special attention shall be given to proper site surface drainage so that the flow of surface waters will be impounded in on-site retention ponds so that excessive surface water will not adversely affect adjacent and surrounding properties or the

public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

- E. Utility Service: - Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- F. Advertising Features: - The size, location and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Article XVI, "Sign Regulations".
- G. Special Features: - Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.
- H. Additional Requirements: - All other standards and requirements to this Article must be met by site plans presented for review.

Section 17.10 - Modification of Procedure

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrant.

Section 17.11 - Amendment of an Approved Site Plan

A site plan may be amended upon application and in accordance with the procedure provided in Section 17.07 herein, for a preliminary site plan, and Section 17.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Township Board. The Township Board shall have

the authority to determine if a proposed change requires an amendment to the approved site plan.

Section 17.12 - Modification during Construction

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Township Board will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Township Board, in writing, of any such changes. The Zoning Administrator or the Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

Section 17.13 - Phasing of Development

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

Section 17.14 - Inspection

All subgrade improvements, such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

Section 17.15 - Fees

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

Section 17.16 - Performance Guarantees

Bonds or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by

resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

Section 17.17 - Violations

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

ARTICLE XVIII

ADMINISTRATION AND ENFORCEMENT

Section 18.01 - Purpose

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

Section 18.02 - Administration

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, Act 110 of Public Acts of 2006, as amended, "Township Zoning Act" and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

Section 18.03 - Duties of Zoning Administrator

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all site plans, zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk, with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use, estimated cost of construction for each permit, and square feet of floor area to be built.
- E. Maintain written records of all actions taken by the Zoning Administrator.

Section 18.04 - Zoning Permit

A. Zoning Permit Requirements

A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

1. *The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 3.12 of this Ordinance.*
2. The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes.
3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building shall not require a Zoning Permit.

B. Application for a Zoning Permit

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel (s), lot(s) or acreage affected.
3. The dimensions, height and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area and parking space dimensions, if applicable.
8. The proposed plan and specifications of off-street parking spaces, if applicable.
9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.

10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee and the filing of any required performance guarantee.

C. Voiding of Permit

Any Zoning Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one-year (1) year period before voidance of the Zoning Permit is actually declared. The Zoning Administrator may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the Ordinances or Regulations of the Township.

D. Fees, Charges, and Expenses

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges, fees, have been paid in full, and performance guarantees have been filed with the Township Clerk.

E. Inspection

The construction or usage affected by any Zoning Permit shall be subject to the following inspections by the Zoning Administrator:

1. At time of staking out of building foundation or location of structure.
2. Upon completion of the construction authorized by the permit.
3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.
4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plan filed, or is in violation of any provision of this Ordinance, or any other

applicable law, he shall so notify in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.

5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof, and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

Section 18.05 - Violations

The violation of any provision of this Ordinance, is hereby declared to be a nuisance per se, and subject to the penalties as herein provided.

Section 18.06 - Penalties

Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined; upon conviction, not more than five hundred (500) dollars, together with the cost of prosecution, or shall be punished by imprisonment in the County Jail for not more than ninety (90) days for each offense, or may be both fined or imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board, or any owner or owners of real estate within the district in which such buildings, structures or land use is situated may institute injunction, mandamus abatement or any other appropriate action, actions or proceedings to prevent enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of land, buildings or structures. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 18.07 - Enforcement Procedure

In addition to the enforcement actions provided in Section 18.04.E., 1-5, the following additional enforcement procedures may be applicable in the instances of violation of (1) provisions of this Zoning Ordinance, (2) approved special uses, (3) approved planned unit developments, (4) approved site plans or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or

Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

- A. When a violation is initially determined by the Zoning Administrator, it shall be the Administrator's responsibility to issue a "Notice of Zoning Ordinance Violation" to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
 - 1. Date and location of each violation observed by the Zoning Administrator.
 - 2. Name(s) and address(es) of owner(s) and occupant(s).
 - 3. Specific section(s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each section violated.
 - 4. Length of time allowed before further prosecution of the violation(s).
- B. Failing compliance by owner(s) and occupant(s) by specified date in A. above, the Zoning Administrator shall issue a "Section Notice of Zoning Ordinance Violation" which shall include the same information as contained in A. above.
- C. Failure to comply with the procedures outlined in A. and B. above shall then, upon recommendation of the Zoning Administrator result in the issuance of a "Notice of Show-Case Hearing" by the Township Board and the holding of a special hearing by the Board for the alleged violation and those parties interested in the violation(s).
- D. Failure to comply with the procedures of A., B., and C. above shall then result in the issuance of a "Show-Cause Hearing, Finding and Order" by the Township Board. The Show-Cause Hearing, Finding and Order Form shall indicate the findings of fact about the violation(s) by the Township Board, the Board's conclusions and its order for compliance with the Zoning Ordinance with respect to each violation.
- E. Failure to comply with the procedure outlined in A-D above shall then be followed by the instituting of a procedure to seek a bench warrant from the Judge of the District Court for the owner(s) and occupant(s) of the property upon which the violation(s) occurred into court to seek correction of the violation(s). The information contained in the request to District Court for a bench warrant shall be drafted by the Township Attorney, submitted to the Township Board for its approval

and submitted to the District Court Judge for appropriate setting of the date and determination for correcting the violation(s)

- F. Failure to comply with either C. and D. or E. above shall at the Township Board's discretion and direction authorize the Township Attorney to file for prosecution in Circuit Court for the purpose of gaining correction of the violation(s).

ARTICLE XIX

ZONING BOARD OF APPEALS

Section 19.01 - Establishment of Board of Appeals

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Michigan Zoning Enabling Act 110 of 2006, as amended, and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 19.02 - Membership and Terms of Office

The Zoning Board of Appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the terms of his/her office; the second member shall be a member of the Township Board, elected by the Township Board, for a three year term, but coincident with his term in office. The other three (3) members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years, except that the first three elector members shall be appointed for one, two and three year terms, respectively. The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairperson. An employee or contractor of the legislative body may not serve as a member of the zoning board of appeals. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

The legislative body may appoint not more than two (2) alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 19.03 - Rules of Procedure, Majority Vote

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present. 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 administrative official or body, 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.

Section 19.04 - Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board, in its rules of procedure, may specify. The chairperson, or in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

Section 19.05 - Public Meetings and Minutes

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

Section 19.06 - Powers and Duties

The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The zoning board of appeals shall also hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this act. For planned unit development decisions, an appeal may be taken to the zoning board of appeals only if provided for in the zoning ordinance.

1. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
2. To grant variances from any of the regulations or provisions contained in this Ordinance in cases in which there is practical difficulties in the

way of such strict application. No variance shall be granted to permit the establishment within a district of any use which is not included as a permitted use or for which a special use permit is required.

3. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan for such district.
4. Determine the classification of off-street parking and loading requirements in Sections 15.02 and 15.03.

Section 19.07 - Voiding of and Reapplication for Variances

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless: the use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 19.08 - Procedure for Appealing to the Zoning Board of Appeals

An appeal to the zoning board of appeals may be taken by a person aggrieved or an officer, department, board, or bureau of the state or local unit of government. In addition, a variance in the zoning may be applied for and granted under Section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The zoning board of appeals shall state the grounds of any determination made by the board.

- A. Appeals, How Taken:
Appeals from the ruling of the Township Board, Planning Commission or Zoning Administrator may be made to the Zoning Board of Appeals in the following manner.
 1. The person, firm or agent thereof making the appeal shall file in writing to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal.

2. The Township Clerk submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. Fee for Appeal:
A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeal fee shall immediately be placed in the Township General Fund.
 - C. Effect of Appeal:
An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or 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, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
 - D. Hearing by the Zoning Board of Appeals: Request: Notice: Hearing:
When a request for appeals has been filed in proper form with the Zoning Board of Appeals, the Chairman shall place, in a reasonable amount of time, the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing in conformity with Section 10.05. However, if the request does not involve a specific parcel of property, notice need only be published in the local paper and given to the person making the request.
 - E. Representation at Hearing:
During a hearing, any party or parties may appear in person or by agent or by attorney.
 - F. The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator, Township Board and Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.
 - G. Upon approving, approving with conditions, or denying an appeal, the applicant or any aggrieved party shall have thirty (30) days from the date of the decision of the Zoning Board of Appeals to appeal the decision to Circuit

Court in accordance with MCL 125.3605, 125.3606, 125.3607 and in accordance with MZEA 110 of 2006 as amended.

ARTICLE XX

AMENDING THE ZONING ORDINANCE

Section 20.01 - Changes and Amendments

Only the Township Board may amend this Ordinance with a majority vote of the members of the legislative body. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property who wish to propose an amendment.

Section 20.02 - Procedures

The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of Public Acts of 2006, and amendments.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk via certified mail. The Clerk shall review the application form and, when it is approved, transit the same to the Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Act 110 of Public Acts of 2006 as amended. The Clerk shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing as listed in Section 10.05 as outlined in the Michigan Zoning Enabling Act 110 of 2006 as amended. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board, Township Planning Commission, or citizen.

Section 20.03 - Notice of Hearing

The Clerk shall give Notice of Hearing in the following manner:

- A. By publication in a newspaper of general circulation in the Township, not less than fifteen (15) calendar days before the date of the meeting.
- B. By posting, if the amendment proposed consists of a rezoning, the property involved, not less than fifteen (15) calendar days prior to the hearing, and notice to contain the time, date, place and purpose of the hearing.
- C. By mailing, certified mail, not less than fifteen (15) calendar days in advance of the hearing each electric, gas, pipeline and telephone company that chooses to register its name and mailing address with the Planning Commission for the purpose of receiving such notice.

- D. By mailing, certified mail, not less than fifteen (15) calendar days in advance of the hearing, a notice of hearing to each railroad operating within the Township, in the case of textual changes, or within three hundred (300) feet of the area proposed to be rezoned, if the amendment proposed is in the nature of rezoning.

Section 20.04 - Information Required

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information.

- A. A legal description of the property
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner; the names and addresses of all the owners.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

Section 20.05 - Steps in Making a Change

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date and publishes notice of hearing.
- C. Planning Commission holds hearing, makes a decision, and transmits decision to the County Planning Commission and to the Township Board.
- D. Township Board either enacts or rejects proposed change as an Ordinance amendment, and publishes the text of the change in the newspaper within 15 days after adoption and in accordance with MZEA as amended.
- E. A zoning ordinance shall take effect upon the expiration of seven (7) days after publication as required or at such later date after publication as may be specified by the legislative body.

Section 20.06 - Findings of Facts Required

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) calendar days of the filing date of the petition.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to provide agencies which provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, policies of the Township and other government units.
- E. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions where applicable.

Section 20.07 - Certain Violations as Nuisance Per Se

Except as otherwise provided by law, a use of land or a dwelling, building or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under this act is a nuisance per se. The zoning administrator and/or civil infraction enforcement officer shall administer and enforce the zoning ordinance.

ARTICLE XXI

SEVERABILITY

Section 21.01 - Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holds shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXII

EFFECTIVE DATE OF ORDINANCE

Section 22.01 - Effective Date of Ordinance

This Ordinance shall become effective thirty (30) calendar days (1) after publication of it in its entirety or (2) after a synopsis of the Zoning Ordinance is first published following passage by the Township Board of the Township of Wilber.

Made and passed by the Township Board of the Township of Wilber, Iosco County, Michigan of this 2nd day of January A.D., 1990

1. Date of Public Hearing: September 26, 1989
2. Date of Adoption by Township Board: November 6, 1989
3. Date of Publication: December 20, 1989
4. Effective Date: January 19, 1990

Attest:

/s/ Harold Cholger
Township Supervisor

/s/ Karen Alda
Township Clerk