

Hawes Township
Zoning Ordinance
June, 2012

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HAWES TOWNSHIP ZONING ORDINANCE

THE TOWNSHIP OF HAWES ORDAINS

An ordinance to establish zoning districts and provisions governing Hawes Township, Alcona County, Michigan in accordance with the provisions of Act 110 of the Public Acts of 2006, the Michigan Zoning Enabling Act, as amended; and to provide for amendments, non-conforming uses and a Board of Appeals and for the administration of the ordinance.

ARTICLE ONE

1.00 REFERENCE TABLE OF REGULATIONS

Zoning district	Min lot size Per Dwelling		Max Hgt of Structure Grade to Peak	Min Yard Setback			Min Floor Area	Max Pct of Lot Coverage (Area of All Bldgs)
	Area	Width		Front	Side	Back		
R-1	12,000SF	80'	32'	40'	7 ½'	7 ½'	720SF	35%
R-2	12,000SF	80'	32'	(1)(2)(3)	7 ½'	7 ½'	720SF	35%
A-R	62,000SF	125'	32'	60'	25'	25'	720SF	35%
A	20 Acres	466'	32'	60'	25'	25'	720SF	35%
F-R	10 Acres	330'	32'	75'	50'	50'	576SF	35%
C	12,000SF	100'	32'	40'	(6)	10'	N/a	N/a
I-D	(7)	(7)	32'	20'	10'	10'	N/a	N/a

Notes:

1. For those properties abutting water, their backyard becomes the front and must have a 40' setback from waters edge to beginning of construction. And in retrospect, the yard facing the road becomes the backyard and must have a 20' setback in lieu of the normal 7 ½ ' setback for backyards.

2. Nonconforming lots will also have a 20' front yard setback. Where 20' is not feasible, the Zoning Administrator is authorized to average the setback distance between neighboring lots.
3. Conforming lots in R-2 will follow the same setbacks as R-1 except they will have a 20' rearward setback.
4. Minimal floor areas apply to habitable facilities only.
5. The 35% lot coverage applies only to the buildable area of the lot. The buildable area is the total lot minus the setbacks.
6. Side yards are not required along interior side of lot lines if all walls abutting or facing such lines are of fireproof masonry construction and wholly without windows or openings, otherwise a 10' sideyard shall be provided.
7. Approved by Special-Use-Approval only.
8. A piece of property cannot exceed the width/length ratio of 1:4 without special approval (See Section 8.03 1).
9. Water wells and septic fields must be approved by the District Health Department.
10. Storage buildings under 100 SF in size do not require a zoning permit. Any conflict between the Reference Table of Regulations and the ordinance, the ordinance will prevail.
11. Clarification of front yard setbacks; (As applicable to Sections 2.40 A; 2.09 A; 3.04 A; 4.40 A; 5.04 A; and 6.04 A.) The restriction of any building or structure within the front yard setback does not include such items as flag poles; TV antennas; fences; mail boxes; signs; or ornamental decorations and other similar type items.

PREAMBLE

SECTION 1.01 - PURPOSE

The primary purpose of this Ordinance is to promote the public health, safety, morals and general welfare, to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion of the public roads and streets, to reduce the hazards to life and property, to facilitate adequate provisions for sewage disposal, safe and adequate water supply, education, recreation and other public requirements.

SECTION 1.02 - LIMITATIONS OF ORDINANCE

1.02A- Existing use of lands, Building, and Structures:

At the discretion of property owners, the lawful use of any land or premises and of any building or structure as existing and lawful at the time of enactment of this ordinance may be continued, although such use may not be in conformity with the provisions thereof.

SECTION 1.03 - DISTRICTS

To achieve the purposes set forth in the preamble of this Ordinance, Hawes Township is hereby divided into the following districts:

1.03A	Residential	(R-1)
	Residential - Lake Shore Dist.	(R-2)
1.03B	Agricultural - Residential	(A-R)
1.03C	Agricultural	(A)
1.03D	Forest-Recreational	(F-R)
1.03E	Commercial	(C)
1.03F	Industrial Development	(I-D)

1.03 A - DEFINITION OF BOUNDARIES:

The location and boundaries of these Zoning districts are established on a map entitled the "Hawes Township Zoning Map" which is hereby adopted as a part of this Ordinance. The official zoning map shall be located in the Township offices and shall be updated as necessary.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys or highways, the centerline of said streets, alleys or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the centerline of the new course.

4. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Board of Appeals.

1.03 B - ZONING OF VACATED AREAS:

Whenever any street, alley, highway or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way, which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

1.03 C - ZONING OF FILL AREAS:

Whenever, after appropriate permits are obtained, and fill material is placed in any lake or stream so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality.

1.03 D - ZONING DISTRICT CHANGES:

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of this ordinance.

ARTICLE TWO - RESIDENTIAL DISTRICTS (R-1)

The following provisions shall apply to all Residential Districts (R-1).

SECTION 2.01 - R-1 PURPOSE

The purpose in creating Residential Districts (R-1) is to provide areas primarily dedicated to residential use consisting of dwellings for only one family or household group (multiple dwellings by special approval), each dwelling to be located on individual lots or premises, adequate in size to provide for safe water and sewage and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each such district, and to provide suitable and safe conditions for family living. The districts are established in conformity with the existing areas and in areas, which it appears desirable for such developments to take place. Since certain other uses are generally accepted as compatible with residential developments, if properly integrated, the inclusion of such uses is provided by "Special Approval".

SECTION 2.02 - R-1 PROPERTY USES

Except as provided by Section 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one of more of the following purposes and a permit must be obtained from the Zoning Administrator before alterations or changes can be made in accordance with the zoning rules.

2.02A - R-1 A PRIMARY USES

1. One (1) family dwelling, including a private garage or carport for passenger automobiles not to exceed three (3) car capacities.
2. Publicly-owned parks and playgrounds without buildings.
3. Home occupations and professional offices.
4. Occupancy of a manufactured home by owner on premise during construction of his dwelling thereon, as provided by sub-section 8.07A.
5. Family Day Care Homes

6. State-Licensed Residential Facilities housing six (6) or fewer persons.

2.02 B - R-1 USES BY SPECIAL APPROVAL AS PROVIDED IN SECTION 8.04

1. Churches and other buildings of religious nature.
2. Schools and other educational buildings.
3. Community facilities such as hospitals, fire and police stations, libraries, public museums, community buildings, cemeteries, sanitariums, water and sewage plants.
4. Multiple dwellings.
5. Two (2) family dwelling, including a private garage or carport for passenger automobiles not to exceed three (3) car capacities for each dwelling.
6. Group Day Care Homes

2.02 C - R-1 ACCESSORY USES. BUILDINGS and STRUCTURES

Buildings, structures and uses customarily and clearly incidental to any ordinary use or use by "special approval" are allowed provided no structures or accessory buildings, including storage buildings, shall be erected or moved on lots or parcels of land unless a dwelling has been erected or moved onto the premises.

SECTION 2.03 - R-1 MINIMUM LAND REQUIREMENTS, DWELLINGS

Every lot or premises upon which a one-family (1) dwelling is hereafter erected, shall have an are of not less than twelve thousand (12,000) square feet, a width not less than eighty (80) feet throughout and a depth not less than one hundred fifty (150) feet.

SECTION 2.04 - R-1 MINIMUM YARD REQUIREMENTS

2.04 A - R-1 FRONT YARDS

Every building hereafter shall be set back not less than forty (40) feet from the highway right-of-way line or front lot line, as the case may be.

2.04 B - R-1 SIDE YARD AND REAR YARD

Every lot or premises upon which a building is hereafter erected shall have open side yards and a rear yard of not less than seven and one-half (7 1/2) feet in width, and no buildings or part thereof shall be erected within such side or rear yards.

2.04 C - R-1 LIMITATIONS ON USE

No yard shall be used for storage, keeping or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

SECTION 2.05 - R-1 FLOOR AREA OF DWELLINGS

No one-story, one and one-half, or two story one-family dwelling hereafter shall have a ground area of less than seven hundred twenty (720) square feet exclusive of any attached garage, open porch or other attached structure. Every two-family and multi-family dwelling shall provide not less than seven hundred twenty (720) square feet per family, exclusive of any accessory building.

ARTICLE TWO - RESIDENTIAL DISTRICTS (R-2)

The following provisions shall apply to all Residential Districts (R-2)

SECTION 2.06 - R-2 PURPOSE

The purpose in creating Residential Districts (R-2) is to provide areas primarily dedicated to residential use consisting of dwelling for only one family or household group (multiple dwellings by special approval), each dwelling to be located on individual lots or premises, adequate in size to provide for safe water and sewage and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each such district, and to provide suitable and safe conditions for family living. The districts are established in conformity with the existing areas and in areas, which it appears desirable for such developments to take place. Since certain other uses are generally accepted as compatible with residential developments, if properly integrated, the inclusion of such uses is provided by "Special Approval".

The R-2 Districts are also being created for protection of lake front and other designated water front environments including those areas which materially affect the nature of that environment and to preserve the use of the water frontage for the purposes of recreation and natural aesthetic enjoyment.

SECTION 2.07 - R-2 PROPERTY USES

Except as provided by Section 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes and a permit must be obtained from the Zoning Administrator before alterations or changes can be made in accordance with the zoning rules.

2.07 A - R-2 PRIMARY USES

1. One (1) family dwelling, including a private garage or carport for passenger automobiles not to exceed three (3) car capacity.
2. Publicly-owned parks and playgrounds without buildings.
3. Family Day Care Homes
4. State-Licensed Residential Facilities housing six (6) or fewer persons.

2.07 B - R-2 USES BY SPECIAL APPROVAL AS PROVIDED IN SECTION 8.04

1. Churches and other buildings of religious nature.
2. Schools and other educational buildings.
3. Community facilities such as hospitals, fire and police stations, libraries, public museums, community buildings, cemeteries, sanitariums, water and sewage plants.
4. Multiple dwellings.
5. Two (2) family dwelling, including a private garage or carport for passenger automobiles not to exceed three (3) car capacity for each dwelling.
6. Home occupations and professional offices.
7. Occupancy of a manufactured home by owner on premise during construction of his dwelling thereon, as provided by sub-section 8.07A.
8. Group Day Care Homes

2.07 C - R-2 ACCESSORY USES. BUILDINGS and STRUCTURES

Buildings, structures and uses customarily and clearly incidental to any ordinary use or use by "special approval" are allowed provided no structures or accessory buildings, including storage buildings, shall be erected or moved on lots or parcels of land unless a dwelling has been erected or moved onto the premises.

SECTION 2.08 - R-2 MINIMUM LAND REQUIREMENTS, DWELLINGS

Every lot or premises upon which a one-family (1) dwelling is hereafter erected, shall have an area of not less than twelve thousand (12,000) square feet, a width not less than eighty (80) feet throughout and a depth not less than one hundred fifty (150) feet.

SECTION 2.09 - R-2 MINIMUM YARD REQUIREMENTS

2.09 A - R-2 FRONT YARDS

- (1) Every building hereafter shall be set back not less than forty (40) feet from the highway right-of-way line or front lot line, as the case may be. Non-conforming lots will have a twenty feet (20) front yard setback. If twenty feet (20) front yard setback cannot be met, then averaging is authorized as in 2.09 B R-2.
- (2) For NON-CONFORMING LOTS of record on 12-31-00, front yard setback standards may be determined in the same manner as “rear yard” setbacks in Section 2.09 B (2). In no instance shall a front yard setback be less than 7 ½ feet from highway right-of-way or front lot line. This method shall NOT apply to waterfront lots. Corner lots shall only be able to use this method on one side of the lot.

2.09 B - R-2 SIDE YARD AND REAR YARD

- (1) Every lot or premises upon which a building is hereafter erected shall have an open side yard of not less than seven and one-half (7 1/2) feet on each side, and a rear yard of not less than twenty (20) feet, and no buildings or part thereof shall be erected within such side or rear yards.
- (2) For non-conforming lots of record in the R-2 District, the following rear yard setback standards may be applied. Where the rear yard setbacks of two (2) or more existing buildings within four-hundred (400) feet in either direction of the subject lot, and on the same side of the street, are less than the minimum rear yard setback required by current ordinance standards, then any building subsequently erected within said distance shall not be less and need not be greater than the average depth of the rear yard setbacks of the existing buildings. In no instance shall the rear yard setback be less than seven and one-half feet (7 1/2) feet.

2.09 C - R-2 LIMITATIONS ON USE

No yard shall be used for storage, keeping or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

SECTION 2.10 –R-2 FLOOR AREA OF DWELLINGS

No one-story of one and one –half, or two story one-family dwelling hereafter shall have a ground area of less than seven hundred twenty (720) square feet exclusive of any attached garage, open porch or other attached structure. Every two-family and multi-family dwelling shall provide not less than seven hundred twenty (720) square feet per family, exclusive of any accessory building.

SECTION 2.11 - R-2 ADDITIONAL PROVISIONS

Section 2.11 A - BOATHOUSES

No boathouse shall be constructed in such a manner as to have a height exceeding the height of the lake front banks. Further, no boathouse shall have living quarters within.

Section 2.11 B - FREE STANDING WOOD BURNING FURNACES.

PROHIBITION: It shall be unlawful to install or operate a free-standing wood burning furnace, and to cause or permit the installation or operation of a free-standing word burning furnace, within the area designated as R-2.

VIOLATIONS, DECLARATION OF NUISANCE: Any free-standing wood burning furnace installed or operated in violation of this article is hereby declared to be a nuisance per se.

ARTICLE THREE - AGRICULTURAL RESIDENTIAL DISTRICT (A-R)

The following provisions shall apply to all Agricultural-Residential Districts (A-R).

SECTION 3.01 - PURPOSE

While land uses in these districts are intended to be primarily agricultural, limited residential uses and commercial uses relating chiefly to agriculture shall be permissible.

SECTION 3.02 - PROPERTY USES

Except as provided by Section 1.02, the use and occupancy of all lands and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

3.02 A - PRIMARY USES

1. Limited farmland operations, including production of all field crops, fruits, pasture, wood lots, farm forestry but not including non-domestic fur bearing animals.
2. Plant nurseries, greenhouses and truck gardening.
3. One family (1) and two family (2) dwelling including a private garage or carport for passenger automobiles not to exceed a three (3) car capacity for each dwelling.
4. Tourist homes, boarding and lodging homes.
5. Home occupations and professional offices.
6. Family Day Care Homes
7. State-Licensed Residential Facilities housing six (6) or fewer persons.

3.02 B - USES BY SPECIAL APPROVAL AS PROVIDED BY SECTION 8.04

1. All uses permitted under 2.02 B, including colleges.
2. Private clubs and fraternal organizations.
3. Agricultural related businesses, including sale and service of agricultural machinery.
4. Kennels, veterinary services, animal clinics and hospitals.
5. Commercial recreational enterprises.
6. Hospitals, clinics, sanitariums, convalescent homes, and similar facilities for human care.
7. Institutions of philanthropic and charitable nature.
8. Public Utility buildings.
9. Golf courses, driving ranges, gun clubs, and bowling alleys.
10. Motels.

11. Manufactured Home parks.
12. Mines, quarries, and gravel pits.
13. Two (2) family dwellings including a private garage or carport for passenger automobiles not to exceed a three (3) car capacity for each dwelling.
14. Landing fields, including platforms, hangers, masts and other facilities.
15. Group Day Care Homes

3.02 C - ACCESSORY USES. BUILDINGS and STRUCTURES

Buildings, structures and uses customarily and clearly incidental to any ordinary use or use by "special approval".

SECTION 3.03 - MINIMUM LAND REQUIREMENTS, DWELLINGS

Every lot or premises upon which a dwelling or building is hereafter erected shall have an area of not less than five acres and shall be located on a parcel of land having not less than to hundred (200) feet of frontage on a public thoroughfare. Provided such limitations of area shall not apply to public utility buildings without storage yards.

SECTION 3.04 - MINIMUM YARD REQUIREMENTS

3.04 A - FRONT YARDS

Every building hereafter shall be set back not less than sixty (60) feet from the highway right-of-way of front lot line as the case may be.

EXEPTIONS:

1. Public buildings, which may have trucks loading or unloading.
2. Those uses allowed by special approval as listed in 3.02 B shall be set back not less than two hundred (200) feet from the highway right-of-way or front lot line as the case may be. In the event that this set back

requirement for variance may be submitted to the Zoning Board of Appeals for further review.

3.04 B - SIDE YARD AND REAR YARD

Every lot or premises upon which a building is hereafter erected shall have open side yards on each and a rear yard of not less than twenty-five (25) feet in width, and no building or part thereof shall be erected within such side and rear yards.

EXCEPTIONS:

1. Public buildings, which may have trucks loading or unloading.
2. Those uses allowed by special approval as listed in 3.02 B shall have a side and rear yard of fifty (50) feet. In the event that this requirement creates undue hardship on a property owner, an application for variance may be submitted to the Zoning Board of Appeals for further review.

3.04 C - LIMITATIONS ON USE

No yard shall be used for storage, keeping or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

3.04 D – Livestock

The keeping and raising of domestic livestock including but not limited to cows, horses, pigs, goats, chickens, sheep, must be fenced in, using appropriate type fencing (barbed wire, chicken wire, stock

fencing) and animal shelters must be at least 300 feet from all property lines.

SECTION 3.05 - FLOOR AREA OF DWELLINGS

No one-story, one and one-half or two story one-family dwelling hereafter shall have a ground area of less than seven hundred twenty (720) feet exclusive of any attached garage, open porch or other attached structure. Every two-family and multi-family dwelling shall provide not less than seven hundred twenty (720) square feet per family, exclusive of any accessory building.

ARTICLE FOUR - AGRICULTURAL DISTRICTS (A)

The following provisions shall apply to all Agricultural Districts (A).

SECTION 4.01 - PURPOSE

While land uses in this District are primarily agricultural in character, the provisions recognize the possible residential expansion taking place in these Districts, and the desirability of instituting a good standard to guide the use of property for developments similar to those provided in Residential Districts (R) purposes generally recognizing as compatible with agricultural uses is provided by "Special Approval".

SECTION 4.02 - PROPERTY USE

Except as provided by Section 1.02 no building or part thereof shall hereafter be erected or altered, used or occupied, and no land or premises used or occupied for other than one or more of the following:

4.02 A - PRIMARY USES

1. Agriculture, including both general and specialized farming (animal industries by Special Approval), tree farms and forestry.
2. One-family and two-family dwellings, both farm and rural residential.
3. All farm buildings and structures customarily utilized in this District of farms.
4. Road side stands for sale of farm products. Providing that no less than fifty (50%) percent of the goods offered for sale shall have been produced on the premises; and provided further that the facilities in writing by the County Road Commission in the interest of public safety, see State Law No. 269 - 1967 and State Law No. 300 - 1949 as amended.
5. Plant nurseries and greenhouse.
6. Uses as provided by Par. 1 to 4 inclusive of section 2.02 B but not to be subject to "Special Approval".
7. Home occupations.
8. Occupancy of a manufactured home by owner of a premises during the construction of his dwelling thereon, as provided by Sub-Section 8.05 A.
9. Family Day Care Homes
10. State-Licensed Residential Facilities housing six (6) or fewer persons.

4.02 B - USES BY SPECIAL APPROVAL AS PROVIDED BY 8.04

1. Cemeteries.
2. Veterinary services and hospitals, including animal clinics a kennels.
3. Landing fields, including platforms, hangers, masts, and other facilities.
4. Golf Courses.
5. Township and county administrative building, including service buildings and structures.
6. Public utility buildings with storage yards.
7. Fire control structures.
8. Non-domestic fur-bearing animals when confined in cages not less than two hundred (200) feet from any property lines.
9. Manufactured Home parks.
10. Motels.
11. Mines, quarries and gravel pits.

12. Public and Private Utility Buildings, Structures, and Towers including Telecommunication towers.
13. Group Day Care Homes

4.02 C - ACCESSRORY USES. BUILDINGS and STRUCTURES

Buildings, structures and uses customarily and clearly incidental to any ordinary use or use by "Special Approval" are allowed.

SECTION 4.03 - MINIMUM LAND REQUIREMENTS, DWELLINGS

Every lot or premises upon which a dwelling is hereafter erected shall have an area of not less than twenty (20) acres, and a width of not less than four hundred sixty-six (466) feet, provided such limitation of area shall not apply to public utility buildings without storage yards.

SECTION 4.04 - MINIMUM YARD REQUIREMENTS

4.04 A - FRONT YARDS

Every building hereafter erected shall be set back not les than sixty (60) feet from the highway right of way or front lot line, as the case may be.

4.04 B - SIDE AND REAR YARD

Every lot or premises upon which a building is hereafter erected shall have open side yards on each and a rear yard of not less than twenty-five (25) feet in width, and no building or part thereof shall be erected within such side and rear yards.

EXCEPTIONS

1. Public buildings which may have trucks loading or unloading.
2. Those uses allowed by special approval as listed in 3.02 B shall have a side and rear yard of fifty (50) feet. In the event that this requirement creates undue hardship on a property owner, an application of variance may be submitted to the Zoning Board of Appeals for further review.

4.04 C Limitations On Use

No yard shall be used for storage, keeping or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

4.04 D Livestock

The keeping and raising of domestic livestock including but not limited to cows, horses, pigs, goats, chickens, sheep, must be fenced in, using appropriate type fencing (barbed wire, chicken wire, stock fencing) and animal shelters must be at least 300 feet from all property lines.

SECTION 4.05 FLOOR AREA OF DWELLINGS

No one-story, one and one-half, or two-story one-family dwelling hereafter shall have a ground area of less than five hundred seventy six (576) square feet exclusive of any attached garage, open porch or other attached structure. Every two-family and multi-family dwelling shall provide not less than 576 square feet per family, exclusive of any accessory building.

ARTICLE FIVE - FOREST RECREATIONAL (F-R)

The following provisions shall apply to all Forest-Recreational Districts (F-R).

SECTION 5.01 - PURPOSE

These districts are intended to promote the proper use, enjoyment and conservation of the water, land, topographic and forest land resources of the Township particularly adapted in general to recreational and forest uses.

SECTION 5.02 - PROPERTY USE

Except as provided by Section 1.02, no building or structure, or part thereof, shall hereafter be erected, altered, used or occupied, on land or premises in whole or in part, for other than one or more of the following specific uses:

5.02 A - PRIMARY USES

1. Forestry, including production of forest products.
2. Legal harvesting of any native crop.
3. Parks, playgrounds, hunting and fishing.
4. Camping, hunting, and fishing cabins or cottages.
5. Summer cottages and seasonal dwellings, occupancy of which shall not be used as permanent dwelling.
6. Permanent single family residential homes.
7. Limited Farmland Operations.
8. Family Day Care Homes
9. State-Licensed Residential Facilities housing six (6) or fewer persons.
10. Home Occupations/Home Professional Offices

5.02 B - USES BY SPECIAL APPROVAL AS PROVIDED BY SECTION 8.04

1. Retail commercial enterprises relating primarily to forest-recreational activities.
2. Mines, quarries, and gravel pits.
3. Camps and clubs for recreational use.
4. Private landing fields.
5. Restaurants.
6. Churches.
7. Public and Private Utility Buildings, Structures, and Towers including Telecommunication towers.
8. Campgrounds
 - A. Minimum site shall be forty (40) acres.
 - B. No camping site shall be closer than fifty (50) feet to any street or property line.
 - C. Campground boundaries shall be so located that they are no closer than two hundred (200) feet to nearest Residential (R-1) or (R-2). Residential/Agricultural (RA), Agricultural (AG) or Industrial (I) districts.
 - D. The zoning and planning board may require berms, fences or landscaping compatible with adjacent land uses.
 - E. Each campsite shall have a minimum of twelve hundred (1,200) square feet of area.
9. Group Day Care Homes

5.02 C - ACCESSORY USES. BUILDINGS and STRUCTURES

Buildings, structures and uses customarily and clearly incidental to any ordinary use or use by "Special Approval" are allowed.

SECTION 5.03 - MINIMUM LAND REQUIREMENTS,
DWELLINGS

Every lot or premises upon which building is hereafter erected shall have an area of not less than ten (10) acres, and a width of not less than 330 feet.

SECTION 5.04 - MINIMUM YARD REQUIREMENTS

5.04 A - FRONT YARDS

Every building hereafter shall be set back not less than seventy-five (75) feet from the highway right-of-way line or front lot line, as the case may be.

5.04 B - SIDE YARD AND REAR YARD

Every lot or premises which a building is hereafter erected shall have open side yards and a rear yard of not less than fifty (50) feet in width, and no buildings or part thereof shall be erected within such side or rear yards.

5.04 C - LIMITATIONS ON USE

No yard shall be used for storage, keeping or abandonment of junk or scrap materials, nor the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

SECTION 5.05 - FLOOR AREA OF DWELLINGS

Every dwelling hereafter erected shall provide no less than five hundred seventy six (576) square feet of floor area, ground level, exclusive of any attached accessory buildings or structures.

ARTICLE SIX - COMMERCIAL DISTRICTS (C)

The following provisions shall apply to all Commercial Districts (C).

SECTION 6.01 - PURPOSE

The primary purpose of Commercial Districts (C) is to provide areas for commercial and business activities generally compatible with each other, and for personal and other services commonly associated with commercial districts. As in other districts, provision is also made by "Special Approval"

for inclusion and development of other enterprises and activities requiring special consideration.

SECTION 6.02 - PROPERTY USE

No building or structure shall hereafter be erected, altered, used or occupied or land or premises used or occupied for other than one or more of the following specified uses:

6.02 A - PRIMARY USES

1. Retail stores and shops offering merchandise, and when conducted within a building having a roof and four sides.
2. Business and personal services including barber shops, beauty parlors, shoe repair shops, dry cleaning agencies, printing shops, dress making, tailoring, floral shops, photographic shops, real estate, insurance, financial, radio and television shops, recreational centers, publishing, printing, carpenter, heating, plumbing and electric shops, and similar services.
3. Professional offices, show rooms, banks, undertaking establishments, public utility buildings without storage yards, publicly owned buildings, civic, social and fraternal organization building, recreation centers, and business and churches.
4. Sale and services of motor vehicles and agricultural machinery.
5. Restaurants.

6.02 B - USES BY SPECIAL APPROVAL AS PROVIDED BY SECTION 8.04

1. Gasoline and oil service stations and garages, but not the storage, processing or sale of used motor vehicles or machinery parts, or other items commonly known as junk.
2. Commercial parking lots.
3. Sale and storage of fuels, and of used lumber and other building materials.

4. Transformer stations and sub-stations with service storage yards.
5. Wholesale business storage buildings, warehouses.
6. Drive-in restaurants.
7. Other uses similar in character to the above, but not specifically listed.
8. Multiple family residential development - Motels
9. Manufactured Home communities.
10. Sexually-Oriented Businesses

6.02 C - ACCESSORY USES. BUILDINGS and STRUCTURES

Buildings, structures and uses customarily and clearly incidental to any ordinary use or use by "Special Approval" are allowed.

SECTION 6.03 - MINIMUM LAND REQUIREMENT

Every Commercial or business building or structure hereafter erected shall be located on a lot or parcel of land having not less than a minimum of twelve thousand (12,000) square footage.

SECTION 6.04 - MINIMUM YARD REQUIREMENTS

6.04 A - FRONT YARDS

Every building hereafter erected shall be set back from the front lot line or highway right-of-way line, as the case may be, not less than forty (40) feet.

6.04 B - SIDE YARD AND REAR YARD

Side yards shall not be required along interior side of lot lines, if all walls abutting or facing such lot lines are of fire-proof masonry construction and wholly without windows or other openings. Side yards of not less than ten (10) feet shall be provided when any wall

facing such sidelines contain windows or other openings. A side yard of not less than seven and one-half (7 1/2) feet shall be provided on any lot or premises abutting a Residential District or any premises occupied by a dwelling. There shall be a rear yard on each lot of not less than ten (10) feet which shall be kept open and free at all times from obstructions for ingress and egress of fire fighting facilities and public utilities.

6.04 C - LIMITATIONS ON USE

No yard shall be used for storage, keeping or abandonment of junk or scrap materials, not the dismantling, demolition, or abandonment of used automobiles or other vehicles or machinery or parts thereof.

ARTICLE SEVEN - INDUSTRIAL DEVELOPMENT DISTRICTS (ID)

The following shall apply to all Industrial Development District (ID).

SECTION 7.01 – PURPOSE

The primary purpose of these Districts is to provide areas for the encouragement and conduct of selected industries, for processing selected raw and semi-furnished materials, for storage of industrial products and for wholesale office and employee facilities customarily associated with any permitted use.

SECTION 7.02 - PROPERTY USES

No building or structure, or part thereof shall hereafter be erected, used or occupied, or land or premises used or occupied for other than one or more of the following specified uses all of which require special approval:

1. The manufacture of any product, goods or materials, including testing, repair, storage and sale of such products at wholesale.
2. Wholesale commercial establishments.
3. Wholesale contractor's yard and building, but without retail activities.

4. Clothing, cleaning establishments.
5. Reduction, conversion, and disposal of waste goods and materials.
6. Essential materials.
7. Gravel pits and other extractive industries.
8. Sawmills.
9. Accessory uses customarily incidental of any permitted or approved use, including office facilities, food services for employees, and caretaker's buildings.
10. Public and Private Utility Buildings, Structures, and Towers including Telecommunication Towers.

SECTION 7.03 - STANDARDS OF PERFORMANCE

1. No use shall constitute a nuisance to adjacent premises, nor defeat the purposes of this ordinance as expressed by Section 1.01.
2. No use shall discharge any product dust, odorous matter, or noxious corrosive or toxic fumes, or physical vibrations, or heat or glare, or intolerable noise beyond the premises on which located.
3. Every building or structure shall be set back no less than twenty (20) feet from the front line of highway right-of-way line abutting the premises. It shall have side yards on each side no less than ten (10) feet in depth. Note exceptions Section 3.04 A & 3.04 B.
4. Every premise having a common boundary line with a Land Use District other than Industrial Development shall provide and maintain a screening evergreen hedge, and/or approved fence or screen, the height of which shall be no less than six (6) feet.
5. On-premises parking and loading space shall be provided for all owned or leased vehicles. Parking space no less in proportion than one space for every three (3) employees shall be provided on the premises.

ARTICLE EIGHT - SUPPLEMENTARY PROVISIONS

SECTION 8.01 - SCOPE OF ORDINANCE

Except as provided by Section 1.02, no building or structure shall hereafter be erected, altered or maintained, and no new use or change shall be made or maintained by any buildings, structure or land, or part thereof, except in conformity with the provisions of this Ordinance. In the event that this requirement creates undue hardship on a property owner, an application for variance may be submitted to the Zoning Board of Appeals for further review.

SECTION 8.02 - NON CONFORMING USES, BUILDINGS, AND LOTS OF RECORD

8.02 A - DISCONTINUANCE OF NON-CONFORMING USES

Any non-conforming use of land, buildings or structures which is discontinued through vacancy, lack of operations or otherwise for a period of twelve months or more shall be construed as abandonment of use following which any use thereof shall conform to the Ordinance.

8.02 B - EXTENSION OF NON-CONFORMING USE

Extension of a non-conforming use throughout a building, or into a parcel of land not fully occupied by such non-conforming use on the effective date of this Ordinance may be recommended by the Zoning Board for action by the Township Board, provided such extension be in conformity with the provisions of Sec. 1.01.

8.02 C - CHANGE ON NON-CONFORMING USE

No non-conforming use shall be changed to other than a conforming use, nor use be reverted to a former non-conforming use after use has been changed to conforming use.

8.02 D – NON-CONFORMING BUILDING DAMAGE BY FIRE OR ACT OF GOD

A non-conforming building unintentionally damaged by fire, explosion or act of God may be restored in any manner which does not increase the non-conformity. Restoration shall be complete within one (1) year from date of damage.

8.02 E - MINOR REPAIRS

Nothing in this Ordinance shall prevent such repairs of a non-conforming building existing on the date of enactment of this Ordinance as may be reasonably necessary to secure advantageous use thereof during its natural life, provided that the owner obtain a use permit as hereafter provided.

8.02 F - NON CONFORMING LOTS OF RECORD

In any district, principal structures and customary accessory buildings may be erected on any non-conforming lot which was a lot of record at the time of adoption of this ordinance, provided approval for appropriate drinking water and sewage disposal facilities is granted by the District Health Department, and applicable yard requirements are met or are requirement variances are obtained through approval of the Board of Appeals.

If any non-conforming lot or lots are of continuous frontage with other such non-conforming lots under the same ownership, the owner shall meet at last the minimum requirements for the district in which they are located.

SECTION 8.03 - GENERAL LAND USE LIMITATIONS

8.03 A - AREA LIMITATIONS

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

8.03 B - LOTS OF RECORD

Every building hereafter erected shall be located on a lot or parcel of land the description of the boundaries of which are on record at the office of the Alcona County Register of Deeds or satisfactory to the Zoning Administrator as adequate for determining the exact location of the premises.

8.03 C - GRADING

No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponds or standing accumulation of such runoff thereon. For the purpose controlling runoff, height restrictions, and aesthetic consistency, lots or parcels should retain the natural grade when in residential, agricultural residential or commercial districts.

No lot or parcel shall add more than 10 cubic yards of fill above the original grade unless approved by zoning administrator. In addition to Purpose and General Requirements section 8.04 A, the specific affects to the surrounding property shall be considered as well as the overall height of the proposed buildings in relationship to the surrounding buildings.

Whenever removal of soil or other natural material (mucking out) and than filling needs to be done for construction of buildings, structures, driveways, waste disposal system, or other such changes to a lot or parcel, the grade must be returned to the grade as measured before such soil changes were started. Where the grade has been changed previous to any construction, the original grade should be considered to be the one established by the lowest point on the surrounding property line or adjacent property. Whenever filling or similar grade changes have been done to a lot or parcel, a statement or diagram

showing the original grade across the lot or parcel and the new grade across the lot or parcel, should be submitted with the application for a zoning or use permit.

8.03 D - ROAD AND HIGHWAY INTERSECTIONS

No structure or vegetation exceeding three (3) feet in height except open fences through which there shall be clear vision, shall be erected, planted or maintained less than twenty (20) feet from the intersection of the right-of-way lines of any public road or highway with that of any other road or highway.

8.03 E - USE OF YARD AND OPEN SPACE

No yard or open space, within three hundred (300) feet of a highway right-of-way line, shall hereafter be used as open area storage, deposit, wrecking, dismantling, accumulation or abandonment, either temporarily or otherwise, of disused, discarded or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or similar property.

8.03 F - FENCES ON LAKEFRONT LOTS

Where a lot borders a lake or stream, a fence placed in any part of the lot lying between the principal building, and the shoreline may not exceed four (4) feet in height, unless allowed under the special approval use procedures outlined in Section 8.04. In reviewing any special application for a fence exceeding four (4) feet in height on the waterfront side of such lot, the Zoning Board shall consider whether or not the proposed fence unreasonably restricts, or may in the future unreasonably restrict the waterfront view from neighboring properties. No fence or part thereof shall run closer to the meander line than twenty-five (25) feet.

8.03 G - ALL FENCING

No fence shall exceed four (4) feet in height, except as provided for in the industrial development (ID) District, and except for fences used for agricultural purposes. The term fence shall include any gate or

entranceway and shall require “special approval” to exceed four (4) feet in height.

8.03 H - BUILDING HEIGHT LIMITATIONS

No building shall be erected in excess of thirty-two (32) feet in height as measured from the natural grade.

8.03 I - LOT PROPORTION

The width of any lot, parcel, or land division shall not be less than twenty-five percent (25%) of the lot or parcel depth.

8.03 J - MAXIMUM LOT COVERAGE

Maximum lot coverage, including total ground floor area of the principal structure and floor area of all accessory buildings shall not exceed thirty-five percent (35%) of the buildable lot area. Paved driveways and parking areas shall not be counted in the lot coverage calculations.

8.03 K - BUILDING SIZE

Any accessory building over 100 square feet requires a use permit.

Section 8.03 L- STRUCTURES DAMAGED BY FIRE, EXPLOSION OR ACTS OF GOD

Any building intentionally or unintentionally damaged by fire, explosion or Acts of God must be razed and all debris cleared from the property within ninety (90) days of occurrence. The Zoning Administrator/Code Enforcer may grant an extension of up to ninety (90) additional days if necessary due to extenuating circumstances which must be supported with documentation. If, after 180 days the property has not been cleared of all debris, the Zoning Administrator/Code Enforcer shall notify the Township Supervisor who shall hire the cleanup of the property with all costs to be applied to the property tax rolls for collection.

The provision for this Ordinance are hereby declared to be necessary for the public welfare, health, peace, morale, and safety of the inhabitants of Hawes Township and shall be in effect Saturday January 22, 2005.

SECTION 8.04 - USES BY SPECIAL APPROVAL

8.04 A - PURPOSE AND GENERAL REQUIREMENTS

A special approval review procedure is required for certain designated uses which may in the absence of such review interfere or disrupt principal permitted uses in the zoning district. In consideration all requests for special approval, the Zoning Board may impose reasonable conditions upon the applicant to avoid or minimize any of the following possible problems, where applicable:

1. Traffic, access, utility or public safety problems.
2. Conflicts between adjacent land uses or with primary permitted uses in the zoning districts.
3. Inadequacy of water supply or waste disposal systems.
4. Possible nuisance conditions such as noise, vibration, dust, fumes, smoke, odors, or glare.
5. Hours of operation which disrupt adjacent uses.
6. Potential destruction or degradation of natural resources.
7. Reduction of property value for surrounding properties or discouragement of permitted uses in surrounding areas.

8.04 B - SUBMITTAL AND REVIEW PROCEDURES

1. The applicant for special approval use must be the property owner or the owner's legally authorized agent.
2. Written application addressed to the Zoning Board shall be made through the office of the Zoning Administrator. The application shall be accompanied by three copies of a site plan

meeting the content requirements set forth in Section 8.04 C. The Zoning Administrator shall review the site plan for completeness. When the site plan is determined to be complete, it shall be forwarded to the Zoning Board for review.

3. **NOTIFICATION REQUIREMENTS:** The Planning Commission shall grant a hearing on a proposed Special Approval Use. Notice of such hearing shall be published using the procedures in **Section 9.01 A & B.**
4. After review and public hearing, the Planning Commission may approve, approve with conditions, or disapprove any request for Special Approval Uses. A written statement of findings and conclusions relative to the Special Approval Use which specifies the basis for the decision and any conditions imposed is required. This written statement shall be included in the official record of the meeting.
5. Any development of a Special Approval Use which does not conform to the site plan as approved constitutes a violation of this ordinance.
6. The Zoning Board may require a cash deposit or other surety to insure that proposed improvements as specified on the approved site plan are carried out within a reasonable time. The deposit or surety shall be returned upon completion and inspection of the required improvement.

8.04 C - SITE PLAN CONTENT REQUIREMENTS

A site plan is an accurate graphic depiction of existing and proposed uses and conditions on a site, drawn to a scale appropriate to the size of the lot or parcel and the uses proposed. The following items must be included in all site plans.

1. Property owner's name, address and telephone number and if applicable, agent's name, address, and telephone number.
2. Name and address of individual or firm responsible for preparing plan, if applicable.
3. Location map and legal description for the property.
4. North arrow and scale.

5. Existing and proposed structures on the property, and existing structures within 300 feet of the property limits.
6. Existing zoning of the site and adjacent properties.
7. Existing and proposed environmental conditions, including vegetation, location of mature trees or woodland, surface water, and wetlands, and soils information where appropriate.
8. Existing and proposed site topography, at sufficient detail to indicate site drainage and grading.
9. Existing and proposed access and circulation for vehicles and pedestrians, including drives, roadways, parking, walkways, fire truck access and loading zones where applicable.
10. Existing and proposed utilities, including water supply, storm water and waste disposal facilities, and easements for the same.
11. For multi-family, office, commercial or industrial buildings, the floor plans, square footages and elevations of proposed structures.
12. Plans for any proposed lighting, signs, landscaping, fencing or walls.
13. Any other information requested by the Zoning Board to determine conformance with this ordinance.

SECTION 8.04D – SPECIAL USE APPROVAL STANDARDS

The Planning Commission shall approve, or approve with conditions an application for a Special Approval Use permit only upon finding that the proposed special land use complies with all the following standards:

1. Allowed Special Approval Use: The property subject to the application is located in a zoning district in which the proposed Special Approval Use is allowed.

2. **Compatibility with Adjacent Uses:** The proposed Special Approval Use shall be designed, constructed, operated and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Approval Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Approval Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

- Use activities, processes, materials, equipment, or conditions of operation;
- Vehicular circulation and parking areas;
- Outdoor activity, storage and work areas;
- Hours of operation;
- Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
- Impacts on adjacent property values; and
- The relative ease by which the impacts above will be mitigated.

3. **Public Services:**

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

4. **Economic Well-Being of the Community:** The proposed Special Approval Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

5. **Compatibility with Natural Environment:** The proposed Special Approval Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

6. **Impact of Traffic on Street System:** The location and design of the proposed Special Approval Use shall minimize the negative impact on the

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

7. **Non-Detrimental Standards:** The proposed Special Approval Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

8. **Compliance with Supplemental Site Development Standards:** The proposed Special Approval Use complies with all applicable supplemental site development standards as contained in **Section 8.04E** of this Ordinance.

SECTION 8.04E – SUPPLEMENTARY REGULATIONS FOR SPECIFIC SPECIAL USES

1. Group Day Care Home

A Special Use Permit will be issued if the group day care home or child care center meets all of the following conditions:

- a) Is not located closer than 1,500 feet to any of the following:
 - 1) Another licensed group day care home.
 - 2) An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
 - 3) A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368.

- 4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b) Has at least four hundred (400) square feet of fenced outdoor space.
- c) Maintains the property consistent with the visible characteristics of the neighborhood.
- d) Does not exceed 16 hours of operation during a 24-hour period.

2. Sexually Oriented Business:

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

Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- a) No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- b) No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned for residential use.
- c) No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- d) The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- e) The proposed use must meet all applicable written and duly promulgated standards of Hawes Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- f) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- g) Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- h) Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1)

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

- i) No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- j) Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- k) Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
 - 5) Has no holes or openings in any side or rear walls.
- l) Review Procedures for Sexually Oriented Businesses

The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business:

- 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class

mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.

- 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in §8.04D(2). If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.

SECTION 8.05 - OUT-DOOR ADVERTISING SIGNS

8.05 A - Out-door advertising media and signs pertaining exclusively to the business conducted within the building or on the premises are permitted, provided that no sign shall face or be located within seven and one-half (7 1/2) feet of the side lot line or premises zoned for or occupied by a dwelling, or any public square or entrance to any park, library, school, church, or similar institution.

- a. Signs not located on the premises or are larger than twenty (20) sq. ft in total area, must have written special approval of the Hawes Township Planning Commission in accordance with the provisions of section 8.04.

- b. In addition to the provisions set forth in section 8.04 and this section, the planning commission shall also consider the following additional provisions when hearing a request for a sign approval:
 - i. Impact of each sign on adjoining residential districts
 - ii. Scenic views
 - iii. Out of character skyline intrusions
 - iv. Obstruction to signs or user on adjoining properties
 - v. Purpose of the sign
 - vi. Applicability to user that serve tourists or passerby motorists

8.05 B - Red reflectors on highway right-of-way, flashing, intermittent and glaring signs, and or the location of any sign hazardous to traffic are prohibited.

8.05 C - The location of any sign exceeding twenty (20) square feet in area shall be as a special use request and subject to the special use fee.

8.05 D - Use of red reflectors on highway right-of-ways are prohibited.

8.05 E - Construction site signs under 20 sq. ft. in total area shall be permitted only as an accessory to a zoning permitted construction project or development. Construction signs shall be removed within fourteen (14) days of the termination of construction of the project or development.

8.05 F - The fee for special approval of signs will be established by the Hawes Township Board as a separate fee from other special approval processes. The application shall be filed with the Zoning Administrator.

8.05 G - Temporary signs: temporary signs are considered as signs to publicize a political candidate, realtor sales, garage sales and shall be removed within thirty (30) days following its intended usage.

SECTION 8.06 – SUB-STANDARD DWELLINGS

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township, and the reducing of hazards to

health, life and property, no basement dwelling, cellar dwelling, garage-house, tent or other sub-standard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The locations shall conform to the provisions governing yard requirements or standard dwellings in the District where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months (extension subject to action of the Zoning Board) beginning with the date of issuance of the Land Use Permit.
3. Installation of septic tank and well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the Michigan Department of Health and shall precede occupancy of the sub-standard dwelling.
4. Application for the erection and use shall be made as provided by Section 8.04 of this Ordinance. On approval the delivery of the Permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he has full knowledge of the limitations of the permit and the penalty pertaining hereto. No such permit shall be transferable to any other person.

SECTION 8.07 - OCCUPIED MANUFACTURED HOMES

8.07 A - USE OF A MANUFACTURED HOME DURING CONSTRUCTION OF DWELLING

1. The owner of any premises qualifying for a dwelling may erect not more than one (1) Manufactured Home on the premises and occupy the same for dwelling purposes during the actual construction of his dwelling thereon, but not exceeding a period of twelve (12) months

from the date of issuance of a Zoning Permit for such construction, during which time a satisfactory degree of progress is shown on his permanent dwelling. Manufactured Homes for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work.

2. Application for a permit for such occupancy shall be made to the Zoning Administrator, granting of which shall depend upon compliance with the following conditions:
 - a) The location of the Manufactured Home shall conform to all setback and yard requirements of the district. Installation of which shall precede occupancy of the manufactured home.
 - b) The water supply and sewage disposal facilities shall conform to all requirements of the district. Installation of which shall precede occupancy of the Manufactured Home.
 - c) Upon approval and delivery of the permit, the applicant shall certify in a space allotted for the purpose on the copy of the permit retained for filing by the Zoning Administrator, so that he has full knowledge of the limitations of the permit. No permit shall be transferable to any other person.

8.07 B - USE OF MANUFACTURED HOME BY SPECIAL APPROVAL AS A SECONDARY DWELLING UNIT.

1. The owner of any premises occupied by a pre-existing dwelling may locate not more than one (1) manufactured home on the premises for occupancy by himself, an employee or relative.
2. Application for a manufactured home as a secondary dwelling unit, as allowed by special permit in Sections 3.02 B, 4.02 B and 5.02 B of this Ordinance, shall be contingent upon compliance with Section 8.04 and the following conditions:
3. The manufactured home shall be in good physical condition as determined by the Zoning Administrator. Manufactured homes shall be installed

according to manufacturer's setup requirements and the construction of the unit shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974.

4. Units sited on individual lots shall meet the standards for minimum lot size, yard setbacks and ground floor space for the district in which they are located and shall meet the requirements in Section 8.07D.

8.07 C - MANUFACTURED HOME DEVELOPMENTS

Manufactured home developments shall be subject to the following conditions:

1. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Mobile Home Commission Act, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
2. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require all manufactured homes in manufactured home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
3. The underside or chassis of all manufactured homes in manufactured home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

Permit Application:

The construction, alteration or extension of a manufactured home park shall be conducted in accordance with all applicable State and Local regulations and this ordinance only after obtaining a permit for same as provided for in this Section.

In addition to the requirements set forth in this ordinance, a sketch plan shall accompany each permit application giving the following information plus any other related information requested by the Planning Commission:

- a. Site boundary line locations and dimensions plus the area of the manufactured home park site.
- b. Number, location and size of each manufactured home lot and all common open space areas.
- c. For each manufactured home lot, the size and type of manufactured home permitted or expected to be situated thereon.
- d. Location and dimensions of roadways, walkways, and parking areas.
- e. Location and function of all service and other permanent buildings.
- f. Location and size of on-site and immediately adjacent natural features, including topography, wetlands, streams, lakes, ponds, drains, and woodlands along with a narrative description of changes to these natural features that will be caused by the development described in the permit application.
- g. Location, size and usage of all on-site and adjacent existing structures.
Site Plan: Site Plan requirements shall be complied with and other special approval requirements must be met.

Section 8.07 D – MANUFACTURED HOMES ON INDIVIDUAL LOTS OR PARCELS

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Home Commission requirements.

2. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
3. Manufactured homes shall be installed according to the construction code adopted by Alcona County, and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 380, as amended.
4. (language replaced) see minutes from May, 2012 Planning Meeting
5. Manufactured homes shall not be attached to another structure unless the manufactured home and the other structure have been specifically designed and engineered by the manufacturer to be attached to each other.
6. No person shall occupy a manufactured home as a dwelling within Hawes Township until a certificate of compliance with the HUD Code and the current Alcona County Construction Code has been issued by the Alcona County Building Department.
7. No manufactured home shall be located or placed in Hawes Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current Alcona County Construction Code. Installation of electric, water, and sewage disposal shall be complete prior to human occupancy of the unit.
8. Manufactured homes shall not be used as accessory buildings.
9. No unoccupied manufactured home shall be stored on any lot or parcel in Hawes Township.

SECTION 8.08 – WATER SUPPLY AND SEWAGE DISPOSAL

8.08 A - HEALTH DEPARTMENT STANDARDS

Every building or structure hereafter erected or moved upon any premises, and used in whole or in part for human occupancy shall be provided with a safe and sanitary water supply and a septic tank sewage disposal, each system erected and maintained in accordance with the standards of material and installation recommended by the Michigan Department of Health, District #2.

8.08 B - INADEQUATE SOIL CONDITIONS

Where soil conditions are inadequate for the erection of safe septic tank system or sewage disposal system a special means shall be required to safeguard health conditions.

8.08 C - SETBACK REQUIREMENTS

No septic tank or sewage drain field shall be installed less than fifty (50) feet from any active water course or well or the minimum distance as established by the Michigan Department of Health, whichever is greater.

8.08 D - IMPROVEMENTS OF THE SEPTIC SYSTEM UPON TRANSFER OF OWNERSHIP

8.08 D(1) UPON SALE OR TRANSFER

No sales or transfer of a residence, or business or other establishment required to provide a waste disposal system shall be within the terms of this ordinance unless or until the waste disposal system (septic system where applicable) of any structure shall be inspected and certified with a written form by the local health department to meet the standards as of the date of sale or transfer of the property.

The term sale or transfer as used in this ordinance shall include all instances where another party succeeds to the interest of the owner, whether it occurs during the owner's life or as a result of

his death, whether or not the owner retains land contract, vendors, mortgagors, or other security interest in the property, and whether or not the owner retains a reversionary interest therein.

A system which was improved under this ordinance within the last two years from the date of sale need not be improved to meet changes in the code that have occurred in that two year period unless required by county, state or federal laws. Further, a system which the health department judges to be working and in compliance with present codes at the time of inspection, may be sold anytime within the next eighteen (18) months without further inspection.

8.08 D(2) - OCCUPANCY BEFORE IMPROVEMENTS IN WASTE DISPOSAL SYSTEM

When conditions such as weather make it impossible to have the work completed before the transfer of property, then the following section may be used to meet the requirements of 8.08 D(1).

When the present system has been inspected and has been judged by health department inspector to be a working system (non-failed) and no immediate health risk is present but not in compliance with code for new septic system, occupancy may occur when arrangements to bring the septic system into compliance have been agreed upon between the buyer and the seller.

SECTION 8.09 - PUBLIC UTILITY FACILITIES

The erection, alteration and maintenance of essential services but not including buildings of power, communication, disposal, distribution and similar public utility facilities, including accessories therewith as authorized and regulated by the law, shall be permitted in every District.

Transmission and Communication Towers (Commercial), Public Utility Microwaves and Public Utility TV Transmitting Towers

- a. Transmission and communication towers, public utility microwave and public utility microwaves and public utility TV transmitting towers, and their attendant facilities shall be permitted by special approval of the Planning and Zoning Board after a public hearing, provided said use shall be located centrally on a continuous parcel of not less than three (3) times the height of the tower measured from the base of said tower to all points on each property line.
- b. The approval for any of the above mentioned towers shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
- c. The applicant should be responsible for the maintenance of any permitted tower, in a safe condition for as long as the tower remains in operation, and shall dismantle tower within (9) months after operations cease.
- d. The multiple-use of each tower shall be encouraged to limit the number of towers within the Township. The Township reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.
- e. Lot shall be landscaped and maintained.

SECTION 8.10 - UNLISTED USES

The Planning Commission shall have the power, upon written application of a property owner, to classify a use not listed in any district with a comparable permitted or prohibited use in any district, giving the due consideration to Section 1.01 of this Ordinance. If found incompatible such use may then only be provided by due amendment to the Ordinance.

SECTION 8.11 - VEHICULAR PARKING

For each property use herein listed, there shall be provided and maintained space on the highway that is in general adequate for the parking, loading and unloading of vehicles in proportions no less than shown. Exit and entrance

may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements. A minimum of one hundred forty (140) square feet located on the property, intended to be served, shall comprise one vehicle space. Adequate space shall be included in the parking area to facilitate turning of vehicle so that entry upon the highway may be in a forward manner and not by backing into the highway.

USE AND MINIMUM PARKING SPACES PER UNIT:

1. Banks, business offices and professional offices of architects, engineers, lawyers and similar profession: one for each four hundred (400) square feet of usable floor space.
2. Barber shops and beauty shops: two for each beauty or barber shop chair.
3. Bowling alleys: five for each bowling lane.
4. Churches: one for each three seats.
5. Community clubs, dance halls, fraternal organizations, private clubs: one for each one hundred (100) square feet of usable floor space.
6. Dwellings, summer cottages: two for each family unit.
7. Hospitals, clinics, and similar establishments: one for each four beds and one for each two employees and/or staff members.
8. Professional offices of doctors, dentists, and similar profession: one for each hundred (100) square feet of usable floor area, but not less than four (4) spaces whichever is the greater.
9. Restaurants, and similar establishments for sale and service of food and drinks for consumption on the premises, but not drive-ins: one for each one hundred (100) square feet of usable floor space.
10. Retail stores: one for each one hundred fifty (150) square feet of usable floor space.
11. Tourist, boarding and lodging homes: two for each guest room.
12. Loading and unloading space: every building and structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking to avoid undue interference with public use of the highway.

Section 8.12 -Public Boat Launch Sites

Public Boat Launches sites of commercial, or governmental bodies, shall be permitted by special approval. In addition to the purpose and general requirements section 8.04A the board will consider standards detailed by DNR Parks and Recreation Division of specifications, buffer zones, fencing, launch pad and parking area construction, and lighting. Water frontage for launch sites must be no less than 100 feet.

Section 8.13 – Wind Energy Systems

Purpose: To preserve the beauty and character of Hawes Township while recognizing the desirability of developing the potential for wind energy and to provide the residents with a safe environment and with an unobstructed skyline as possible.

This section includes regulations for small on-site wind energy conversion systems (residential, commercial, and agricultural) and commercial wind energy systems. Anemometer Towers may be constructed by commercial enterprises to evaluate wind conditions prior to the construction of commercial wind turbines or other devices. Most wind energy conversion systems currently are wind turbines. The following site development standards shall apply to all wind energy system an anemometer tower (AT) installations in the Township.

A. Small On-Site Wind Energy Systems: A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right.

1. Small On-Site Wind Energy Systems must be professionally designed and installed.
2. **Tower Height:** The tower height shall be limited to one-hundred (100) feet. In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
3. **Blade Clearance:** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
4. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.

5. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line than the required setback for the district in which the unit is located.
6. **Visual Impact:** Wind turbine towers, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the system.
7. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
8. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
10. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
11. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
12. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
13. **Other Regulations:** On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

B. Commercial Wind Energy Facilities and Anemometer Towers: Anemometer Towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in special use requirements Section 8.04 Uses By Special Approval.

1. **Principal or Accessory Use:** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. **Sufficient Wind Resources:** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

3. **Minimum Site Area:** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.

4. **Setbacks:** Each proposed wind turbine generator or anemometer tower shall meet

the following applicable setback requirements:

a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning

Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning

Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (55) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

b. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.

c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1½) times the total height of the wind turbine generator.

d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.

e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

5. **Maximum Height:** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be determined on a case by case basis. The applicant shall demonstrate compliance with the

Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if either of the following conditions is met:

a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

Or

b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township.

In subsections (1) and (2) above, the increased height shall not result in increased intensity of lighting of the tower due to FAA (Federal Aviation Administration) or MAC (Michigan Aeronautics Commission) requirements.

6. Tower Separation: Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications tower separation.

7. Minimum Ground Clearance: The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.

8. Maximum Noise Levels: The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property lines.

If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).

9. Maximum Vibrations: Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

10. Potential Ice Throw: The potential ice throw or ice shedding for the wind turbine, generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

11. Signal Interference: No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to

produce electromagnetic interference with the link's operation and comply with all Federal Communications Commission regulation.

12. Visual Impact, Lighting, Power Lines:

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
- b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under State or federal regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and

County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

f. Wind energy power transmission lines located within Wind Energy Resource

Zones for which an Expedited Siting Certificate is issued by order of the Michigan

Public Service Commission under P.A. 295 of 2008 are exempt from local zoning regulations.

13. Shadow Flicker:

a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.

b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

14. Safety:

a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

b. Wind turbine towers shall not be climbable shall not be climbable up to fifteen (15) feet above the ground surface.

c. All access doors to wind turbine towers and electrical equipment shall be lockable.

d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the ground.

e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.

f. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.

15. State or Federal Requirements: Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.

16. Hazard Planning: An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.

b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).

d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.

e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

17. Approvals: All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.

18. Removal of Wind Turbine Generators

a. The applicant shall submit a decommissioning plan. The plan shall include:

(1) The anticipated life of the project.

(2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.

(3) The method of ensuring that funds will be available for decommissioning and restoration.

(4) The anticipated manner in which the project will be decommissioned and the site restored.

b. Any wind turbine generator or anemometer tower that is in operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

19. **Equipment Replacement:** Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

ARTICLE NINE - ADMINISTRATION

SECTION 9.01 - ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered by the Zoning Administrator who shall be appointed by the Township Board for such term and subject to such conditions as the Township Board deems desirable to carry out the terms of this Ordinance. He shall hold office at the pleasure of the Township Board, and shall receive such compensation as determined by the Township Board.

SECTION 9.01 A – PUBLIC NOTICE REQUIREMENTS

All applications for development approval requiring a public hearing including special use approvals, rezoning requests, text amendments, and Zoning Board of Appeals proceedings shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

1. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Planning Commission shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Hawes Township and mailed or delivered as provided in this Section.
2. **Content:** All mail, personal and newspaper notices for public hearings shall:
 - a) Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, ordinance interpretation or other purpose.
 - b) Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- c) When and where the request will be considered: indicate the date, time and place of the public hearing(s).
- d) Written comments: include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- e) Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

3. Personal and Mailed Notice

- a) General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - 1. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - 2. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Hawes Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships,

businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **Section 9.01 B**, Registration to Receive Notice by Mail.
 4. Other governmental units or infrastructure agencies within one (1) mile of the property involved.
- b) Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Planning Commission shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
- a) For a public hearing on an application for a rezoning, text amendment, special land use, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 9.01 B – REGISTRATION TO RECEIVE NOTICE BY MAIL

1. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **Section 9.01A(3)(a)(3)**. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Planning Commission shall be responsible for providing this notification, as established by the legislative body.

2. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.
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SECTION 9.02 - LAND USE PERMIT

9.02 A - APPLICATION

Before proceeding with the erection, moving, or use of any building, structure or premises subject to the provisions of this Ordinance, the owner shall first apply for a Land Use Permit from the Zoning Administrator. Application shall be made in triplicate upon the forms provided by the Township and shall be accompanied by:

1. Acceptable description of the location of the premises.
2. Evidence of ownership of all property to be covered by the Land Use Permit.
3. A blueprint or pen and ink sketch to approximate scale showing:
 - A. The shape, area and dimensions and intended use of the premises.
 - B. The kind, dimensions and locations of the buildings or structure to be erected or moved on the premises, including all yard dimensions and accessory buildings, if any.
 - C. The location and type of sewage disposal system and water supply facilities.
 - D. Any other information required by the Zoning Administrator to assure conformance with applicable township zoning regulations.
4. Where a Special Approval Use and Site Plan review are required by this Ordinance, they must be approved before a Land Use Permit is issued.

9.02 B - LIMITATIONS OF LAND USE PERMIT

1. Any land use permit, under which no work is done within one (1) year of issue, shall expire by limitation, and use shall be renewable upon re-application and payment of the fee, subject however, to any provisions of ordinance or law then in effect.
2. The Zoning Administrator shall have power to revoke any land use permit in case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice in writing of the liability for voiding action before revocation.

9.02 C - FEES

The Township Board, in consultation with the Zoning Administrator, may set reasonable fees for the review and processing of Land Use Permits, Special Approval Use, Site Plans, and Petitions for Rezoning or Zoning Text Amendments. Fees shall be adopted by majority vote, and shall be kept in writing on file with the Zoning Administrator. This fee schedule may be amended by majority vote of the Township Board to reflect changes in policy or administrative costs. All such fees shall be collected by the Zoning Administrator and paid to the Township Clerk. No approval shall be valid until the required fee is paid.

SECTION 9.03 - ZONING BOARD OF APPEALS

9.03 A – CREATION & MEMBERSHIP

The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Article 6 of Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board.

1. **Membership:** One (1) member shall be a member of the Planning Commission and the remaining members (2) shall be selected from the electors of the Township, representing the population distribution in various interests of the Township. One (1) member may be a member of the Township Board but may not serve as Chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
2. **Alternates:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
3. **Terms of Office:** The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than 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.
4. **Removal from Office:** A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify

himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

9.03 B - JURISDICTION OF THE ZONING BOARD OF APPEALS

1. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision from which the appellant seeks relief.
2. The ZBA shall hear and decide on matters referred to the ZBA and it shall 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 the Zoning Ordinance. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or any other person or body charged with enforcement of the Zoning Ordinance.
3. The ZBA may grant dimensional variances as provided for in **Section 9.03 (E)**. The ZBA shall not grant use variances.
4. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance upon consultation with the Planning Commission.
5. The ZBA has no jurisdiction to reverse Planning Commission decisions concerning Special Approval Uses. The ZBA does have the authority to review procedures undertaken by the Planning Commission and to review the findings of fact upon which the Planning Commission decision was based in cases concerning Special Approval Uses. In cases where the ZBA does find that procedural errors were made by the Planning Commission or where findings of fact were made in error by the Planning Commission, the ZBA shall have the authority to refer the case back to the Planning Commission for rehearing of the Special Approval Use.

6. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the State or local unit of government. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator a notice of appeal specifying the grounds for the appeal.
7. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.

9.03 C - PROCEDURES

1. Any question to be decided by the Board of Appeals may be placed before the Board of Appeals by submitting an application to the Zoning Administrator and sending a duplicate copy to the Chairman of the Board of Appeals; said application shall clearly state the section with all questions being appealed and, as applicable, shall state the section ordinance as well as grounds for appeal. The applicant shall also submit copies of surveys, plans, data, and other information deemed reasonably necessary for making an informed decision on his or her appeal. Any party has the right to appeal in person, or by agency, or by attorney, or by written statement taken under oath.
2. No action by any administrative office or the Planning Commission may be taken unless written appeal, as specified in the preceding paragraph, is taken within thirty (30) days after receipt of the decision by the administrative person or Planning Commission. Appeals affecting interpretation of this ordinance or requiring special approval may be taken at any time.
3. The Appeals Board shall return a decision in writing within thirty (30) days after the appeal is heard.
4. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

9.03 D - MEETINGS

1. Meetings shall be held at the call of the Chairman or other such times as such Board may determine or specify in its rules or procedures.
2. All meetings shall be open to the public and notice of the meetings shall be placed in compliance with the notification requirements in **Section 9.01 A & B.**
3. The Chairman or Township Clerk shall administer an oath to all persons testifying at the meetings.
4. All meetings wherein an appeal is decided shall be on the record and shall be either stenographically or electronically recorded. Copies of the transcripts shall be prepared at the request of any party upon a payment of the copying costs associated therewith.
5. A copy of the record of the proceedings of the Appeal Board shall be filed with the Township Clerk within fifteen (15) days after the meeting.
6. The Chairman of the Appeals Board, upon notice of any appeal shall require the officer or Administrative Board from the appeal is being taken to forthwith transfer all papers and all applicable documents concerning the appeal to the Appeal Board.
7. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.
8. The Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

9.03 E - VARIANCE STANDARDS

1. Dimensional Variance Standards: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 - b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
 - c) The plight of the owner is due to unique circumstances of the property;
 - d) The problem was not self-created.

2. .No variance shall be granted conditionally unless the applicant is required to perform on those conditions before a permit is issued. The Hawes Township Zoning Administrator shall only issue a permit if an applicant for a variance has fulfilled the conditions specified in the variance.

9.03 F - DECISIONS

1. In exercising the powers listed in **Section 9.03B**, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or administrative body from whom the appeal is taken.

2. **Stay**: An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the

effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

3. The decision of such board shall be final except that any such ordinance shall have the right to appeal to the Circuit Court until the Appeal Board has rendered a decision on the point in question. An appeal to the Circuit Court under Section 606 of PA 110 of 2006, shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.
4. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.
5. The Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment, character of the area and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:
 - a) Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

- c) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

SECTION 9.04 - VIOLATIONS

Buildings and structures erected, altered, moved or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are hereby declared to be nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises on all conditions found to be in violation.

9.04 A - CORRECTIONS

The owner shall, within forty-eight (48) hours after receipt of notification of violation, suspend operation or construction, of conditions found to be in violation and within sixty (60) days following issuance of written notice shall correct. If not corrected, violations shall be remanded to the Court for prosecution. If the owner shall neglect or refuse to suspend the non-conforming use as directed while making corrections, the above stated sixty (60) day period shall be nullified and violation shall be subject to immediate prosecution.

9.04 B - PENALTIES

Any person, firm or corporate who violates, neglects, omits, or refuses to comply with any provision of this Ordinance, or any permit or exception granted hereunder, or any lawful requirement of the Zoning Administrator shall be fined on conviction not less than one hundred (100) dollars nor more than two hundred (200) dollars together with the cost of prosecution. To promote compliance with the provisions of the Ordinance, each day that a violation maintains shall be deemed a separate offense.

9.04 C - PROCEEDINGS

The Township Board, the Planning Commission, the Zoning Administrator, or any owner of real estate may institute injunction, mandates, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, use or violation. The rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

SECTION 9.05 – AMENDMENT TO THIS ORDINANCE

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Hawes Township Zoning Map maybe amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 3. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - a) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - b) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.

- c) A public hearing shall be held on the proposed amendment. Notice of such hearing shall be published using the procedures in **Section 9.01 A & B**.
- d) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- e) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - 1) Is the proposed rezoning consistent with the Tri-Township Master Plan?
 - 2) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3) Will there be an adverse physical impact on surrounding properties?
 - 4) Will there be an adverse effect on property values in the adjacent area?
 - 5) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - 6) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 7) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - 8) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - 9) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?

- 10) Is the site served by adequate public facilities or is the petitioner able to provide them?
- 11) Are there sites nearby already properly zoned that can be used for the intended purposes?
- f) Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
- g) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- h) The Township Board may grant a public hearing on a proposed ordinance amendment if it considers it necessary or as may otherwise be required. Notice of such hearing shall be published using the procedures in **Section 9.01 A & B**.
- i) The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- j) After any such public hearing held by the Township Board, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.
- k) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the expiration of seven (7) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- l) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except

on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

SECTION 9.06 - REGULAR MEETINGS OF PLANNING COMMISSION

The Planning Commission shall hold at least four (4) regular meetings annually as required by state law. At these meetings, any person having interest in the Township shall be given an opportunity to be heard on matters within planning commission jurisdiction.

ARTICLE TEN - DEFINITIONS

Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

- G. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- H. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- I. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.
- J. "Township" shall refer specifically to Hawes Township.
- K. "Zoning Board" shall refer specifically to the Hawes Township Planning Commission.
- L. Any necessary interpretation of this Ordinance shall be made by the Hawes Township Zoning Board of Appeals upon consultation with the Hawes Township Planning Commission.

SECTION 10.1 - ACCESSORY BUILDINGS OR STRUCTURE

A supplemental building or structure on the same premises as the main building occupied by or devoted exclusively to an accessory use, but not including dwelling, lodging or sleeping purposes.

SECTION 10.2 - BASEMENT AND CELLAR

A floor partly beneath the surface of the ground, but distinguishable from a cellar by being well lighted and fitted for living purposes, but cannot be considered as square footage for the dwelling.

SECTION 10.3 - BUILDINGS

Any structure (including fences) having a roof, walls and built for, or capable of the shelter or enclosure of persons, animals, chattels, or property of any kind.

SECTION 10.4 –CHILD CARE FACILITY

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. **Family Day Care Home**: A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent and legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- B. **Group Day Care Home**: A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than 12 children are given care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

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

- D. **Private Home**: A private residence in which the registered facility operator permanently resides as a member of the household.

SECTION 10.5 - DWELLING TYPES

In the event that a dwelling is a manufactured home, such manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.

10.5 A - SINGLE DWELLING

A single dwelling is any building or part thereof under one continuous roof occupied as the home, residence or sleeping place of one or more persons either permanently or temporarily, but not including motels, garage homes, basement homes, tents or similar unconventional structures.

10.5 B - TWO FAMILY DWELLING

A two-family dwelling is a separate detached residential building designated exclusively for and occupied by not more than two (2) families each of which is independent of one another.

10.5 C - MULTIPLE FAMILY DWELLING

Multiple family dwelling structure is a residential building designed for and occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

SECTION 10.6 –DWELLING MANUFACTURED, MOBILE

10.6 A Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and

2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site; and
4. The structure meets the minimum floor area requirements of this Zoning Ordinance and conforms to all requirements of this Zoning Ordinance specified for dwellings.

10.6 B Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The mobile dwelling meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings, when located outside of a licensed mobile home park.

SECTION 10.7 - ERECTED

Includes built, constructed, re-constructed, moved upon or any physical operation on the premises intended or required for a building or structure, excavation fill, drainage, land clearing, and general property improvement shall not be considered as an erection.

SECTION 10.8-ESSENTIAL SERVICES

Essential Services: The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal department or

commissions of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection there with reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions or for the public health or general welfare , but not including buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

SECTION 10.9 - FARM

All of the unplotted, contiguous, neighborhood or associated land occupied as a single unit on which bonafided farming is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees, provided, however that land to be considered as a farm hereunder shall include a contiguous unplotted parcel of not less than five (5) acres in area; provided further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms, and similar specialized agricultural enterprises may be considered as farms, but establishments keeping or operating game, fish hatcheries, dog kennels, fur bearing animals, tock yards, slaughter houses, stone quarries, or commercial sand and gravel pits shall not be considered as farm hereunder, nor shall premises operating as fertilizer works, bone yards, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, or junk constitute a farm hereunder.

SECTION 10.10 - FARM BUILDINGS

Any buildings or structures other than dwelling and garage used or built on a farm.

SECTION 10.11 - FRONT LOT LINE

The line separating the lot from the street or highway right-of-way line. In the case of a waterfront lot, the front lot line shall be the ordinary high water mark of the lake, river or stream.

SECTION 10.12 - HIGHWAY

Any public thoroughfare, including roads and streets, but not alleys.

SECTION 10.13 - HOME OCCUPATIONS

An occupation clearly incidental to residential use, such as dress-making, real estate, and insurance sales, bookkeeping and accounting services, when engaged in by only a resident entirely within his dwelling, and not as an accessory building or structure, or with the use of not more than two (2) non-resident employees. Such use shall not occupy more than twenty (20) percent of the floor area exclusive of attic or basement, and shall show no external evidence of such use or any change in the appearance of the building, or of the premises, from residential use. One non-illuminated sign not exceeding five hundred (500) square inches in area may be attached flat on the front wall of the dwelling to advertise the home occupation.

SECTION 10.14 - JUNK

Any discarded personal or scrapped property, including any property which may or may not be salvaged for reuse, resale, reduction or similar disposition, or which is possessed or assorted for such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber, and similar articles, and any machinery or motor vehicle which is parked, deposited, employed, or possessed for the purpose of dismantling or salvaging of part thereof.

SECTION 10.15 - JUNK YARD

The storage or keeping of abandoned junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The keeping of more than one dismantled or non-operable motor vehicle shall be deemed the maintenance of a junk yard, except this definition shall not apply to

retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

SECTION 10.16 - KENNEL

The keeping of four (4) or more dogs or cats at least three months old by one (1) family or commercial establishment.

SECTION 10.17 LIMITED FARMLAND OPERATIONS

Limited farmland operations: Authorizes the keeping and raising of domestic animals for personal use only and not for any commercial use. The fencing and setback requirements for animal shelters will be the same as for agricultural zoning, Section 4.04 D.

SECTION 10.18 - LOT OR PREMISES

The parcel of land occupied or to be occupied by a building and its accessory buildings and structures together with such open spaces, minimum areas, and width required by this Ordinance for the district in which located and having its frontage upon a public thoroughfare but not necessarily located in a sub-division. Buildable area is the total lot area minus the setback area.

SECTION 10.19 - LOT OF RECORD

One whose dimensions are shown on a plat recorded in the County Register of Deeds or lot described by metes and bounds descriptions in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

SECTION 10.20 MANUFACTURED HOUSING

Manufactured Housing Community: A parcel of not less than fifteen (15) acres designed and intended as a permanent residential community consisting of manufactured homes designed, sited, constructed, operated, and maintained in accord with the requirements of this Zoning Ordinance, Act 96 of the Publics Acts of 1987, as

amended and the rules and regulations of the Michigan Manufactured Housing Commission.

SECTION 10.21 MANUFACTURED HOUSING COMMUNITY HOMESITE

Manufactured Housing Community Home site: The designated parcel of land within a manufactured housing community upon which one single-family manufactured home and accessory buildings, if any, are placed.

SECTION 10.22 MOBILE HOME

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: see Manufactured Housing Community.

Mobile Home Site: see Manufactured Housing Community Home site.

SECTION 10.23- NON-CONFORMING LOT OF RECORD

A lot which lawfully existing at the effective date of this ordinance, and which fails to meet the minimum dimensions or area requirements of the zoning district in which it is located.

SECTION 10.24 - NON-CONFORMING STRUCTURE

A structure conflicting with the regulation in the district in which it is located.

SECTION 10.25 - NON-CONFORMING USE

The use of land or a structure for a purpose which conflicts with the provisions of the Ordinance.

SECTION 10.26 - ORDINARY HIGH WATER MARK

The ordinary high water mark is defined as in the Michigan Inland Lakes and Stream Act to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level.

SECTION 10.27 - PROFESSIONAL OFFICE

The office of a physician, surgeon, doctor, dentist, attorney, engineer, architect, and similar recognized professional activity when practiced by only the resident within his dwelling and not in an accessory building or structure on the premises nor with the assistance of more than one (1) non-residing employee. Such use shall not occupy more than fifty (50) percent of the floor space exclusive of attic or basement, and shall show no external evidence of such use or any change in appearance of the dwelling or premises from a dwelling. One (1) illuminated non-flashing sign not exceeding one thousand (1000) square inches in area may be attached flat on the front wall of the dwelling to advertise the profession.

SECTION 10.28 - PUBLIC UTILITY

Any person, firm corporation, municipal department or board duly authorized under state or municipal regulations to furnish, and furnish transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

SECTION 10.29 SAWMILLS

Sawmills are defined to include but not limited to circular saws, portable saws, wood chippers or other kinds of cutting devices intended for untreated wood forest products. The sawmill shall include the machinery, buildings and customary accessory structures.

All such uses shall be considered as Industrial uses only and be constructed within an Industrial District. Exceptions to this requirement will be for harvesting trees grown on owner's lot or premises.

SECTION 10.30 - SET BACK LINES

Lines established adjacent to right-of-way of highways for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained, "within a set back line", means between the set-back lines and the nearest boundary of the highway right-of-way.

SECTION 10.31 - SIGN

Any structure or part thereof on which is lettered, picture or displayed matter, the chief purpose of which is for advertising. This shall include window or display cards and lettered window area, whether fixed or movable.

SECTION 10.32 STATE LICENSED RESIDENTIAL FACILITY

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979, as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care.

SECTION 10.33 – STRUCTURE

Anything constructed, erected or moved on a premise, the use of which requires more or less permanent location on the

grounds or attached to something having more or less permanent location on the ground.

SECTION 10.34 SITE CONDOMINIUM PROJECT AND APPLICABLE REGULATIONS

A site Condominium Project is residential land development project comprised of two or more single family dwelling units and organized in conformance with the Michigan Condominium Act. P.A. 59 of 1978, as amended. For the purpose of enforcing regulations contained in the Hawes Township Zoning Ordinance, including but not limited to building setback, required yard area, minimum lot area and minimum lot width, the boundary lines of each Limited Common Element described in the Master Deed which will contain a building site and reserve a private yard area for a residential dwelling unit shall be considered equivalent to conventional lot lines. Further, any site condominium project shall be reviewed as a special approval use under Section 8.04 of this Ordinance.

SECTION 10.35 Telecommunication Towers and Facilities or Tower

All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving, facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

SECTION 10.36 VARIANCE

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

SECTION 10.37 VARIANCE DIMENSIONAL

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

SECTION 10.38 –WOOD FURANCES

DEFINITION: For purposes of this section, the term “free-standing wood furnace” shall mean any device or structure that:

1. Is designed, intended, or used to provide heat and/or hot water to any residence or other structure and;
2. Operates by the burning of wood or other solid fuel and;
3. Is not located within a residential structure;
4. Excluded from the definition of a free-standing wood furnace is any device which is designated to heat only the structure in which it is located.

SECTION 10.39 - YARD

Any site, open to the sky and unoccupied or unobstructed on the same parcel with a building or structure. Yard measurements shall be the minimum horizontal distances.

SECTION 10.39 A - FRONT YARD

A yard extending to the full width of the lot between the front lot line and the nearest point of the main building, including the porch.

SECTION 10.39 B - REAR YARD

A yard extending across the full width of the lot between the rear lot line and the nearest point of the main structure.

SECTION 10.39 C - SIDE YARD

A yard situated between the side line of the building and the adjacent side of the lot and extending from the rear line of the front yard to the front line of the rear yard, excluding steps and uncovered porches.

SECTION 10.40 ZONING

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

Zoning Board: Refers specifically to the Hawes Township Planning Commission

Zoning Board of Appeals: As used in this ordinance, the term "Board of Appeals" means the Zoning Board of Appeals.

SECTION 10.41 SEXUALLY ORIENTED BUSINESS DEFINITIONS

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it

occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

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

Adult Motel: A hotel, motel or similar commercial establishment that:

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

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

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

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

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

The provisions for this Ordinance are hereby declared to be necessary for the public welfare, health, peace, morale, and safety of the inhabitants of Hawes Township and shall be in effect Thursday, **September 20, 1973;**
As amended and adopted on August 29, 1992;

Re-amended and adopted on November 14, 1995;
Re-amended and adopted on August 1, 1996;
Re-amended and adopted on August 12, 1997.
Re-amended and adopted on June 10, 1999.
Re-amended and adopted on October 9, 2001.
Re-amended and adopted on November 13, 2002.
Re-amended and adopted on July 8, 2003.
Re-amended and adopted on May 11, 2004.
Re-amended and adopted on December 14, 2004
Re-amended and adopted on January 22, 2005.
Re-amended and adopted on August 24, 2005.

Re-amended and adopted in year of 2008.
Re-amended and adopted in year of 2012.

Marian P. Wilburn
Hawes Township Clerk

HAWES TOWNSHIP ORDINANCE NO. 95-001
NUISANCE ORDINANCE

SECTION 1 - Nuisance Defined. Whatever annoys, injures or endangers the safety, health, comfort convenience, or repose of the public, offends the public decency; interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

Public nuisance shall include, but not be limited to keeping, placing or having in or about any shop, dwelling or premises owned or occupied by any person, or in any manner, leaving in any public place, other than authorized public dumping places, any animal or vegetable matter, or substance, which may cause any unwholesome, noisome or offensive smell; or carry on any filthy or loathsome trade or occupations which may be deemed prejudicial to health.

Public nuisances shall also include, but not limited to, that which the township of Hawes; by proper resolution, may declare as such and order abated.

Public nuisances shall also include, but not be limited to whatever is forbidden by any provision of this Ordinance.

SECTION 2 - Nuisances Prohibited. Dangerous Structures - no person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.

JUNK: For the purpose of this Ordinance the term "junk: shall mean any machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK AUTOMOBILES: For the purpose of this Ordinance the term "junk" automobiles shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of one hundred twenty (120) days and shall include whether so licensed or not, any motor vehicle which is inoperative for any reason for period in excess of ninety (90) days.

RUBBISH-DEBRIS: Means the miscellaneous materials resulting from housekeeping mercantile enterprises, trade, manufacturing and offices, including other waste mater such as slag, stone, broken concrete, fly ash, ashes, tin cans, scrap metal, rubber, paper, rags, scrap wood, chemicals, or any similar or related combination thereof.

SECTION 3 - Abatement. The Township Board may at its option elect to enforce the provisions of this Ordinance by one of the following methods of or by one of the following methods of or by any combinations thereof:

1. They may prosecute the person committing, creating, or maintaining the nuisance for a violation of the provisions of this Ordinance; or
2. They may cause the nuisance for a violation of the provisions of this Ordinance; or
3. When any lot, building, or structure within the township, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or age of dilapidation; or because of any other condition or happening, becomes in the opinion of the Township Board, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the Township of Hawes or of those residing or habitually going near such lot, building, or structure, the Township Board may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the Township Board, which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner of the land and or of the building or structure itself is not known, the Township Board may order such hazard or nuisance abated by the proper department or agency of the Township which is qualified to do the work by contract or by hire and the cost of such abatement assessed against the lot, premises or description of the real property upon which such hazard or nuisance is located by special assessment.

SECTION 4 - Costs. The cost of abatement by the Township of any nuisance shall be collected from the owner or occupant of the property upon which the nuisance was committed, created or maintained, or from the person committing, creating or maintaining it, in an action at law.

SECTION 5 - Enforcement and Penalties:

- A. This Ordinance shall be enforced by law enforcement personnel and such persons who shall be so designated by the Township Board.
- B. The owner, if possible, and the occupant of any property upon which any of nuisances set forth in Section 3 hereof is found to exist shall be notified in writing to remove or eliminate such causes of nuisances from such property within ten days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the

enforcement officer where bona fide efforts to remove or eliminate such causes of nuisances are in progress.

- C. Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Ordinance.
- D. Violation of the Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding One Hundred Dollars (\$100.00) or by imprisonment for n exceeding thirty (30) days or by both such fine and imprisonment in the discretion of the court. Each day that a violation shall continue shall constitute a separate offence.

SECTION 6 - Validity. The several provisions of this Ordinance are declared to be separate and the determination by any court or Judge of competent jurisdiction that any section or provision thereof, is valid shall not affect, impair the validity of any other section or portion.

SECTION 7 - Effective Date. This Ordinance shall take effect thirty (30) days after adopted and publication.

ADOPTED:

Marian Wilburn, Township Clerk

This is true copy on file at the office of the Township Clerk.

Marian Wilburn, Township Clerk

PUBLISHED:

Affidavit of Publication of file at the home of the Township Clerk, Hawes Township, Alcona County, Michigan.

The following additions, deletions and changes apply to the
Hawes Township Zoning Ordinance
Amended December 14, 2004

ARTICLE ONE

TABLE OF REGUALTIONS CHANGES

Change five hundred seventy-six (576) square feet to seven hundred twenty (720) square feet for dwellings in (Article One and Two) Residential (R-1, R-2), (Article Three) Residential-Agricultural (A-R) and Article Four) Agricultural (A) districts.

Section 2.02 C

Addition to:

No structures or accessory buildings, including storage buildings, shall be erected or moved on lots or parcels of land unless a dwelling has been erected or moved onto the premises. Any accessory building shall not exceed the ground footage of the main building.

Section 2.07 C

Addition to:

No structures or accessory buildings, including storage buildings, shall be erected or moved on lots or parcels of land unless a dwelling has been erected or moved onto the premises. Any accessory building shall not exceed the ground footage of the main building.

Section 8.03 L STRUCTURES DAMAGED BY FIRE, EXPLOSION OR ACTS OF GOD

Any building intentionally or unintentionally damaged by fire, explosion or Acts of God must be razed and all debris cleared from the property within ninety (90) days of occurrence. The Zoning Administrator/Code Enforcer may grant an extension of up to ninety (90) additional days if necessary due to extenuating circumstances which must be supported with documentation. If, after 180 days the property has not been cleared of all debris, the Zoning Administrator/Code Enforcer shall notify the Township Supervisor who shall hire the cleanup of the property with all costs to be applied to the property tax rolls for collection.

The provision for this Ordinance are hereby declared to be necessary for the public welfare, health, peace, morale, and safety of the inhabitants of Hawes Township and shall be in effect Saturday January 22, 2005.

8.07 B USE OF MOBILE HOMES BY SPECIAL APPROVAL

The owner of any premises occupied or unoccupied by dwelling may locate not more than one (1) mobile home on the premises for occupancy by himself, an employee or relative.

Application for a mobile home not located in a licensed mobile home park, as allowed by special permit in Sections 4.02 B and 5.02 B of this Ordinance, shall be contingent upon compliance with Section 8.04 and the following conditions:

The mobile home shall be in good physical condition as determined by the Zoning Administrator. Mobile homes shall be installed according to manufacturer's setup requirements

and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.

Units sited on individual lots shall meet the standards for minimum lot size, yard setbacks and ground floor space for the district in which they are located.

- A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements. Exposed wheels, towing mechanism and / or undercarriage are not permitted.
- B. The water supply and sewage disposal facilities shall conform to all requirements of Section 8.06 of this Ordinance, installation of which shall proceed occupancy of the mobile home.
- C. Rooms or other area additions to the home are prohibited unless such additions are constructed of similar materials and quality of workmanship as in the principal structure, including an appropriate foundation and permanent attachment thereto and conform to the building codes to the State of Michigan, and Alcona County (local ordinances) as determined by the local building inspector.
- D. Upon compliance with all applicable provisions of this Ordinance the Zoning Administrator may then issue a permit. A travel trailer or recreational vehicle is not to be considered a residential dwelling unit.
- E. Before issuance of the permit, the applicant shall certify, in a space allotted for the purpose on the copy of the permit retained for filing by the Zoning Administrator, that he has full knowledge of the limitations of the permit. No permit shall be transferable to any other person. The fee for said permit is not subject to refund if the request is denied.

Section 10.30 SAWMILLS

Sawmills are defined to include but not limited to circular saws, portable saws, wood chippers or other kinds of cutting devices intended for untreated wood forest products. The sawmill shall include the machinery, buildings and customary accessory structures. All such uses shall be considered as Industrial uses only and be constructed within an Industrial District. Exceptions to this requirement will be for harvesting trees grown on owner's lot or premises.