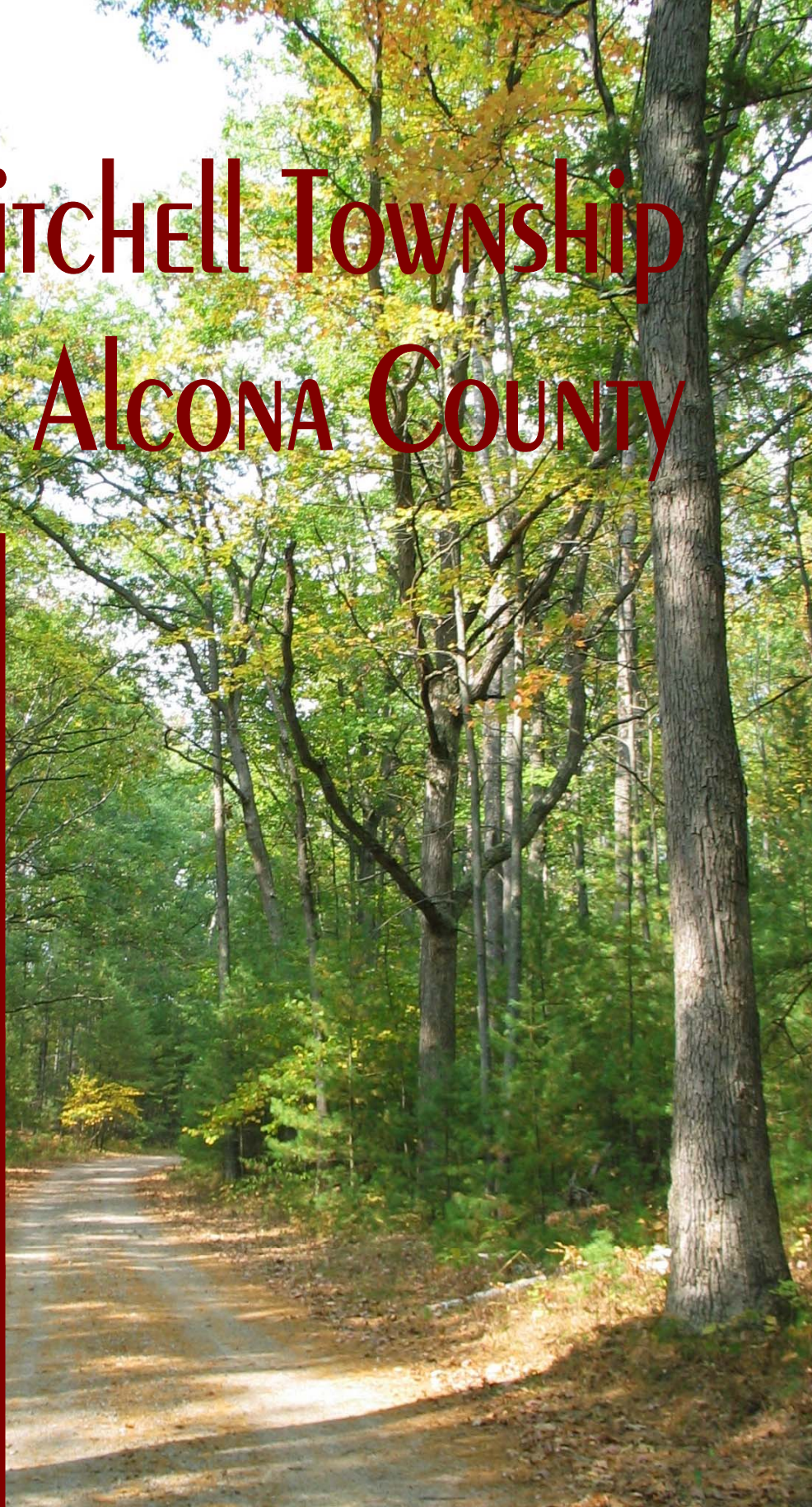


ZONING ORDINANCE

Mitchell Township Alcona County



ADOPTION DATE: JUNE 14, 2010

EFFECTIVE DATE: SEPTEMBER 1, 2010

PREPARED WITH THE ASSISTANCE OF:

NORTHEAST MICHIGAN COUNCIL OF GOVERNMENTS

121 EAST MITCHELL STREET

P. O. Box 457

GAYLORD, MICHIGAN 49735

Mitchell Township Zoning Ordinance
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Article 1: Title and Purpose

Preamble

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this Ordinance.

The Township of Mitchell ordains:

Article 1: Short Title and Purpose

Section 1.01 Title

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

Section 1.02 Purpose

The purpose of this Ordinance is to:

1. Provide for the orderly development of the Township while minimizing the impacts of incompatible adjoining land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of real property so that it does not adversely impact upon broader public interest;
2. Insure the public health, safety and general welfare;
3. Promote the use of lands and natural resources of the Township in accordance with their character and adaptability and in turn, limit their improper use;
4. Reduce hazards to life and property;
5. Lessen congestion on the public roads and streets;
6. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
7. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;
8. Conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

Section 1.03 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006, as amended.

Section 1.04 Validity

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 2: Definitions

Section 2.01 Definitions

For the purpose of this Ordinance, certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely discretionary. Whenever the word "owner" appears it is to be interpreted as including the owner, or his agent, as the case may be. Terms not defined shall be assumed to have the meaning customarily assigned them.

Abandoned Sign:- A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

Accessory Dwelling: A dwelling unit accessory to a single-family residence, located either in the principal residential structure or an accessory structure, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adjacent Property: Property, which adjoins any side or corner of a specific parcel of land.

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.

AG -Agricultural District: a zoning district designated in the Mitchell Township Zoning Ordinance.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and

poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

Alterations: Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Amateur Radio Facility: An antenna, or any combination of a mast or tower plus an attached or mounted antenna, which transmits noncommercial communication signals and is utilized by an operator licensed by the Federal Communications Commission. Guy wires for amateur radio antennas are considered part of the structure for the purpose of meeting development standards.

Ambient: Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

Anemometer: An instrument for measuring and recording the speed of the wind.

Anemometer Tower: A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

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

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

Efficiency Unit - A dwelling unit consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

One Bedroom Unit - is a dwelling unit consisting of not more than two (2) rooms, in

addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit - is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

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

Appearance Ticket: see Municipal Civil Infraction Citation.

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

Area of Sign: The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

Automobile Repair: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Automobile Wash Establishment: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Average: For the purpose of this Ordinance, the term "average" will be an arithmetic mean.

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

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient

public for compensation. For the purpose of this Ordinance, the bed and breakfast facility also includes tourist home.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Billboard: see Sign, Off-premise.

Board of Appeals: As used in this Ordinance, this term means the Mitchell Township Zoning Board of Appeals.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, docked and serviced.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Height: The vertical distance measured from the average finished natural grade to the highest part of the roof.

Buildable Width: The width of a lot left for building after required side yards are provided.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Cabin: A detached building that is used for seasonal occupancy, but not including motels.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Car Wash/Auto Detailing Shop: A building, or portions thereof, the primary use of which is washing and cleaning of motor vehicles.

CB - Commercial & Business District, a zoning district designated in the Mitchell Township Zoning Ordinance.

Church: See Place of Worship.

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, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. Family Day Care Home – A private home operated by a Michigan licensed day care operator in which at least one (1) but less than seven (7) 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.

2. **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.
3. **Child Care Center or Day Care Center:** A facility, other than a private home, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two 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 pre-school, play group or drop-in center. Child Care Center or Day Care Center does not include a Sunday school conducted by a religious institution or a facility operated by a religious institution where children are cared for during short periods of time while persons responsible for such children are attending religious services.
4. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Clinic: A building or a portion of a building, or group of buildings where patients are admitted for examination and treatment by one or more professional, such as a physician, dentist, or the like, except that patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.

Cottage Industry: A home-based business conducted primarily within a portion of the dwelling or an accessory structure, with outdoor storage allowed only with Planning Commission approval.

dB(A): The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

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

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-Thru Business: Any restaurant, bank or business with an auto service window.

Driveway: A private or lane, which is used for vehicular ingress or egress serving up to four lots, parcels or site condominium units.

Dwelling Unit (D.U.): A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, permanently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit occupied for residential use.

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.

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.

Dwelling, Multiple Family: A building containing three or more dwelling units occupied for residential use.

Dwelling, Two Family: A building containing not more than two separate dwelling units occupied for residential use.

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

Escort: A person who, for consideration, agrees or offers to act as a companion, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

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 therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

Excavating: Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt, except for common household gardening or agriculture practices.

Family: An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relationship is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge, or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

Farm: All of the contiguous, neighboring, or associated land operated as a single unit, or which bonafide agriculture 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 for the purpose of agricultural use.

Farm, Hobby: An activity carried out in rural areas which includes the planting, cultivating, harvesting and storage of grains, hay or plants, fruits, or vineyards. The raising and feeding of livestock and poultry shall be considered as part of a hobby farm if the area, in which the livestock or poultry is kept, is a minimum of three (3) acres or more in area for every two (2) domesticated large animals, and if such livestock does not exceed ten (10) animals; or the raising of livestock and poultry is incidental or supplemental to the residential use and is not primarily for the growing of crops or raising of livestock.

Farm Use Building: For a building to be considered a "Farm Use Building" the property must be actively farmed and considered a farm by definition and over half the land of the contiguous parcel must be tillable and/or pasture.

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

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

Floor Area, Usable: The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than eighty four (82) inches of headroom.

Forest Management: range of human interventions that affect forest ecosystems. These activities include both conservation and economic activities, such as extraction of timber, planting and replanting of various species, cutting roads and pathways through forests, and techniques for preventing or making outbreaks of fire.

Forest Products Processing Facility: means one or more facilities or operations that transform, package, sort, recycle, or grade forest or paper products into goods that are used for intermediate or final use or consumption or for the creation of biomass or alternative fuels through the utilization of forest products or forest residue, and surrounding property.

FR – Forest Recreation District, a zoning district designated in the Mitchell Township Zoning Ordinance.

Foster Care Home: A State licensed child or adult care facility, which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. Foster care homes do not include hospitals; hospitals for the mentally ill or nursing and convalescent care centers.

Garage-Private: An accessory building used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

Garage-Public: A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before construction and improvements.

Greenbelt: A strip of land parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

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

Home Occupation: A profession, occupation, activity or use conducted within a dwelling (not within an attached or detached garage or accessory building) which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms which may contain provisions for cooking.

Hub Height: The distance measured from the ground level to the center of the turbine hub.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services as available in attractive surroundings among compatible neighbors.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennels, Private: Any building(s), structure(s), or location(s), where four (4) or more dogs more than four (4) months of age are housed but not boarded, bred, groomed for compensation, trained for compensation, or sold. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a kennel after verification by the Zoning Administrator.

Kennels, Commercial: Any building(s), structure(s), or location(s) in any zoning district, where four (4) or more dogs more than four (4) months of age are housed and one or more of

the following: groomed, bred, boarded, trained or sold. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses, or other agricultural livestock are housed or located shall not be included in the definition of a kennel after verification by the Zoning Administrator.

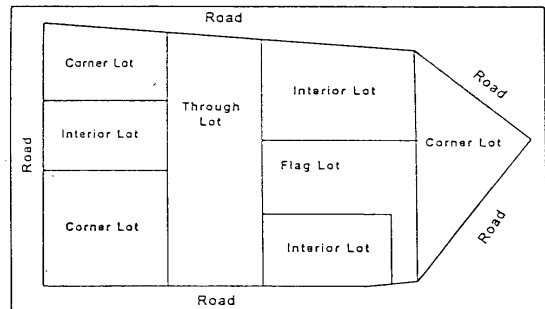
Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

LI – Light Industrial District, a zoning district designated in the Mitchell Township Zoning Ordinance.

Livestock – Farm animals such as, but not limited to, horses, cows, sheep, goats, poultry, kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

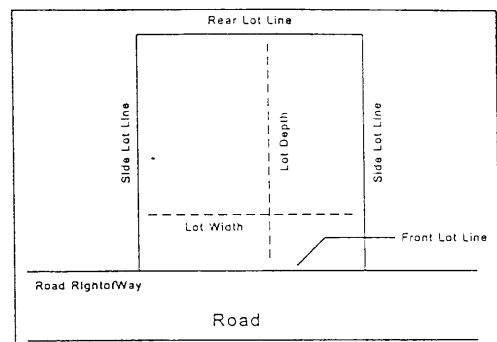


Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces.

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

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.



Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The lot line of the property that borders on a road or waterfront. Where a lot is a corner lot, or for a waterfront lot there shall be two front lot lines, and the setback from the front yard shall be maintained on each front yard.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Alcona County Register of Deeds, or site condominium unit established and recorded by Master Deed in the Alcona County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage. In this case, the waterfront lot line is considered the front lot line.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

Manufactured Home: see Dwelling, Manufactured.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel: See Hotel or Motel.

MHD – Manufactured Housing Development District: a zoning district designated in the Mitchell Township Zoning Ordinance.

Municipal Civil Infraction Citation: A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Nonconforming Lot of Record: A lot of record lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the dimensional regulations of the Zoning District in which it is located.

Nonconforming Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

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.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

Off Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Air Business: A use operated, or intended to be operated, for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, amusement park or similar recreation uses.

Open Space: Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that will result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Line: 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. On a river or stream, the ordinary high water mark shall be the ten year flood limit line.

Parent Parcel: Any lot, from which sublots or subparcels are created after the adoption date of this ordinance.

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

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

Person: The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Pick-up Camper: See Recreational Unit.

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

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Mitchell Township Planning Commission.

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development which requires a Land Use Permit but is not required to prepare a site plan, in order to evaluate compliance with ordinance standards and requirements.

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

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

Principal Structure: The main structure on the premises devoted to the principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

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

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

RC – Resource Conservation District, a zoning district designated in the Mitchell Township Zoning Ordinance.

Recreational Unit: A vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either is self-powered or is mounted on or drawn by another vehicle which is self-powered. Recreation unit shall include "Travel trailers", "Camping

trailer", "Motor home", "Truck camper", "Slide-in-camper", and "Chassis-mount camper" as defined in Act 171 of the Public Acts 1970, as amended. A recreational vehicle is not a mobile home or manufactured home as defined under this Ordinance or under Section 2 of the Mobile Home Commission Act.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

R-R, Resort Residential: a zoning district designated in the Mitchell Township Zoning Ordinance.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Riding Arena: An area enclosed within a building or fence which is intended to be used as a place to ride horses.

Road, Private: A road right-of-way which is not a public road, but which is intended for passage to and from five (5) or more lots or site condominium units.

Road, Public: A road right-of-way which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Road Right-of-Way: A street, alley, other thoroughfare or easement permanently established for passage of persons or vehicles

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under same ownership or management.

RuR – Rural Residential District, a zoning district designated in the Mitchell Township Zoning Ordinance.

Sawmill, Portable – A small sawmill permanently mounted on a trailer and not requiring removal from same to become operational. A portable sawmill is used for sawing timber grown on the premises.

Sawmill - A building or area where timber is cut, sawed or planed, either to finish lumber or as an intermediary step and may include facilities for kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

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

Seasonal Use: Any use or activity that can not be conducted or should not be conducted each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, water feature or property line of a lot within which no buildings or structures may be placed, except as otherwise provided in this Ordinance.

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.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Short Term Rental: The lease or rental of a dwelling unit for monetary compensation for a period of less than thirty (30) days.

Sign: An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, thought, activity, institution, or business. A sign so described may be either mobile or non-mobile.

Sign, Abandoned: A sign, which is no longer maintained to advertise, identify or direct attention to a product, place, person, thought, activity, institution, or business.

Sign, Animated: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Sign Face: The area of a sign on which the copy is placed.

Sign, Freestanding or Ground: A sign supported by permanent uprights or braces in the ground.

Sign, Lighted: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Off Premise: Any sign relating to subject matter not conducted on the premises on which the sign is located.

Sign, On Premise: Any sign relating to subject matter conducted on the premises on which the sign is located.

Sign, Outdoor business or Informational: A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: A sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and Sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which information pertaining to a product, use, occupancy, function, service, thought, or activity is displayed.

Site Condominium Unit: That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

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

Small On-Site Wind Energy Systems: A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

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

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

Special Use Permit: A permit granted with approval by the Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

Stable, Private: A building or structure, and/or land use where horses are housed, bred, reared, and/or trained for the private use of the owner of the property on which located.

Stable, Commercial: A building, structure and/or land use where horses are boarded, bred, reared, trained, and/or rented for the benefit of individuals other than the owner of the property on which located and either for remuneration or free of charge.

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

Structural Change or Alteration: See Alterations.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

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 services 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.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Township: For the purpose of this Ordinance the term Township is deemed to mean the Mitchell Township.

Township Board of Trustees: For the purpose of this Ordinance the phrase 'Township Board of Trustees' is deemed to mean the Mitchell Township Board of Trustees.

Trail Coach: See Recreational Unit.

Travel Trailer: See Recreational Unit.

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

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.

VMU – Village Mixed Use: a zoning district designated in the Mitchell Township Zoning Ordinance.

Wildlife Management: The process of keeping certain wildlife populations, including endangered animals, at desirable levels determined by wildlife managers. Wildlife management is interdisciplinary, integrating science, mathematics, imagination, and logic. It deals with protecting endangered and threatened species and subspecies and their habitats, as well as with non-threatened agricultural pests and game species.

Wind Energy Facility: A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Turbine Generator: A wind energy conversion system which converts wind energy into power. Includes a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.

Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Wind Turbine Generator Total Height:

Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

Vertical Axis Wind Turbine: The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

WO – Waterfront Overlay District: an overlay zoning district designated in the Mitchell Township Zoning Ordinance.

Yard: A space open to the sky between a principal building and the lot line.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear property lot line.

Yard, Side: A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

Land Use Permit: Written authority issued by the Zoning Administrator on behalf of the Township permitting the use of land or the construction, moving, exterior alteration, or use of a building or structure in conformity with the provisions of this Ordinance.

Article 3: General Provisions

Section 3.01 The Effect of Zoning

In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a Land Use Permit has been obtained. Only lawful nonconforming uses, and those uses or structures expressly permitted without a Land Use Permit by this Ordinance are exempt from this provision.

In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 3.02 Nonconformities

1. Nonconforming Lots of Record

In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations, provided such facilities are ordinary or necessary for the intended use.

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

2. Nonconforming Use of Land and/or Structures

- A. The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or use of any land or premises, which was lawful and existing on the adoption date of this Ordinance or any amendment thereto.
- B. Nonconforming use of land shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
- C. Nonconforming use of land or building shall not be moved in whole or in part to any other portion of the lot or parcel occupied.
- D. A nonconforming structure may be enlarged or altered, provided that such

enlargement or alteration does not increase the extent or degree of its nonconformity, and subject to the provisions of **Section 3.02.6**.

- E. Should a dwelling be destroyed by accidental means, it can be reconstructed in the original footprint.
- F. Any nonconforming use may be carried on throughout any parts of a building that were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- G. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the legally existing nonconforming use. The Zoning Board of Appeals (ZBA) shall have the power upon written request from the property owner or Zoning Administrator, to determine if a proposed use is equally or more appropriate than the legally existing non-conforming use for the given district. In making its determination, the ZBA shall consider characteristics and impacts of the proposed use in relation to the impacts of the existing nonconforming use, including impacts to public services, traffic, noise, smoke, fumes, odors, and the accumulation of scrap materials visible from roads and/or adjacent properties.
- H. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises are permissible.

3. **Abandonment of Nonconforming Use or Structure**

If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.

- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

4. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make such area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public rights-of-way for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

5. Repairs and Maintenance

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

6. Expansion or Enlargement

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, expansion or enlargement may be allowed, provided that it is shown that such expansion or enlargement:

- A. Will not reduce the value or otherwise limit the lawful use of adjacent premises.
- B. Will essentially retain the character and environment of abutting premises.
- C. Will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion or land overcrowding).

Section 3.03 Accessory Buildings

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

- 1. A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot.
- 2. No detached accessory building shall be located closer than ten (10) feet to any building.
- 3. Accessory buildings may be permitted in the front yard only in the RC and FR Districts, provided they are at least one hundred (100) feet from the road right-of-way.
- 4. When an accessory building is located on a corner lot, the Zoning Administrator may approve the street side yard to qualify for an accessory building that meets the size

standards for a rear yard accessory building.

5. Truck bodies, semi trailers, school bus bodies, mobile homes, shipping containers or other items built and intended for other uses shall not be used as an accessory building.
6. No accessory building or structure shall be used for dwelling purposes.
7. Accessory Building Height: For one- and two-family dwellings, no detached accessory building shall exceed twenty-four (24) feet in height. There shall be no height regulations for uses other than one- and two-family dwellings
8. All accessory buildings 200 square feet in size or greater must comply with **Section 3.22** of this Ordinance.
9. Detached accessory building sizes shall be regulated as follows:

Zoning District	Location on the Property	Maximum Ground Floor Area
R-R, MHD, VMU	Front Yard Side Yard Rear Yard	1,200 Sq. Feet 1,200 Sq. Feet 2,400 Sq. Feet
RuR, RC and FR	Front Yard Side Yard Rear Yard	1,200 Sq. Feet 1,200 Sq. Feet 2,400 Sq. Feet
AG, CB, and LI	N/A	N/A

10. Detached residential accessory buildings shall be limited as follows:
 - A. For parcels less than two (2) acres in size, one (1) detached garage and accessory building up to the maximum allowable size may be permitted.
 - B. For parcels between two (2) and ten (10) acres in size, a second separate accessory building up to the maximum allowed floor area may be permitted. Parcels greater than ten (10) acres in size may be allowed a third such separate accessory building.
 - C. In addition to the standards listed in A and B above, one (1) detached accessory building of not more than two hundred (200) square feet. in ground floor area, may be permitted for such use as tool shed, wood storage, equipment housing, animal shelter, and the like.
11. Accessory building as a main use:

Customary accessory buildings shall only be allowed to be constructed as a main use if approved by the Planning Commission as per the procedure detailed in Article 7: Uses

Subject to Special Use Permit and such accessory structures meet the following conditions:

A. Accessory storage buildings as a main use

Customary accessory residential storage buildings may be constructed without a main use if the property is at least five (5) acres in land area. The building shall be setback at least one hundred (100) feet from all property lines. The use shall be for personal use only and an affidavit stating such use shall be filed with the Register of Deeds.

B. Other accessory buildings as a main use

Accessory buildings shall only be allowed to be constructed as a main use if approved by the Planning Commission as per the procedure detailed **Article 7: Uses Subject to Special Use Permit**, when the following conditions are met:

- 1) The structure is sited in such a manner as to permit the construction of a legal main use at a future time. For these regulations, rear yard shall refer to a location one hundred fifty (150) feet or deeper from the front property line, which is also the road right-of-way line.
- 2) The structure is constructed of materials and is of a design that is not at variance with existing dwellings in the immediate vicinity as to have a devaluing influence, in the opinion of the Planning Commission. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.
- 3) The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
- 4) All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.
- 5) The applicant shall file an affidavit with the Register of Deeds stating the proposed use of the building.

12. Exemptions

The following uses of accessory buildings are exempt from size regulations under this Section.

- A. Accessory buildings when legally constructed in connection with an approved main use that is other than residential.
- B. Farm Use Buildings, as defined in **Article 2: Definitions**. In the case of farm use buildings, a plot plan submitted to the Zoning Administrator illustrating compliance with zoning setback requirements will suffice for the Land Use Permit.
- C. Accessory garages and carports in multiple family housing developments.

Section 3.04 Essential Services

The erection, construction, alteration, maintenance, and operation by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, supply systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substations, gas regulation stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of the Township of Mitchell in any use District, provided that the above meet the setback and dimensional requirements of the respective districts and the Zoning Administrator is notified at least sixty (60) days prior to any major construction, and provided a Land Use Permit is obtained. Electrical substations shall comply with the fencing provisions of **Section 3.10** of this Ordinance.

Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.05 Mobile Homes on Individual Lots or Parcels

A mobile 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. 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.
2. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
3. Mobile homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards", 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 3280, as amended.
4. Mobile homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a mobile home.
5. No person shall occupy a mobile home as a dwelling within Mitchell Township until a certificate of compliance has been issued by the Alcona County Building Official, which shall indicate satisfactory compliance with all requirements of the HUD Code and the current Alcona County Construction Code.

6. No mobile home shall be located or placed in Mitchell Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current Alcona County Construction Code.
7. Mobile homes shall not be used as an accessory building.
8. No mobile home shall be stored on any lot or parcel in Mitchell Township.

Section 3.06 Recreational Vehicles

1. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:
 - A. The travel trailer or recreational vehicle shall carry state license plates.
 - B. Travel trailers or recreational vehicles may be stored on a lot containing a permanent dwelling, provided the yard setback requirements are met.
 - C. The unit is not used for permanent/continuous dwelling purposes.
 - D. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in subsection 2 and as may be permitted in accordance with a properly zoned outdoor storage or commercial facility.
2. Overnight camping on private property **without a dwelling unit** shall be an allowable use in RC, FR, RR districts provided the recreational vehicle shall occupy such a parcel for not longer than ninety (90) days in a calendar year, subject to the following conditions:
 - A. Yard setback requirements for the district where the unit is located shall be met.
 - B. Water and electrical services may be connected; however, no sewage or on-site disposal allowed without Health Department approved septic system. Any such shelter, when not occupied, shall be moved off-site.

Section 3.07 Second Dwelling on a Parcel

Accessory dwellings shall only be allowed to be constructed if approved by the Planning Commission as per the procedure detailed in ***Article 7: Uses Subject to Special Use Permit*** and such accessory structures, as defined, shall comply with the following regulations:

Residence and Incidental Use

The accessory dwelling unit shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:

- A. Accessory dwellings shall be established on owner-occupied properties only.
- B. Accessory dwellings are not allowed in VMU districts
- C. The property shall maintain one mailing address, such that the accessory dwelling shall have the same address as the main dwelling.
- D. Only one (1) such accessory dwelling shall be permitted on each parcel.
- E. The total floor area of the accessory dwelling shall not exceed eight hundred (800) square feet.

Compatibility with Surrounding Land Use

The design of the accessory dwelling shall conform with the single-family character and appearances of the principal residence or the surrounding neighborhood. When viewed from the outside, it shall appear that only one household occupies the site.

Parking and Access

In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory dwelling.

The Zoning Administrator shall periodically review the permit for continued compliance.

Land Use Permits issued for such use shall terminate at such time that any one or combination of the above conditions cease(s) to be met. The Zoning Administrator will send notice for removal of the second dwelling (or conversion of space if part of the principle dwelling) when one or more of the above conditions cease(s) to exist and the structure shall be removed within sixty (60) days from the date the notice was sent.

Section 3.08 Temporary Dwelling Occupancy during Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- 1. The location shall conform to the provisions governing setback requirements of 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. Additional twelve (12) month extensions may be obtained from the Zoning

Administrator beginning with the date of issuance of the Land Use Permit, provided work is in progress. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.

3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the District Health Department, and shall precede occupancy of the temporary dwelling.
4. Application for the erection and use of a temporary dwelling shall be made at the time of Land Use Permit application for the permanent dwelling and approved after a building permit is issued. On approval and delivery of the Land Use Permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he or she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary dwellings.

Section 3.09 Home Business

While Mitchell Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

Home Occupations

1. Home-Based Businesses are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A Land Use Permit is required.
2. Home Occupations shall be conducted by the person or persons occupying the premises as their principal residence.
3. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
4. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
5. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.

6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. The outdoor storage of goods and/or materials of any kind is prohibited. Goods or materials not produced through the conduct of the Home-Based Business shall not be sold.
8. There shall be no parking permitted within any setback.
9. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

Cottage Industries

1. Cottage industries may be permitted as a special use in RUR, RC, FR, and AG Districts, and are subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood.
3. A cottage industry shall occupy not more than one building. The floor area of such building shall not exceed twenty four hundred (2400) square feet.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Zoning Administrator.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding Zoning Districts. Machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two (2) additional non-resident employees or assistants.
8. To ensure that the cottage industry is compatible with surrounding residential use, the Planning Commission during the review and approval process, shall establish a "not-to-exceed" number of vehicles that may be parked at any given time during business operations, and hours of operation for the business.

Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
2. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a special use permit (see **Section 7.02.3**).
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

Section 3.10 Fences and Walls

1. Unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence, wall, or hedge shall exceed a height of six (6) feet in the side and rear yards and four (4) feet in the front yard. In no event shall a fence or wall be installed or constructed closer than five (5) feet to the front property line or road right-of-way. Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fence and walls in a side or rear yard must be set back one (1) foot from the property line. Fences and walls may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property.
2. Fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
3. Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the waterfront setback. Fences shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties.
4. Swimming Pools: Yard areas with private pools are to be fenced to discourage unauthorized access. Such fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at

a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area.

5. No fence shall be approved which
 - A. constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
 - B. interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
 - C. will constitute a hazard to street traffic or to pedestrians.
6. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
7. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.
8. Fences and walls used to separate residential uses from non-residential uses shall follow the regulations in Section 3.11.7.

Section 3.11 Landscaping and Buffering

It is the intent of this section to require landscape screening to minimize visual impacts of commercial and industrial development along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy and land use values along roadways. It is also the intention of this section to provide for buffering between residential and non-residential uses. The Planning Commission will use the following requirements listed in sub-sections 1. through 8. as a guideline for approving the site plan. Deviations may be permitted but must meet the intent of this section.

1. **Application**

These requirements shall apply to all uses, for which site plan review is required under **Article 6** of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this Ordinance. Screening is the enclosure of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.
2. **Landscape Plan**

A Landscape Plan shall be submitted as either part of the required site plan or as a separate plan if permitted by the Planning Commission during site plan review. The Landscape Plan shall contain, at a minimum, the following:

- A. Location, spacing, size, and root type [bare root (BR) or balled and burlaped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
- B. Minimum scale: Same scale as required for site plan.
- C. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
- D. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- E. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- G. Identification of existing trees and vegetative cover to be preserved.
- H. Identification of grass and other ground cover and method of planting.
- I. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

3. Parking Lot Landscaping

The Planning Commission may alter the following standards pertaining to parking lot landscaping based upon the individual circumstance during the site plan review process.

- A. Separate landscaped areas shall be required either within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces, with minimum landscaped space within a designated parking area of fifty (50) square feet. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
- B. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
- C. Parking lot landscaping shall be so designed to provide directional guidance to drives, including ingress, egress, and interior circulation.

4. Highway Landscape Buffers

- A. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street or major thoroughfare is required as a "highway landscape buffer". The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. The area along the roadway proposed to be grassed shall be minimized and directly related to the necessity, if any, for an ornamental landscape character.
- B. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

5. Site Landscaping

- A. In addition to any landscape areas and/or parking lot landscaping required by this Ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
- B. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area.

6. General Landscape Development Standards

A. Minimum Plant Material Standards:

- 1) All plant material shall be hardy to Alcona County, free of disease and insects and conform to the standards of the American Association of Nurserymen.
- 2) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- 3) All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- 4) Minimum plant sizes at time of installation:
 - Deciduous Canopy Trees 2 ½" caliper
 - Deciduous Ornamental Trees: 2" caliper
 - Evergreen Tree: 6' height
 - Deciduous Shrub: 2' height

Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" – 24" spread

- 5) Existing plant material, which complies with the standards and intent of the Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.
- 6) The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.

B. Minimum Standard for Berms:

- 1) Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1') rise to a three feet (3') run ratio.
- 2) Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- 3) Berms shall be constructed in a way that does not alter drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress or egress.
- 4) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

7. Landscape Buffers and Protective Screening

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 400 feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Uses may be contained in **Article 8: Supplementary Regulations**.

- A. Width of landscape buffers: Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
- B. Height of landscape buffers: Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
- C. Height of protective screening (fences and walls): Height of fences or walls shall be no less than six (6) feet.

8. Installation and Maintenance

- A. All landscaping and landscape elements shall be planted, and earth moving or grading performed according to accepted good planting and grading procedures.

- B. The owner or occupant, if different from the owner of property required to be landscaped by this Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and accessible water supply.

Section 3.12 Parking and Loading Space Requirements

In all Zoning Districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air businesses or outdoor commercial recreation uses so long as said main buildings or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with the Ordinance.

1. Parking Requirements

- A. **Fractional Spaces:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- B. **Residential:** The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line, and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
- C. **Non-Residential:** The off-street parking facilities required for uses other than residential shall be located on the lot or other lots within 500 feet for industrial districts and 300 feet for all other districts. Such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the nearest point of the building to be served.
- D. **Loading Space:** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
- E. **Changes:** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this Ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan

to be submitted to the Mitchell Township Planning Commission in accordance with **Article 7** of this Ordinance.

- F. **Existing Parking:** Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
- G. **Collaborative Parking:** Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.
- H. **Time Limit:** Except when land is used as storage space in direct connection with the business of a repair or service garage, a twenty-four hour time limit for parking in non-residential off-street parking areas shall prevail.
- I. **Storage of Vehicles and Merchandise:** It shall be unlawful to park or store any motor vehicle on any private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent or trustee of said private property. The storage of merchandise, the storage of inoperable or partially dismantled vehicles, farming equipment, vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots
- J. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
- K. **Excessive Parking Space:** In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

- L. **Uses Not Mentioned:** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.

2. General Standards

- A. Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Administrator, and must be approved by said Zoning Administrator prior to the start of construction. The construction of the entire parking lot shall be completed to the satisfaction of the Zoning Administrator. In the event that, owing to inclement or cold weather conditions, said parking lot cannot be improved, a six-month temporary Certificate of Occupancy can be issued by the Zoning Administrator provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten percent of the cost of construction of the parking lot, as determined by the Zoning Administrator, which deposit or bond shall be forfeited if said parking lot is not fully completed within said six-month period.
- B. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
- C. Such parking lots shall be surfaced with concrete, asphalt or crushed rock materials, and maintained in a usable dust proof condition, and shall be graded and drained adequately.
- D. All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing manner upon adjacent structures.
- E. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

3. Specific Standards

- A. **Parking Space Dimensions:** All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8.5'	24'	29' (one-way) 32' (two-way)
Up to 53 degrees	13'	9'	21'	55' (one-way)
54 – 74 degrees	18'	9'	22'	62' (one-way)
75 – 90 degrees	24'	9'	20'*	44' (one-way)

* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

B. Vehicle Stacking Space: Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service, but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

C. Number of Parking Spaces: The number of off-street parking spaces shall be in accordance with the following schedule:

Residential Parking Requirements	
Use	Requirements
One-family and two-family	2 for each dwelling unit
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms
Mobile homes	2 for each mobile home site
Housing for the elderly	1 for each 2 units, and 1 for each employee Should units revert to general occupancy, then 2 spaces per unit shall be provided
Rooming houses and group quarters	1 for each bed
Group day care homes	2 for each home in addition to the 2 required for the residence For this use only, such additional spaces may be located in the side yard setback

Institutional Parking Requirements	
Use	Requirements
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees
Nursery schools, day nurseries, or child day care centers	1 for each employee plus 1 space for each 8 children of licensed authorized capacity
Elementary, middle, and junior high schools	1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater. If no such auditorium exists, then one space per classroom in addition to that for each teacher, employee or administrator.
Senior high schools	1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater. In addition, one for every 10 students.
Colleges and universities	1 for each teacher, employee, administrator, and 1 for each 10 students
Government offices	1 for every 1000 square feet of usable floor area
Homes for the aged and convalescent homes	1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift.
Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes
Hospitals	1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area.

Business Parking Requirements	
Use	Requirements
Professional offices of doctors, dentists, or similar professions	4 for every 1000 square feet of usable floor area
Bank, business offices, or non-medical professional offices	1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for each 2 persons of seating capacity
Food consumption services or drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 800 feet of useable floor area, plus 1 for each 2 employees
Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA)	1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal
A. 1 to 15,000 square feet GLA	
B. 15,001 to 400,000 square feet GLA	3.0 spaces minimum, 3.75 maximum, per 1000 GLA
C. 400,001 square feet GLA and higher	3.5 spaces minimum, 4 maximum, per 1000 GLA
Retail stores except as otherwise specified	1 for each 150 square feet of useable floor area
Convenience store, with or without automotive fuel service	4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service
Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair
Laundromats and coin operated dry cleaners	1 for each 3 washing and/or dry cleaning machines
Dry cleaners	2 for every 1000 square feet of gross leaseable floor area

Mortuary establishment	3 for each 100 square feet of useable floor area
Auto service stations	2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces
Automobile wash (self-service or coin operated)	3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall
Motor vehicle sales and service	1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall.
Marine sales and service centers, including RVs	1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom
Veterinary clinics or hospitals	4 for every 1000 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area

Miscellaneous Use Parking Requirements	
Use	Requirements
Wholesale establishments	5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater
Warehouse and/or storage building	5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater
Industrial Establishments	One for every 1 ½ employees based on the greatest number of persons employed at any one period during the day or night.
Mini-Storage, Self Storage facilities	No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan.
Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats	1 per every 2 persons allowed within the maximum occupancy load.
Golf Courses	5 per hole, plus one for each employee

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note: Square footage refers to "Usable Floor Area"

D. Loading Space Requirements

- 1) For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:
 - a. Up to twenty thousand (20,000) square feet — one (1) space.
 - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
 - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
 - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

- 2) Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 3.13 Water Supply and Sewage Disposal Facilities

1. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by the District Health Department shall be filed with application for a Land Use Permit.

2. Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the District Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from permitted industrial uses shall be disposed of in a manner and method, which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the District Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.

Section 3.14 Stormwater Management

1. Stormwater management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality.

The design of any stormwater management system shall be based upon a 10-year frequency 24-hour duration storm event. In order to be approved, all site plan provisions for stormwater management must meet the following performance standards:

- A. Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
 - B. After development, runoff from the site shall approximate the rate of flow, volume, and timing of runoff that would have occurred following the same rainfall under predevelopment conditions. Stormwater management conveyance and storage facilities shall be designed to reduce flood hazards and water pollution related to runoff from the proposed development project.
2. Stormwater storage facilities, which protect water quality and prevent adverse flooding on-site and off-site, shall be required for all sites where one (1) acre or more will be disturbed. In order to improve the quality of stormwater runoff and reduce the discharge of sediment into Mitchell Township wetlands and watercourses,
- A. One or more of the following techniques shall be used.
 - Infiltration of runoff, provided that soils and groundwater conditions are suitable.
 - Retention basins with a fixed minimum water elevation between runoff events (e.g., wet ponds).
 - Detention basins which drain completely after a storm event (e.g., dry basins) but which discharge storm water to wetlands or constructed basins which trap sediment carried by storm water runoff.
 - B. The following standards shall be used:
 - Detention basins, which hold stormwater for more than 24 hours before completely draining to become a dry basin (extended detention basins).
 - Detention basins with a positive outlet shall be designed to hold runoff from a 10-year storm event, as a minimum. Retention basins without a positive outlet shall be designed to hold runoff from a 100-year storm event.
 - The banks of detention basins shall not exceed a 1:6 slope unless a fence is constructed.
 - Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without approval from the Michigan Department of Environmental Quality, and /or County Drain Commission.
 - Discharge of runoff from commercial and industrial sites which may contain oil, grease, toxic chemicals, or other polluting materials shall be prohibited unless approval has been obtained from the Michigan Department of Environmental Quality.
 - The use of stormwater management areas and vegetated buffer areas as open space, recreation, and conservation areas shall be encouraged.
 - Stormwater detention/retention ponds located in all districts shall be completely enclosed with a permanent substantial fence with gate or gates no less than four (4) feet in height above the ground level. All gates shall be kept locked to prevent unauthorized access.

- Fencing may be waived by the Planning Commission at the site plan review process when pond design is as follows: thirty-three (33) percent maximum slope to a three (3) feet permanent water depth, fourteen (14) percent slope to six (6) feet permanent water depth. The slope after six (6) feet permanent water depth may be as required to achieve the desired maximum depth of the pond.
3. Pipes, conduits, ditches, drains, or other stormwater conveyance facilities shall not discharge directly to:
 - A. Any natural watercourses, including lakes, ponds, rivers and streams.
 - B. Wetlands with unique or natural wildlife or habitat characteristics as defined by a professional wetlands delineation specialist, biologist or ecologist.
 - C. Wetlands which are within five hundred (500) feet of any natural lake or pond.
 - D. Wetlands which are within one hundred (100) feet of any river or stream.
 - E. Discharge from stormwater conveyance facilities shall be routed through swales, vegetated buffer strips, stormwater basins, hydrological isolated wetlands, and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and remove pollutants.
 - F. If wetlands are proposed for stormwater detention, runoff must be diffused to non-erosive velocities before it reaches the wetlands.
 - G. Vegetated buffer strips shall be created, or retained in their natural state along the edges of all watercourses and wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment from overland runoff, and buffer structures from periodic flooding.
 4. Driveway drainage, drainage from adjacent parking or storage areas on private property, and driveway culverts shall be designed according to Michigan Department of Transportation driveway criteria standards, Rule 61 of the Administrative Rules Regulating Driveways, Banners and Parades on and over Highways.

Section 3.15 Groundwater Protection

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.

2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

Section 3.16 Hazardous Substances

All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 3.17 Junkyards, Salvage Yards, and Sanitary Landfills

Junk yards may be established and maintained in accordance with all applicable statutes of the State of Michigan, and are only permitted in the Light Industrial District, and shall be located only in sites which are completely screened from adjacent properties and public view in accordance with **Section 3.11**.

Sanitary landfills shall: (1) only be located in the Light Industrial District; (2) only if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act or under the jurisdiction of the Michigan Department of Environmental Quality in conformance Part 111 of the Natural Resources and Environmental Protection Act; and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.

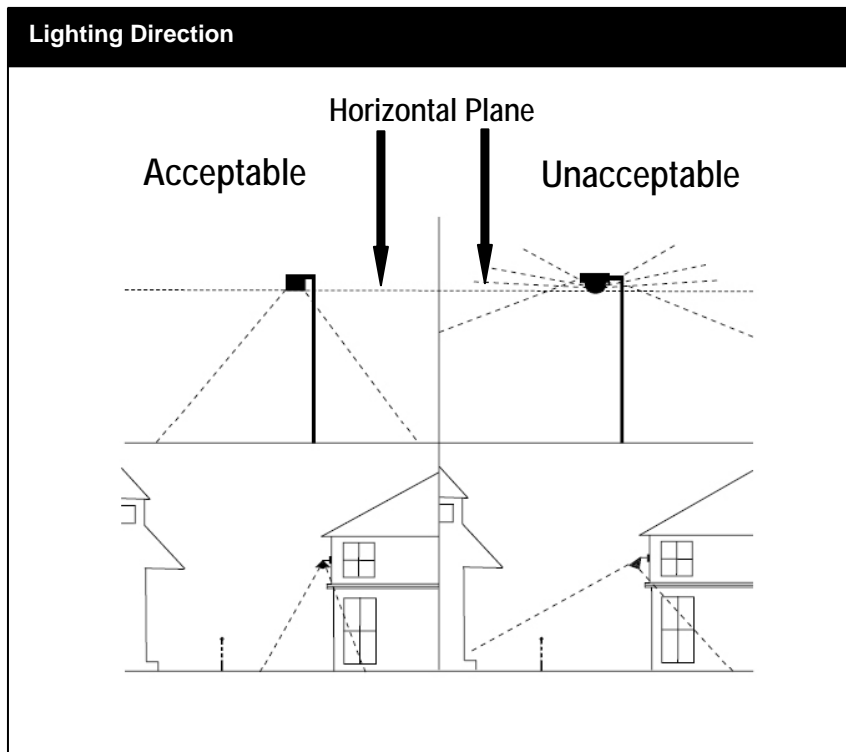
Location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained solid fencing, or by well maintained evergreens that are densely planted in a staggered row.

Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 3.18 Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.



Section 3.19 - Outdoor Advertising Signs

This section is intended to regulate and limit the construction or reconstruction of signs to protect the public peace, morals, health safety and general welfare. Such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein. The use and erection of all outdoor advertising signs shall be subject to the following provisions:

1. General Provisions for all Zoning Districts

- A. Approval: No sign, except residential name plates and those signs established by the Township, County, State or Federal governments, shall be erected or altered until approved by the Zoning Administrator and a Land Use Permit issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.
- B. Signs which are in need of repair, obsolete, not affixed, or obstructing/Signs affixed to other surfaces: Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No advertising sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display for the purpose of advertising.
- C. Nonconforming Signs: Any sign or advertising media existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall not be altered or replaced, other than normal maintenance, except in conformance with the provisions of this Ordinance and shall fall under the provisions of **Section 3.02**.
- D. Obstruction of Vision: No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
- E. Signs in Right-of-Way: Any sign except those established and maintained by County, State or Federal governments shall not be erected in, nor project into, or overhang a street or road right-of-way.
- F. Directional Signs: Directional signs required for the purpose of orientation, when established by County, State or Federal governments shall be permitted in all zoning districts.
- G. Obstruction of/Confusion with Traffic Signals/Signs: No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape or color may interfere with the view of or be confused with any public traffic sign or device.
- H. Glare/Flashing/Moving Signs: Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s). Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non glaring, does not interfere with traffic control devices, and further does not

involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.

- I. Political Signs: Temporary political signs may be located in any zoning district and shall be removed within fourteen (14) days following the election date. Other temporary signs shall be removed at the completion of the advertised event.
- J. Real Estate Signs: Real estate signs shall be permitted only while said real estate is actually on the market for sale, rent or lease. Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any zoning district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.
- K. Free-Speech: Signs which express non-commercial speech may be erected in any district. No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- L. Multiple Uses on One Lot: In cases where a lot contains more than one (1) use, the sign requirements contained in this section apply to each use on the property.
- M. Off-Premise Directional Signs
 - 1) Private Off-Premise Directional Signs: Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on M-72 and M-65 within Mitchell Township shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with Mitchell Township.
 - a. Off-premise directional signs shall be no greater than six (6) square feet.
 - b. Off-premise directional signs must be located at intersections.
 - c. Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
 - d. Off-premise directional signs shall only be located on M-72 and M-65.
 - e. One (1) off-premise direction sign is permitted per commercial or industrial zoning lot.

- 2) Public Off-Premise Directions Signs: Public off-premise directions signs erected by the Township or State of Michigan shall be permitted in the road right-of-way provided permission is obtained from the local transportation authority.

N. Construction and Maintenance: The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.

2. Size Limitations: Size limitations found in **Tables 3.19 A and B** apply to the sign face only, not the support structure.

TABLE 3.19A: ON-PREMISE SIGNS: AGRICULTURAL, BUSINESS & INDUSTRIAL USES				
	Number & Area	Height	Setback	Other Regulations
Ground Mounted Signs (Pylon Signs and Monument Signs)	1 per each road frontage 32 ft ²	The top of any ground-mounted sign shall be not more than seven (7) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 3.19 A & B)	10 ft from front lot line	Sign mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches.
Time & Temperature Signs	1 allowed	n/a	n/a	Must be an integral part of principle sign – size does not count toward allowable square footage of principle sign.
Wall Signs	1 at 32 ft ²	Sign shall not project above the top edge of the roof line.	n/a	Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches.
Projecting Signs	1 at 16 ft ²	Minimum height of 8 ft	n/a	Sign structure: Sign supports and brackets shall be compatible with the design and scale of the sign.
Awning or Canopy Signs	No restriction.	No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.	n/a	n/a
Cluster Signs	Up to six (6) signs in addition to the sign bearing the name of the complex. Each sign in a cluster shall be no greater than 20 ft ² in area.	20 ft	10 ft from front lot line	Cluster signs may only be allowed to advertise a group of businesses located together which share an access to the primary road. Any business which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the business is located. Cluster signs must be located near the access from which each business in the cluster is located.
Message Boards (Static & Digital)	See Section 3.19.3			
Temporary Signs	See Section 3.19.5 and 3.19.6			

TABLE 3.19B: ON-PREMISE SIGNS: RESIDENTIAL SIGN REQUIREMENTS			
Residential Uses			
	Single & Two-Family Uses	Home-Based Business/Cottage Industry	Multiple Family, Subdivisions, Manufactured Housing Dev.
Free-Standing Signs	1 Nameplate at 8 ft ²	1 at 8 ft ²	1 per entrance at 32 ft ² Height = 6 ft Setback = 10 ft from front lot line
Wall Signs	1 Nameplate at 8 ft ²	1 at 8 ft ²	-----

Figure 3.19A

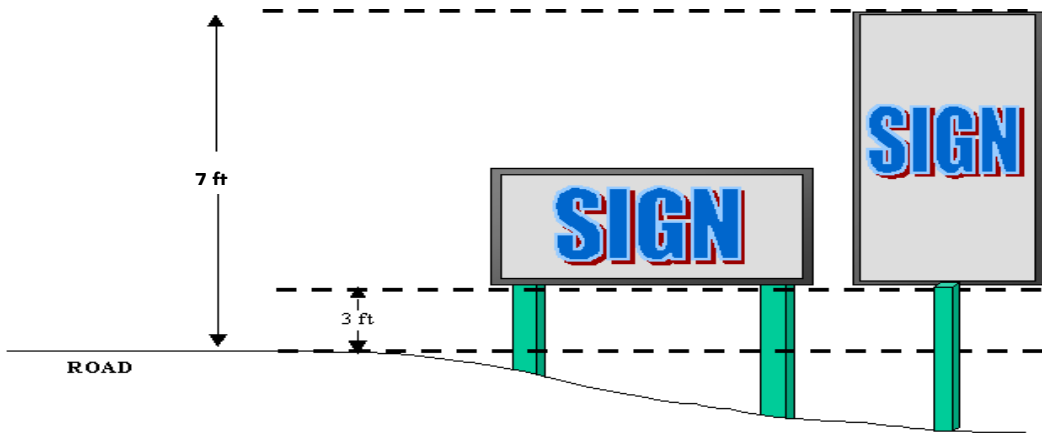
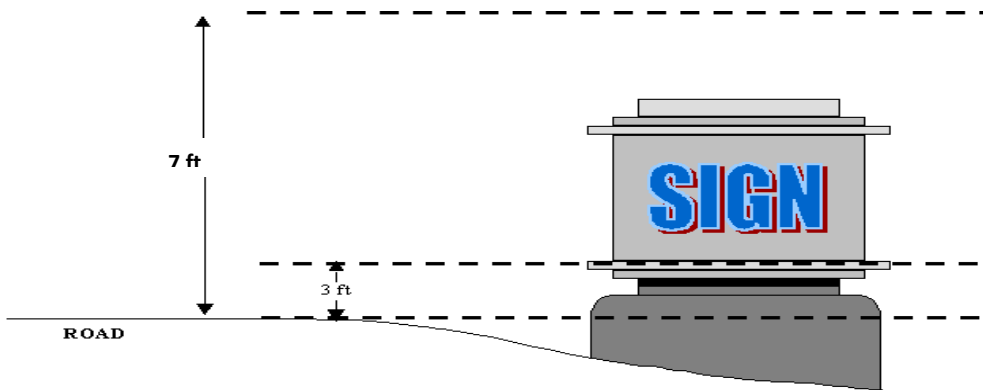


Figure 3.19B



3. Message Boards

- A. Static Message Boards: Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
- 1) If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than thirty-two (32) square feet.
 - 2) If the static message board is attached to the same support structure as a primary sign, then the static message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
- B. Electronic Message Boards: Electronic message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
- 1) If the electronic message board is utilized as one of the allowable primary signs on the premises, then the electronic message board shall be no greater than thirty-two (32) square feet.
 - 2) If the electronic message board is attached to the same support structure as a primary sign, then the electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
 - 3) An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
 - 4) The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
 - 5) An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - 6) An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

- 7) At least seventy-five (75) percent of the messages shall relate to the on-premise establishment. The balance of message may contain advertising for off-premise establishments or public service announcements.

4. Off-Premise Signs (Billboards)

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.

A. Off-Premise Sign Regulations: Billboards may be established in Mitchell Township provided that they meet the following conditions:

- 1) Off-Premise Signs shall only be allowed on State highways in Mitchell Township. Compliance with the Michigan Department of Transportation permitting process is required.
- 2) Not more than one (1) billboard may be located per 2000 feet of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Mitchell Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
- 3) No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be five hundred (500) feet.
- 4) No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- 5) The surface display area of any side of a billboard may not exceed sixty-four (64) square feet
- 6) The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.

- 7) No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
 - 8) A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 - 9) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
 - 10) A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
 - 11) Digital Billboards:
 - a. Rate of Change: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - b. Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
 - c. Digital billboards shall be configured to default to a static display in the event of mechanical failure.
- B. Permit Required: No person, firm or corporation shall erect a billboard within Mitchell Township without first obtaining a permit from the Mitchell Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Mitchell Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the Land Use Permit fee required hereunder

shall be established by resolution of the Mitchell Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Mitchell Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.


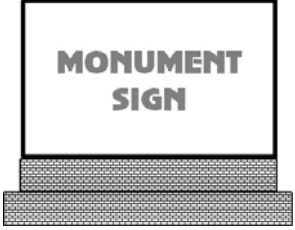
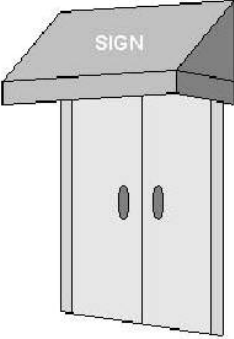
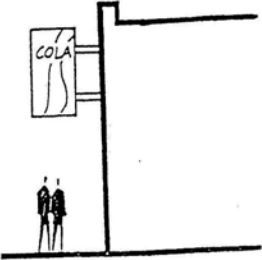


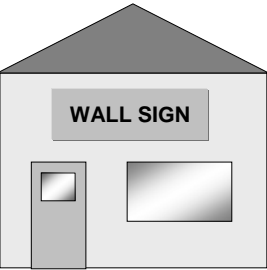
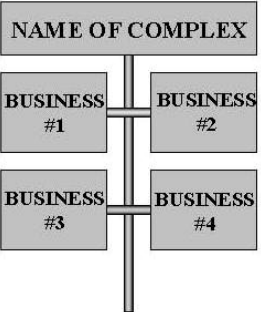

5. Portable Message Boards: Portable message boards are allowed on a temporary basis for a continuous period up to sixty (60) days. The Zoning Administrator may extend the temporary display period up to thirty (30) additional days. A Land Use Permit and fee is required for each period the portable message board is displayed.
6. Signs Allowed Without a Permit: The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:
 - A. Residential Nameplates.
 - B. Real Estate (Residential and Commercial).
 - C. Interior Signs: Interior window signs which occupy up to fifty (50%) percent of the window area.
 - D. Political or Opinion Signs: Temporary, non-illuminated signs supporting a political candidate or offering an opinion on an issue or subject. Such signs shall not exceed eight (8) square feet in size, and, in the case of sign related to an election, shall be removed within five (5) days after the applicable election.
 - E. Caution Signs: Non-advertising signs erected to warn the public of dangerous conditions and unusual hazards.
 - F. Non-Advertisement Informational: Informational signs not exceeding four (4) square feet in area may be utilized for additional traffic regulation, including, but not limited to, loading dock, low clearance, garage, office, warehouse, and service signs.
 - G. Directional Signs: Three (3) signs per parking lot not exceeding three (3) square feet and six (6) feet in height identifying the business and providing driving, ingress/egress, and parking information.
 - H. Memorial/Historical Signs: Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building. Also includes signs designating the building as a historical structure.
 - I. Flags: Flags bearing the design of a nation, state, municipality, educational institution, or noncommercial organization.

- J. Point-of-Sale Signs: Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, cost of product, and the methods of payment.
- K. Noncommercial Designation Signs: Signs not exceeding two (2) square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, and door openings.
- L. Affiliation Signs: Business signs not exceeding one (1) square foot containing information on credit cards and business affiliations.
- M. Yard/Garage Sale: Temporary, non-illuminated signs advertising yard, rummage, garage, basement, porch, or deck sales and other such signs shall not exceed six (6) square feet in size, shall be permitted forty-eight (48) hours prior to the event and shall be removed after a period of forty-eight (48) hours.
- N. Temporary Sign (except portable message boards as regulated by **Section 3.19.5**.)

7. Removal of Signs in Violation of this Ordinance:

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this Ordinance. An abandoned sign shall not include a sign located on a lot on which the principal use structure is for sale. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.

8. Sign Diagrams

<p>Ground Mounted Sign (Freestanding)</p> 	<p>Ground Mounted Sign (Monument)</p> 	<p>Awning Sign</p> 
<p>Projecting Sign</p> 	<p>Message Board</p> 	<p>Off-Premise Sign</p> 
<p>Wall Sign</p> 	<p>Cluster Sign</p> 	<p>Portable Message Board</p> 

Section 3.20 Shared Driveways and Private Roads

1. Shared Driveways that provide access to not more than four (4) parcels shall meet the following standards: Access to the principle structure(s) shall require a driveway which has fifteen feet (15') horizontal and fourteen feet (14') vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (This section does not cover or require snow removal). A vehicle turn around area shall be provided within one hundred feet (100') of the principle structure(s) capable of handling forty (40') foot vehicles (Minimum T-type turn around 20' x 45') for police, fire, and ambulance, and be connected to a private or public road. County or Township cannot be held responsible for non-maintenance of access.

2. Non-conforming private roads: In the case of private roads built prior to this Ordinance, such roads may be used but the use may not be increased without coming into compliance. No Land Use Permit shall be issued for additional development utilizing a nonconforming private road until the existing private road is in compliance with the standards of this section. In cases where the non-conforming road can not comply with the standards of this Ordinance, the Planning Commission shall have the authority to waive particular standards of this section, where the following findings are documented along with the rationale for the decision:
 - A. No good public purpose will be achieved by requiring strict conformance with the particular standards sought to be waived by the applicant.
 - B. No nuisance will be created.

3. Private roads, providing access to five (5) or more parcels, are permitted provided they conform to the Private road requirements of this Ordinance and the standards required by the Board of Road Commissioners of Alcona County for a road other than a subdivision street for acceptance as a county road. No nonconforming private road shall be constructed, extended, or relocated after the effective date of this Ordinance, except in compliance of this Ordinance.
 - A. Application, review and approval of a proposed private road shall follow the same procedures as uses subject to special use permit.
 - B. The proposed private road shall meet the following standards:
 - 1) All private roads shall meet Alcona County Road Commission design standards required by the Board of Road Commissioners of Alcona County for a road other than a subdivision street for acceptance as a county road and be constructed to those standards prior to acceptance by the Road Commission.
 - 2) No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve or within twenty (20) feet of the right-of-way of a street.

- 3) No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two or more points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels are served, the road shall be a paved road built to County Road Commission standards.
- 4) A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.
- 5) Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
- 6) The minimum outside radius for cul-de-sacs roadway is eighty (80) feet. No interior islands are permitted in the center of the cul-de-sac.
- 7) Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.
- 8) Construction authorization from the Alcona County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunk line.
- 9) When applicable, a permit is also required from the County of Alcona under Part 91 of the Natural Resources and Environmental Protection Act.
- 10) Intersections of private roads with public roads shall be at an angle, as close to ninety (90°) degrees as possible, but in no case shall it be less than eighty (80°) degrees or more than one hundred (100°) degrees.
- 11) Private roads shall have compacted gravel or paved width in accordance with Alcona County Road Commission standards.
- 12) Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the Alcona County Drain Commissioner and the Alcona County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.

C. Road Construction Approval Procedures: No private road shall be constructed, extended, improved or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

- 1) Application for approval of a private road shall include ten (10) copies of a site plan sealed by a professional engineer showing:
 - a) Existing and proposed lot lines.
 - b) The location of existing and proposed structures.
 - c) The width and location of the private road easement.
 - d) A cross-section of the proposed road, showing the type of material the road base and surface will consist.

- e) Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric and cable service.
 - f) Proposed locations of driveways off the private road.
 - g) Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.
 - h) All divisions of land shall be in compliance with the Mitchell Township Land Division Ordinance.
- 2) All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.
 - 3) Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Mitchell Township Clerk and the Alcona County Register of Deeds providing for:
 - a) A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - b) A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - c) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five (25%) percent of the total costs.
 - d) No public funds of Mitchell Township will be used to build, repair or maintain the private road.
 - 4) Road easement agreement signed by the proprietor(s) shall be recorded with the Mitchell Township Clerk and the Alcona County Register of Deeds providing for:
 - a) Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.
 - b) A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.

D. Application Review and Approval or Denial

- 1) The Zoning Administrator shall send the private road plans to the Township's Consulting Engineer, to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state trunk line for review and comment. The proposed road maintenance agreement and road easement agreement

- and covenants running with the land shall be sent to the Township Attorney for review and comment.
- 2) County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, Township Consulting Engineer and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.
 - 3) If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.
 - 4) The Zoning Administrator shall arrange for inspections by the Township Consulting Engineer during construction or, and upon completion of the private road.
- E. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.
- F. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.
- G. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of six (6) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with 911 emergency services to avoid a duplication of names.
- H. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.
- I. This notice is to make a purchaser aware that this parcel of land has ingress and egress over this easement only.
- J. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.
- K. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

- L. Fees: Before final approval, an application fee established by the Township Board and the cost for the Township Consulting Engineer and Attorney to review the plans and inspect the construction shall be paid by the proprietor(s).
- M. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

Section 3.21 Pets and Livestock

- 1. Domestic household pets, including dogs, cats, birds and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a Land Use Permit, but subject to state and county canine licensing requirements. The keeping of six (6) or more dogs, other than dogs under six months of age born to a female dog under the care, custody, or control of resident of the property, will be considered a kennel and requires a Land Use Permit as such.
- 2. The raising and keeping of livestock is prohibited on any platted properties and properties less than five (5) acres in size in the VMU, and R-R Districts.
- 3. The raising and keeping of livestock is allowed in the RuR, AG and FR Districts. In addition:
 - A. Adequate space shall be provided for the clean and healthful keeping of such animals.
 - B. Such animals shall be kept so as not to present a danger to the property of others or to humans.
 - C. Such animals shall be fenced from public roads.
 - D. Such animals shall be kept so that manure storage piles shall not be offensive to nearby properties.
 - E. Such animals shall be kept in compliance with the Generally Accepted Agricultural Management Practices (GAAMP).

Section 3.22 Land Use Permits in Relation to Building Permits

Prior to the issuance of any building permit in the County, it shall be necessary for any applicant to first apply for and obtain a Land Use Permit from the Zoning Administrator in accordance with the provisions of this Zoning Ordinance. All buildings, new, renovation for commercial, residential, agriculture, and accessory buildings must obtain a building permit prior to starting construction. All new buildings must comply with this Zoning Ordinance.

Article 4: Zoning Districts and Map

Section 4.01 Classification of Zoning Districts

For the purpose of this Ordinance, the Township of Mitchell is hereby divided into the following Zoning Districts:

RC	Resource Conservation
FR	Forest Recreation District
AG	Agricultural
R-R	Resort - Residential District
RuR	Rural Residential District
MHD	Manufactured Housing Development
VMU	Village Mixed Use
CB	Commercial & Business District
LI	Light Industrial District
WO	Waterfront Overlay

Section 4.02 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Mitchell Township Zoning Map, Alcona County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

Section 4.03 Boundaries of Districts

The boundaries of these districts are hereby established as shown on the "Mitchell Township Zoning Map, Alcona County, Michigan", unless otherwise specified the boundary lines of the Zoning Districts shall be interpreted as follows:

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

3. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
4. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

Section 4.04 Zoning of Vacated Areas

Whenever any street, alley or other public way, within Mitchell Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used as is permitted under Ordinance for such adjoining lands.

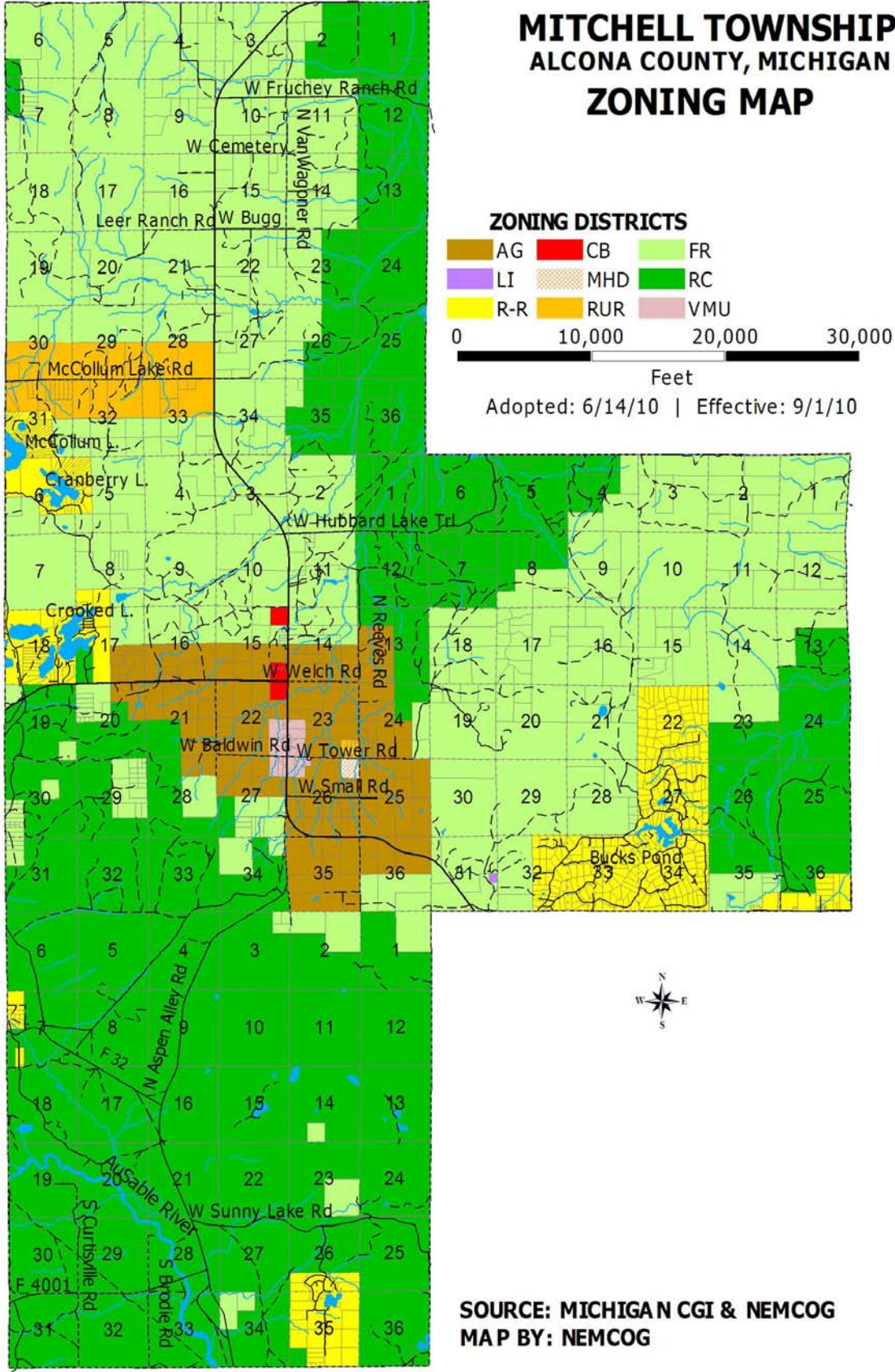
Section 4.05 Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, 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 property 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, if necessary.

Section 4.06 Zoning District Changes

When district boundaries or regulations change, any lawful nonconforming use or lawful nonconforming building or structure may continue subject to all other applicable provisions of this Ordinance.

MITCHELL TOWNSHIP ALCONA COUNTY, MICHIGAN ZONING MAP



Article 5: District Regulations

Section 5.01 Resource Conservation (RC)

The following provisions shall apply to the Resource Conservation District (RC)

Section 5.01.1 Intent

Mitchell Township recognizes extensive areas of forests and wetlands contribute significantly to the quality of life and the rural up-north character. The Resource Conservation District (RC) is designed to provide for the conservation and preservation of large tracts of forested land for recreation, wildlife and timber management. Common attributes include: limited access dominated by gravel and unimproved seasonal roads; forested and non-forested wetlands; hunting camps; and small headwater creeks. In addition, the RC District includes lands under U.S. forest Service and Michigan Department of Natural Resources ownership. Cabins, seasonal homes, and single-family homes on large lots will be provided for at low densities.

Section 5.01.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Forest and wildlife management
2. Public and private conservation areas
3. Hunting camps
4. Hunting, fishing, camping and other unorganized recreational activities
5. Seasonal cabins, subject to building permits
6. Single-family detached dwellings
7. Accessory uses and facilities incidental to the permitted uses
8. State licensed foster care facilities housing six (6) or less persons
9. Home Occupations
10. On-site, personal-use radio, telecommunication and television towers
11. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.01.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Use Permit*** and the applicable portions of ***Article 8: Supplemental Regulations***.

1. Open Space Residential Development
2. Public and private recreation areas and facilities
3. Campgrounds
4. Cottage Industry
5. Portable sawmills

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6. Sand and gravel extraction
7. Wind Energy Conversion Units/ Wind Turbines Generators
8. Commercial radio and television towers, telecommunication antenna and facilities
9. Game Preserves where hunting is permitted
10. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.01.4 Dimensional Regulations

Structures and Uses in the Resource Conservation District are subject to the area, height, bulk, and placement requirements in ***Section 5.12 Schedule of Regulations***

Section 5.02 Forest Recreation (FR)

The following provisions shall apply to the Forest Recreation District (FR)

Section 5.02.1 Intent

Mitchell Township recognizes the presence of forestlands and open spaces contribute to the scenic and rural character valued by residents and visitors. The Forest Recreation (FR) District is designed to promote the use of wooded and rural areas for forest and wildlife management while accommodating low density residential development and hunting camps. The intent of the District is to retain private forestlands which support resource management and outdoor recreational activities.

Section 5.02.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family detached dwellings
2. Public and private recreation areas
3. Hunting camps
4. Hunting, fishing, camping and other unorganized recreational activities
5. Seasonal cabins, subject to building permits
6. Forest preserves, game refuges and similar uses
7. Raising and growing plants, trees, shrubs, and nursery stock
8. Forest and wildlife management
9. Home occupations
10. Agricultural and farm uses and that any structure or use involving domestic or farm animals meets the standards of this ordinance.
11. Accessory uses and facilities incidental to the permitted uses
12. Family child care home
13. State licensed residential foster care facilities housing six (6) or less
14. Roadside stands and farm markets, providing adequate off-street parking is available and no hazardous traffic conditions result from such use
15. On-site, personal-use radio, telecommunication and television towers
16. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.02.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Use Permit*** and the applicable portions of ***Article 8: Supplemental Regulations***.

1. Accessory dwellings
2. Planned Unit Development (PUD)

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3. Open Space Residential Developments
4. Game preserves where hunting is permitted
5. Bed & breakfast establishments
6. Campgrounds and RV Parks
7. Public or private golf courses
8. Public and semi-public buildings
9. Municipal buildings
10. Places of worship
11. Cemeteries
12. Private clubs and lodges
13. Cottage industry
14. Retail sales of trees, shrubs, and nursery stock
15. Commercial Kennels
16. Commercial stables and riding arenas
17. Portable sawmills
18. Sand and gravel extraction
19. Landing strip
20. Commercial radio and television towers, telecommunication antenna and facilities
21. Wind Energy Conversion Units/ Wind Turbines Generators
22. Group State licensed residential foster care facilities housing
23. Group Child Care Home
24. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.02.4 Dimensional Regulations

Structures and Uses in the Forest Recreation District are subject to the area, height, bulk, and placement requirements in ***Section 5.12 Schedule of Regulations***

Section 5.03 Agricultural (AG)

The following provisions shall apply to the Agricultural District (A)

Section 5.03.1 Intent

The Agricultural District is designed to conserve large tracts of productive agricultural land for active farming use. The district is intended to include agricultural accessory uses, one-family dwelling units and other open space or low-density recreational uses consistent with an agricultural setting.

Section 5.03.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single family detached dwellings
2. Farm dwellings (one and/or two family)
3. Commercial farms and other agricultural activities related to farming
4. Hobby farm
5. "U-pick" agricultural operations
6. Livestock and domestic animal husbandry
7. Crop production and pasture use
8. Agricultural outbuildings and accessory structures, including but not limited to barns, machinery sheds, silos, animal pens and stables
9. Roadside stands and farm markets, providing adequate off-street parking is available and no hazardous traffic conditions result from such use
10. Raising and growing plants, trees, shrubs, and nursery stock
11. Public and private conservation areas such as forest reserves and game refuges, hunting and/or fishing camps and lodges
12. Parks, outdoor recreation
13. Hunting, fishing and trapping
14. Forestry, tree farming and tree harvesting
15. Home occupations
16. Non-commercial storage structure for household articles, recreational equipment or non-commercial vehicles.
17. Family child care home
18. State licensed residential foster care facilities housing six (6) or less
19. On-site, personal-use radio, telecommunication and television towers
20. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.03.3 Uses Subject to Special Use Permit

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Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 7.02 Uses Subject to Special Use Permit** and the applicable portions of **Article 8: Supplemental Site Development Standards**.

1. Agricultural products and processing operations
2. Retail sales of trees, shrubs, and nursery stock
3. Bulk seed, feed, fertilizer and nursery stock outlets and distribution centers
4. Forest products processing
5. Open Space Residential Developments
6. Bed & breakfast establishments
7. Planned Unit Development (PUD)
8. Campgrounds and RV parks
9. Public or private golf courses
10. Municipal buildings and uses
11. Public and semi-public buildings
12. Place of Worship
13. Schools - public or private
14. Cemeteries and pet cemeteries
15. Cottage Industry
16. Commercial kennels and veterinary clinics
17. Commercial equine boarding, riding stables and riding arenas (on a minimum of 10 acres)
18. Airport, landing fields and facilities
19. Commercial radio and television towers, telecommunication antenna and facilities
20. Wind Energy Conversion Units/ Wind Turbines Generators
21. Nursing homes and similar care facilities
22. Group State licensed residential foster care facilities housing
23. Group Day Care Child Home
24. Game preserve where hunting is permitted
25. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.03.4 Dimensional Regulations

Structures and Uses in the Farm Forest District are subject to the area, height, bulk, and placement requirements in **Section 5.12 Schedule of Regulations**.

Section 5.04 Resort Residential District (RR)

The following provisions shall apply to the Resort Residential District (RR)

Section 5.04.1 Intent

The Resort Residential District (RR) is designed to accommodate year round and seasonal single family residential development concentrated around the community's small lakes. The intent is to preserve the quiet resort character and integrity of natural resources, in particular the water quality. Waterfront setbacks, greenbelts and cluster development will be applied. Older platted subdivisions have small lots and therefore require special considerations and attention related to dwelling size, and siting of water wells and septic systems.

Section 5.04.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family dwellings
2. Parks and open space
3. Accessory uses and facilities incidental to the permitted uses
4. Family child care home
5. Home occupations
6. State licensed residential foster care facilities housing six (6) or less

Section 5.04.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Use Permit*** and the applicable portions of ***Article 8: Supplemental Regulations***.

1. Accessory dwellings
2. Non-commercial recreational facilities, indoor and outdoor
3. Bed and breakfast establishments
4. Public and private marinas
5. Group State licensed residential foster care facilities housing
6. Group Child Care Home
7. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.04.4 Dimensional Regulations

Structures and Uses in the Resort Residential District are subject to the area, height, bulk, and placement requirements in ***Section 5.12 Schedule of Regulations***

Section 5.05 Rural Residential District (RR)

The following provisions shall apply to the Low Density Residential District (LDR)

Section 5.05.1 Intent

The Rural Residential District is designed to provide one-family and two-family home sites in areas more rural in character. The permitted uses are intended to provide for residential and related compatible uses with the intent to keep rural areas relatively quiet and free from detrimental influences. The provisions of this section also recognize with the gradual extension of other property uses into the district, such as those provided for under the "Uses Subject to Special Use Permit", there is a need for careful consideration based on sound standards as provided for through the Special Use Permit process.

Section 5.05.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family dwellings
2. Two-family dwellings
3. Home occupations
4. Accessory uses and facilities incidental to the permitted uses
5. Hunting, fishing, camping and other unorganized recreational activities
6. Forest and wildlife management
7. Family child care home
8. State licensed residential foster care facilities housing six (6) or less
9. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.05.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Use Permit*** and the applicable portions of ***Article 8: Supplemental Regulations***.

1. Accessory dwellings
2. Public buildings and uses
3. Public utility facilities without storage yards
4. Public and private recreational facilities
5. School licensed or chartered by the State of Michigan
6. Places of worship
7. Public libraries
8. Public and private golf courses
9. Private clubs, lodges, and hunting camps
10. Child daycare facilities

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11. Bed & breakfast establishments
12. Open Space Residential Developments
13. Planned Unit Development (PUD)
14. Manufactured Housing Developments
15. Cottage Industries
16. Cemeteries
17. Agricultural and farm uses, providing that the parcel size is five (5) acres or more, and that any structure or use involving domestic or farm animals meets the standards of this ordinance
18. Group State licensed residential foster care facilities housing
19. Group Child Care Home
20. Nursing homes and similar care facilities
21. On-Site Wind Energy Conversion Units/ Wind Turbines Generators
22. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.05.4 Dimensional Regulations

Structures and Uses in the Low Density Residential District are subject to the area, height, bulk, and placement requirements in ***Section 5.12 Schedule of Regulations***

Section 5.06 Manufactured Housing Development (MHD)

The following provisions shall apply to the Manufactured Housing Development (MHD)

Section 5.06.1 - Intent

The Mobile Home Park District is intended to provide sites for mobile homes and manufactured housing units at appropriate locations in relationship to the existing and potential development of surroundings while establishing an attractive residential environment.

The regulations established by state law and the Manufactured Housing Commission rules govern all mobile home parks.

Section 5.06.2 - Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Manufactured Housing Development
2. Single family detached dwellings
3. Parks and open space
4. Accessory uses and facilities incidental to the permitted uses
5. Family child care home
6. Home occupations
7. State licensed residential foster care facilities housing six (6) or less
8. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.06.3 - Uses Subject to Special Approval

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Use Permit*** and the applicable portions of ***Article 8: Supplemental Regulations***.

1. Accessory dwellings
2. Non-commercial recreational facilities, indoor and outdoor
3. Bed and breakfast establishments
4. Group State licensed residential foster care facilities housing
5. Group Child Care Home
6. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.06.4 - Dimensional Regulations

Structures and uses in the Mobile Home District are subject to the area, height, bulk and placement requirements in ***Section 5.12 Schedule of Regulations***.

Section 5.07 Village Mixed Use (VMU)

The following provisions shall apply to the Village Mixed Use (VMU)

Section 5.07.1 Intent

The Mitchell Township recognizes the importance of Curran as a community center, and the need to sustain and expand upon historic development patterns. The intent of Village Mixed Use (VMU) District is to provide a setting for a variety of residential housing along with compatible retail, services, offices, public buildings and neighborhood parks. Given a mix of residential and commercial uses, buffers will be employed. The village center concept emphasizes walkable-pedestrian friendly development, but given the district is centered on M-65, access management and safety are paramount.

Section 5.07.2 - Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family detached dwellings
2. Two-family dwellings
3. Home occupations
4. Family child care home
5. State licensed residential foster care facilities housing six (6) or less
6. Retail businesses without outside sales lots or storage
7. Business and personal service facilities
8. Office buildings and uses
9. Banks and financial Institutions
10. Professional and personal services
11. Medical clinics, doctor offices and dentist offices
12. Restaurant without drive through and drinking establishments
13. Bakeries (goods produced and sold on-site)
14. Public parks and recreational facilities
15. Municipal buildings and uses
16. Schools, libraries, museums and similar institutions
17. Civic, social, and fraternal organization facilities
18. Places of worship
19. Accessory uses and facilities incidental to the permitted uses
20. Roadside stands and farm markets, providing adequate off-street parking is available and no hazardous traffic conditions result from such use
21. Hunting, fishing, camping and other unorganized recreational activities

Section 5.07.3 - Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and

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shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Approval*** and the applicable portions of ***Article 8: Supplemental Site Development Standards***.

1. Accessory dwellings
2. Multi-family residential, apartments, townhouses, condominiums
3. Single-family residential above commercial/office uses
4. Private recreational facilities
5. Private clubs
6. Bed & breakfast establishments
7. Open Space Residential Developments
8. Public utility facilities without storage yards
9. Child daycare facilities
10. Adult daycare facilities
11. Bed & breakfast facilities
12. Hotel/motel
13. Funeral home/Mortuary
14. Laundry and dry cleaning facilities
15. Restaurant with drive through
16. Gasoline service station
17. Laundry and dry cleaning facilities
18. Telecommunications antenna and facilities
19. Small On-Site Wind Energy Conversion Units/ Wind Turbines Generators
20. Planned Unit Development (PUD)
21. Public or private colleges, universities, and other institutions of higher education
22. Construction trades offices and showrooms
23. Retail with outside sales
24. Group State licensed residential foster care facilities housing
25. Group Child Care Home
26. Nursing homes and similar care facilities
27. Veterinary Clinic
28. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.07.4 - Dimensional Regulations

Structures and uses in the Neighborhood Business District are subject to the area, height, bulk and placement requirements in ***Section 5.12 Schedule of Regulations***.

Section 5.08 Commercial & Business District (CB)

The following provisions shall apply to the Commercial & Business District (CB)

Section 5.08.1 Intent

The Commercial & Business District is designed to provide for a general commercial district containing uses which include services and retail sale or combination retail/wholesale of commodities catering to the entire community and the needs of highway traffic. Given the development is centered on highways and is transportation dependent, access management, safety, congestion, landscaping, and signage are prime considerations for the district.

Section 5.08.2 Permitted Uses

Except as otherwise provided by this Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Retail business without outside sales or storage
2. Wholesale business without outside sales or storage
3. Professional and personal services
4. Banks and financial Institutions
5. Office buildings and uses
6. Business and personal service facilities
7. Medical clinics, doctor offices and dentist offices
8. Restaurant without drive through and drinking establishments
9. Bakeries (goods produced and sold on-site)
10. Hotel and motel
11. Veterinary Clinics
12. Municipal buildings and uses
13. Places of worship
14. Libraries, museums and similar institutions
15. Public utility facilities without storage yards
16. Public playgrounds and recreational facilities
17. Civic, social, and fraternal organization facilities
18. Private clubs
19. Accessory uses and facilities incidental to the permitted uses
20. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.08.3 Uses Subject to Special Use Permit

Special use permit use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Use Permit*** and the applicable portions of ***Article 8: Supplemental Regulations***.

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1. Restaurant with drive through
2. Gasoline service station
3. Car wash
4. Vehicle repair garage
5. Laundry and dry cleaning facilities
6. Funeral home/mortuary
7. Recreation and sports buildings (including athletic club)
8. Mini Rental Storage Units
9. Private parks or recreational facilities (including athletic club)
10. Planned Unit Development (PUD)
11. Retail business with outside sales or storage
12. Outdoor amusement facilities (e.g. miniature golf)
13. Farm equipment sales, service, and repair
14. Home improvement centers
15. Vehicle, boat, or recreational vehicle sales facility
16. Contractor facilities
17. Construction trades offices and showrooms
18. Wholesale uses
19. Outdoor sales facility
20. Storage uses
21. Theater or assembly halls
22. Laundry and dry cleaning facilities
23. Commercial radio and television towers
24. Telecommunications antenna and facilities
25. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.08.4 Dimensional Regulations

Structures and Uses in the Commercial & Business District are subject to the area, height, bulk, and placement requirements in ***Section 5.12 Schedule of Regulations***

Section 5.09 – Light Industrial (LI)

The following provisions shall apply to the Light Industrial District (LI)

Section 5.09.1 - Intent

The “LI” Light Industrial District is designed to primarily accommodate heavy commercial and light industry, wholesale activities, warehouses and other industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The Light Industrial District is so structured as to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. Since this area is not anticipated to be served by public water or sewer systems in the foreseeable future, development standards will consider groundwater protection.

Section 5.09.2 - Permitted Uses

Except as otherwise provided by this ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses:

1. Contractor facilities
2. Food processing and packaging
3. Light manufacturing facilities
4. Trucking facilities and terminals
5. Warehouse, warehouse sales and distribution, mini-warehousing
6. Building material and supply establishments.
7. Truck and heavy equipment sales and service establishments
8. Commercial garages
9. Public service and utility facilities with outdoor storage
10. Storage or transfer warehouses
11. Wholesale trade stores
12. Wholesale/retail uses
13. Home improvement centers
14. Accessory uses and facilities incidental to the permitted uses
15. Small On-Site Wind Energy Systems 100 feet or less in height

Section 5.09.3 - Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of ***Section 7.02 Uses Subject to Special Approval*** and the applicable portions of ***Article 8: Supplemental Regulations***.

1. Planned Industrial Parks
2. Planned Unit Developments (PUD)

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3. Regional Shopping Centers
4. Dry bulk blending plants
5. Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.
6. Vehicle repair garage
7. Sawmills Forest Products Processing Facility
8. Storage uses
9. Bulk storage
10. Vehicle boat or recreational vehicle sales facility
11. Storage facilities for building materials - indoor and outdoor
12. Commercial freestanding towers
13. Commercial radio or television towers
14. Sexually Oriented Businesses
15. Junkyards and salvage yards
16. Waste collection service providers
17. Recycling facilities and transfer stations
18. Airports and landing fields
19. Telecommunication antenna and facilities
20. Small On-Site Wind Energy Systems greater than 100 feet in height

Section 5.09.4 - Dimensional Regulations

Structures and uses in the Light Industrial District are subject to the area, height, bulk and placement requirements in ***Section 5.12 Schedule of Regulations.***

Section 5.10 – Waterfront Overlay District, WO

Section 5.10.1- Description and Purpose

The purpose of this district is to provide for the preservation and enhancement of surface water through regulation of uses and activities of land within one hundred (100) feet of creeks, streams and lakes, **except the Au Sable River**, as defined by all water features depicted on the USGS 1:24,000 scale topographic map and depicted on the official Mitchell Township Zoning Map. The provisions of the shoreline protection overlay zone are intended to protect the unique and sensitive natural environment of the shore areas adjacent to inland lakes, streams and creeks in Mitchell Township.

Its purpose is based on the recognition that: 1) The economic and environmental well being and health, safety, and general welfare of Mitchell Township is dependent on, and connected with the preservation of its shoreline areas; 2) The shoreline zone has unique physical, biological, economic, and social attributes; 3) Future land development and redevelopment should not be conducted at the expense of these attributes; 4) Property values will be enhanced when the natural features of the shoreline zone are preserved; and 5) Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters should be prevented or minimized.

Section 5.10.2 - Use Regulations

The uses allowed by the underlying zoning districts are not altered by the overlay. All allowable uses and uses subject to special approval that within the shoreline protection overlay zone shall also comply with the standards set forth in this section. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district. These requirements only apply to properties that fall within the shoreline protection overlay zone, as described in Section 5.08.1 and shown on the zoning districts map.

In the event that regulations imposed by this section conflict with regulations of an underlying zoning district, the regulations established by this section shall prevail to the extent of the conflict and no further.

Section 5.10.3 – Waterfront Setbacks

To preserve natural resources, water quality and community scenic and recreational values, a waterfront setback shall be established and maintained on all waterfront property. The setback area shall include all the land area located within fifty (50) feet of the ordinary high water mark of a lake or a stream abutting or traversing the property in question.

Average Setback Line: If there are existing principal buildings within two hundred (200) feet on each side of a proposed building location within the district, a proposed building or structure may be located the same distance from the body of water as the average distance of the principal buildings located within two hundred (200) feet, but shall be located no closer than 30 feet. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the body of water as the

average of the distance of the principal building within two hundred (200) feet and the district setback of fifty (50) feet from the surface water feature.

Historical Setback Line: A proposed building or structure may be located the same distance from a body of water as either an existing principal building that has suffered either loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) period shall run from the date of the casualty.

Section 5.10.4 – Development Standards

Within the waterfront setback of fifty (50) feet, the following development or use restrictions shall apply:

1. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on at least seventy percent (70%) of the lake or stream frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn and shall be twenty-five (25) feet wide commencing at the ordinary high water mark and measured inland twenty-five (25) feet.
2. Individual trees within the natural vegetation strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.
3. The natural vegetation strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage or for any other use not otherwise authorized by this ordinance.
4. No structures shall be allowed except for steps meeting the side yard setback for the district in which they are located.
5. No burning of brush or leaves or stockpiling of grass, leaves or compost is allowed in the natural vegetation strip.
6. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
7. The use of asphalt, concrete, wood or other similar surfaces shall be limited to walkways (4' maximum width) or stairs necessary for water access.
8. The use of pesticides, herbicides, fungicides and fertilizers is prohibited in the natural vegetation strip (per item 1 above) or within twenty-five feet of ordinary high water mark, except for the allowed limited use of herbicides for the eradication of poison ivy, poison

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sumac or poison oak. Fertilizer used in the waterfront setback (50 feet), shall be zero phosphorus fertilizer.

9. Setbacks for septic systems must meet minimum requirements set by the Health Department.
10. Slopes created by the grading of the site should generally not exceed a slope ratio of one foot (1 ft.) of vertical slope to three feet (3 ft.) of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
11. The waterfront setback and natural vegetation strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage lot.
12. Dock and yard lighting shall be discouraged. All lighting shall be shielded and directed so as to prevent light and glare on adjoining properties.
13. Streams and Creeks. Any dwelling permitted along a stream or creek shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary seasonal high water mark of the stream or creek.
14. Inland Lakes. Any dwelling permitted along an inland lake shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary high water mark of the inland lake.
15. No Zoning Permit for any construction, or authorization for any grading, lot, or subdivision in preparation, shall be granted until it is first determined that any removal of ground cover conforms to the sedimentation control rules of the Alcona County Drain Commission. Particular care shall be taken to provide protective measures to control erosion of raw earth over the winter months if not seeded and mulched by September 15th.
16. Stairs, walkways, decks, and steps on embankments having a grade exceeding 12 percent must be constructed above grade. Steps may not be embedded into the ground surface.
17. Natural drainage courses shall be protected from grading activity.
18. Natural vegetation strip shall be shown on plot plan filed with the Zoning Administrator, or on site plan.

Section 5.10.5 – Restrictions

1. The temporary use of trailers, mobile homes, campers, buses, or other recreational vehicles and tents shall not be permitted unless expressly permitted by this Ordinance for temporary purposes.

5.10.6 Standards for Establishing Private Shared Lake Access

The owner of a waterfront lot abutting streams, creeks and inland lakes may provide legal access to the lake for non-waterfront dwelling units only if all of the requirements of this section are met.

The requirements herein shall apply regardless of whether access to water features is gained by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means. All private shared surface water accesses (regardless of district) shall conform to the area and dimensional requirements of the applicable district per Section 5.12 Schedule of Regulations, and the following frontage requirements:

Number of Non-waterfront dwellings with lake access through a single parcel	Total Lake Frontage required
1	200
2	300
3	350
4	400
5	450
6+ *	*

*For each additional non-waterfront dwelling unit with legal access to surface water features, above 5 units, the required surface water frontage shall be increased by an additional 50 feet. If there is a conflict between the schedule of regulations and requirements of this section, the more restrictive regulation shall apply.

1. the Planning Commission, pursuant to Article IV, requires Site Plan approval and the following additional information shall be included in the site plan:
 - A. The specific uses permitted on the private shared lake access area, the locations of those uses, and all conditions that must be met to entitle one to such uses.
 - B. The dimensions and calculations showing compliance with all requirements of this section.
 - C. Proposed location of docks or other waterfront structures.
2. A waterfront lot providing legal access for non-waterfront dwelling units shall have lake frontage, as measured along the ordinary high water mark, in the amount specified in the table above.
3. No parking shall be permitted within the front yard setback for the private shared lake access areas.

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4. Only one boat slip, mooring, boat hoist or any other means of anchorage shall be permitted for every approved non-waterfront dwelling with lake access, and one for the waterfront lot.
5. Only one dock shall be permitted for every two hundred (200) feet of lake frontage.
6. No boat launch facilities shall be permitted on private shared access property.
7. No clubhouse shall be permitted on private shared access property.
8. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards within Section 6, and the following additional standard:
 - A. The proposed private shared lake access shall not cause injury or create a nuisance, including noise, to owners or riparian, adjacent and nearby lands.
9. The owner of the non-waterfront dwelling unit accessing surface water resources shall prepare an instrument establishing the creation of the legal access to surface water resources whether granted by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means, shall record the instrument in the Alcona County Register of Deed's office and shall file a recorded copy with the Zoning Administrator.

Section 5.11 – Mitchell Township Schedule of Regulations

Zoning District	District Name		Minimum Lot Area		Maximum Height of Structure Feet (a)	Minimum Yard Setbacks (in feet)			Minimum Dwelling Unit Floor Area	Maximum % of Lot Coverage
			Area (m)	Width (ft.)		Front (f)	Side (i)	Rear		
RC	Resource Conservation		20/40 acres	330	35 (j)(k)	50	25 (b)	50	720 ft ² . (o)	20%
FR	Forest Recreation		5 acres	200	35 (j)(k)	40	25 (b)	50	720 ft ² . (o)	20%
AG	Agricultural	Buildings	5 acres	200	35(a)(i)(j)	40	25 (b)	15	--	20%
		Residential	22,000 ft ²	100	35	40	25 (b)	15	1000 ft ² (d)	30%
R-R	Resort Residential		15,000 ft ²	75	35	40	15 (b)	15	1000 ft ² (d)	40%
RuR	Rural Residential		2 acres	200	35	40	20 (b)	35	1000 ft ² (d)	20%
MHD	Manufactured Housing Development		(m) (n)	(n)	(n)	(n)	(n)	(n)	(n)	(n)
VMU	Village Mixed Use	1 & 2 family	22,000 ft ²	100	35	40	15 (b)	15	1000 ft ² (d)	30%
		Multi-Family	2 acres (c)	200	35	40	15 (b)	15	800 ft ² (n)	35%
		Commercial	1 acre	200	35	40	50/10 (b) (q)	15	--	30%
CB	Commercial Business		1 acre	150	35 (j)(l)(m)	50	10 (e)	50	--	50%
LI	Light Industrial		2 acres	200	40 (j)(k)	50	20 (e) (g)	50	--	50%
WO	Waterfront Overlay		(g)	(g)	(g)	50 (h)	(g)	(g)	(g)	(g)

- (a) Maximum of thirty-five (35) feet or 2 ½ stories, whichever is less, for all dwellings and a maximum of twenty-five (25) feet for all accessory buildings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and non-commercial wind turbine generators or windmills used for pumping livestock water which shall not exceed 100 feet in height.
- (b) Where a side yard abuts a road right-of-way line, the minimum shall be equal to the front yard setback
- (c) Two (2) acres for first four (4) Units, plus 2,500 sf for each additional unit. Overall net density shall not exceed five (5) units per acre
- (d) The minimum floor area of a one (1) story dwelling shall be 1,000 square feet, and a two (2) story dwelling shall have a minimum first floor area of 700 square feet with a minimum total of 1,000 square feet for both stories.
- (e) Side yards shall be increased in Commercial Business (CB) or Industrial (I) districts, where adjacent to any residential district. In such cases the adjacent district side yard setback shall be 25 feet.
- (f) Measured from the road right-of-way, except for waterfront parcels where the front yard is defined as the waterfront side and the front yard setback is measured from the ordinary high-water mark.
- (g) Standards of underlying district apply
- (h) Properties located on lakes and streams, the front yard is defined as the waterfront. Considered waterfront setback shall be in accordance with Section 5.08.3
- (i) Height restrictions do not apply to radio and television towers, telecommunication antennae and related facilities
- (j) Height restrictions do not apply to Commercial Wind Turbine Generators and anemometer towers
- (k) Front yard setbacks shall be reduced by Zoning Administrator approval to fifteen (15) feet for parking lots, with required screening except for properties located in the WO District
- (l) Side yard setbacks shall be waived with Zoning Administrator approval in situations where shared parking crosses the property boundary of two lots
- (m) Mobile Home Parks shall be located on minimum 15 acre parcels

- (n) Manufactured Housing Communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, 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.
- (o) The minimum floor area of a one (1) story dwelling shall be 720 square feet, and a two (2) story dwelling shall have a minimum first floor area of 500 square feet with a minimum total of 720 square feet for both stories.
- (p) Minimum floor area per dwelling unit.
- (q) All proposed commercial buildings shall not be located less than fifty (50) feet from an existing residential primary dwelling. Proposed commercial abutting an existing commercial use may reduce the side yard setback to ten (10) feet.

ARTICLE 6: SITE PLAN REVIEW

Section 6.01 Purpose

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 6.02 Plot Plan

The Zoning Administrator shall require that all applications for Land Use Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. The scale and north arrow.
3. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
4. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
5. Location of required setbacks of the zoning district.
6. The location and configuration of the lot access and driveway, drawn to scale.
7. Location of existing or proposed septic system and water well.
8. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
9. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
10. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 25%, drainage and other similar features, if determined by the Zoning Administrator

to be applicable.

11. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 6.03 Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
 - A. All new uses and/or structures except single-family and two-family residential units and except associated accessory structures to single-family and two-family residential units.
 - B. Residential dwellings 3,000 sq. ft. or larger.
 - C. Expansion or renovation of an existing use, other than single-family and two-family residential use, which increases the existing floor space more than twenty- five (25%) percent.
 - D. Changes of use for an existing structure or lot, except for circumstances listed in **Section 7.03**.
 - E. Any special use permit.
 - F. Any use requiring off-street parking, as stated in the off-street parking schedule of this Ordinance.
 - G. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than ten (10) acres created under the Land Division Act, on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either (a) more than two (2) residential units or (b) any other use requiring a site plan under this Ordinance.
 - H. Other uses as required by this Ordinance.
2. Pre-application Conference: The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, and other Ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments (**Section 8.21**), this conference shall not be mandatory, but is recommended for small and large projects alike. For large projects a pre-

application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
 - A. The name and address of the property owner.
 - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
 - C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
 - D. Wet Sealed Drawings.
 - E. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
 - F. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
 - G. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
 - H. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
 - I. The existing Zoning District in which the site is located and the zoning of adjacent parcels.
 - J. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
 - K. The location, size and slope of all surface and subsurface drainage facilities.

- L. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- M. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10%) percent or greater, contours shall be shown at height intervals of two (2) feet or less.
- N. Generalized soil analysis data, which may include data prepared by the Natural Resource Conservation Service regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- O. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

4. Application Submittal Procedures:

- A. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the

Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - 1) The Alcona County Soil Erosion and Sedimentation Control Officer
 - 2) The Alcona County Drain Commissioner
 - 3) The Alcona County Road Commission and, if appropriate, the Michigan Department of Transportation
 - 4) District Health Department
 - 5) Local fire and ambulance service providers
- C. Application fees as determined pursuant to **Section 9.07** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two (2) consecutive meetings due to lack of representation.

5. Standards for Granting Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications

which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- 4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
- 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- 7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- 8) Exterior lighting shall be arranged as required by **Section 3.18 Outdoor Lighting**.
- 9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
- 10) All streets shall be developed in accordance with the **Section 3.22 Driveways and Private Roads**, or if a public road, the County Road Commission specifications.
- 11) All site plans shall comply with the terms of the NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (P.A. 451 of 1994, Part 91, Soil Erosion and Sedimentation Control) It shall be the applicant's responsibility to provide documentation of compliance of these laws.
- 12) Site plans shall conform to all applicable requirements of state and federal statutes, applicable county regulations and the Mitchell Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual Land Use Permit authorizing the special land use is granted.

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Alcona County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.

6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated copy of site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

7. Conformity to Approved Site Plan Required: Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
8. Amendment of Approved Site Plan:
Amendment of an approved site plan shall be permitted only under the following circumstances:
- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1) Reduction of the size of any building and/or sign.
 - 2) Movement of buildings and/or signs by no more the ten (10) feet.
 - 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - B. Changes related to item 1) through 5) above, required or requested by Mitchell Township, Alcona County, or other state of federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - C. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
 - D. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under Subsection (8.A) above shall be processed in the same manner as the original site plan application.

9. Expiration of Site Plan:

- A. The site plan approval shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one (1) year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one (1) year, if it finds good cause for the extension and that the zoning

regulations governing the site plan approval have not changed since the approval.

- B. Any subsequent re-submittal shall be processed as a new request with new fees.
10. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.03** of this Ordinance.
 11. Performance Guarantee Required: The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 9.08** of this Ordinance.
 12. As-Built Site Plan: Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as built" site plan, certified by the engineer or surveyor, at least two (2) weeks prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the "as built" plans among the appropriate persons for review to insure conformity with the approved final site plan and other Mitchell Township requirements. Once those persons have approved the "as built" plans the Zoning Administrator may make the final inspection.

ARTICLE 7: USES SUBJECT TO SPECIAL USE PERMIT

Section 7.01 Purpose

It is the purpose of this Article to specify the procedure and requirements for the review of special uses, as specified in this Ordinance. Uses classified as special uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Section 7.02 Uses Subject to Special Use Permit

Uses requiring special use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the Zoning District where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

1. Application

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of **Section 6.03 – Site Plan Review (All Districts) - Site Plan Data Required.**
- B. Name and address of applicant and owner of the premises.
- C. Anticipated description of proposed use, including parking facilities, if required, and any exceptional traffic situations.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.
- F. A detailed written statement, with supporting evidence, demonstrating how the proposed special use will comply with the applicable general provisions, supplemental site development standards, and the standards for special use permit of this Ordinance.

2. Zoning Administrator's Review

- A. The Zoning Administrator shall review the application and information submitted under **Section 7.02.1** above to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the

deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.

- B. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

3. Notice Requirements for Planning Commission Public Hearings

The notices for all public hearings before the Planning Commission concerning requests for special use permits and planned unit developments shall comply with all of the following:

- A. The content of the notice shall include all of the following information:
 - 1) A description of the nature of the proposed special use or planned unit development request.
 - 2) A description of the property on which the proposed special use or planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, 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 using tax parcel identification numbers or including a map showing the location of the property.
 - 3) The time, date, and place the proposed special use or planned unit development request will be considered.
 - 4) The address where and the deadline when written comments will be received concerning the proposed special use or planned unit development request.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing.
- D. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use or planned unit development will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- E. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission

may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

4. Standards for Granting Special Use Permit

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

A. Allowed Special Use

The property subject to the application is located in a Zoning District in which the proposed special use is allowed.

B. Compatibility with Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
- 3) The proposed special use shall specify hours of operations, to ensure compatibility with the surrounding land uses.

C. Public Services

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

D. Economic Well-Being of the Community

The proposed special use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment

The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

F. Compliance with Specific Standards

The proposed special use complies with all applicable specific standards required under this Ordinance.

5. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.

6. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.08** of this Ordinance.

7. Amendment of Approved Special Use Permits

Amendment of an approved special use permit shall be permitted only under the following circumstances:

- A. The owner of property for which a special use permit has been approved shall notify the Zoning Administrator of any desired change to the approved special use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1) Reduction of the size of any building and/or sign.
 - 2) Movement of building and/or signs by no more than ten (10) feet.
 - 3) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
 - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5) Internal re-arrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
 - 6) Changes related to item 1) through 5) above, required or requested by Mitchell Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special use, nor any specified conditions imposed as part of the original approval.
 - 7) All amendments to a special use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

- B. An amendment to an approved special use permit that cannot be processed by the Zoning Administrator under subsection 7.A above shall be processed in the same manner as the original special use application.

8. Expiration of Special Use Permit

- A. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning

Commission for an extension prior to the expiration of the special use permit. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the special use permit approval have not changed since the approval.

- B. If the special use permit expires pursuant to subsection 8.A above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

9. Reapplication

No application for a special use permit which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, unless a rehearing is granted pursuant to **Section 9.06** of this Ordinance.

10. Jurisdiction of the Zoning Board of Appeals

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the granting of special use permits.

11. Inspection

The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

Article 8: Supplemental Regulations

Supplemental Regulations - Introduction

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 8.01 Access Management

1. The Alcona County Road Commission (ACRC) and Michigan Department of Transportation (MDOT) have jurisdiction within highway rights-of-way, while Mitchell Township has authority for land use and site plan decisions on individual parcels along highways. The following standards create a collaborative process between MDOT, Alcona County Road Commission, and Mitchell Township on access decisions along M-65 & M-72 and designated districts along county roads to implement access management standards.

The purposes of these standards are to:

- A. Preserve the capacity of M-65 & M-72 by limiting and controlling the number, location and design of access points and by requiring alternate means of access through shared driveways, service drives, and access off cross streets in certain locations.
- B. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- C. Improve safety and reduce the potential for crashes.
- D. Avoid the proliferation of unnecessary driveways and to eliminate or reconfigure existing access points that do not conform to the standards herein when the opportunities arise.
- E. Require coordinated access among adjacent lands where possible.
- F. Address situations where existing development within the corridor area does not conform to the standards of this overlay district.
- G. Provide for information submittal and review procedures required for parcels that front along M-65 & M-72 and designated segments of county roads.
- H. Avoid the need for unnecessary and costly reconstruction which disrupts business operations and traffic flow.
- I. Ensure efficient access by emergency vehicles.

- J. Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points at access crossings.
 - K. Establish uniform standards to ensure fair and equal application.
 - L. Provide landowners with reasonable highway access though such access may be restricted to a shared driveway or service drive or via a side street and the number and location of access points may not be the arrangement preferred by the landowner or applicant.
 - M. Promote a coordinated development review process for the township with the Michigan Department of Transportation and the Alcona County Road Commission.
2. The standards of this Section shall apply to all lands with frontage along M-65 & M-72 within 200 feet of the centerline of M-65 & M-72. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance and requirements set forth by MDOT and Alcona County Road Commission. A site plan evaluation of compliance with Access Management Standards shall be conducted by the Planning Commission, and the plan shall comply or be brought into compliance prior to issuance of any permits or approvals, if any of the following circumstances exist:
- A. Proposed erection of a new building or structure, or the reconstruction, demolition, rehabilitation or expansion of an existing site;
 - B. Proposed land division, subdivision or site condominium project;
 - C. Proposed construction of a parking lot;
 - D. Any other circumstances where a building permit, other construction permit, or zoning or occupancy certificate is sought for use, site upgrade, or change of use for any land, buildings or structures; or
 - E. Any other change of use or business where there will be an increase in accepted average daily trip generation figures significant enough to move the site to a higher Trip Generation Intensity Category (Low to Medium, Medium to High, or Low to High), in accordance with the thresholds established in **Table 8.01**.

Table 8.01 Trip Generation Intensity Categories and Examples

Intensity Categories		
Low (Less than 1,500 Daily Trips)	Medium (1,500 – 4,000 Daily Trips)	High (Greater than 4,000 Daily Trips)
150 Unit Apartments (1,050 Daily Trips)	Gas Station w/ Convenience (1,950 Daily Trips)	200,000 s.f. Shopping Center (10,650 Daily Trips)
150 Room Hotel (1,350 Daily Trips)	Fast Food w/ Drive-Thru (1,500 Daily Trips)	50,000 s.f. Strip Commercial Center (4,300 Daily Trips)
Pharmacy w/ Drive-Thru (1,320 Daily Trips)	50,000 s.f. Medical/Dental Office (1,835 Daily Trips)	

- 3. Where the opportunity arises to improve access management on a site, the site plan shall

be modified to meet the standards of this ordinance.

4. In addition to the submittal information required for site plan review in **Article 6**, the following shall be provided with any application for site plan or special use review as deemed necessary by the Zoning Administrator or the Planning Commission. The information listed in items A-D below shall be required with any request for a land division.
 - A. Existing access points within 500 feet along M-65 & M-72 frontage on either side and along both sides of any adjoining roads.
 - B. Evidence indicating that the sight distance recommendations of the road agency are met.
 - C. Dimensions between proposed and existing access.
 - D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted. (Once approved, this agreement shall be recorded with the Alcona County Register of Deeds.)
 - E. Dimensions for driveways - width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs.
 - F. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - G. Traffic impact study. Submittal of a traffic impact study may be required for any land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a qualified firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies. The township may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.
 - H. Review coordination. The applicant shall submit the proposal to MDOT and/or the Alcona County Road Commission for review. The review of MDOT and/or ACRC shall be considered during the site plan review process. The Township may request attendance at coordination meetings with representatives of the applicable road agency. **An access permit shall not be requested from the road agency until a land division or site plan is approved by the township.**

5. Access points (including driveways that serve a single family home, duplex or essential service facility structure) shall meet the following standards:

A. Each parcel or lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted with the access location standards of this district.

B. An additional driveway may be permitted by the Planning Commission upon finding that conditions 1 or 2, below exist. The additional driveway may be required to be on a side street or a shared access with an adjacent site.

1) The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and the additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.

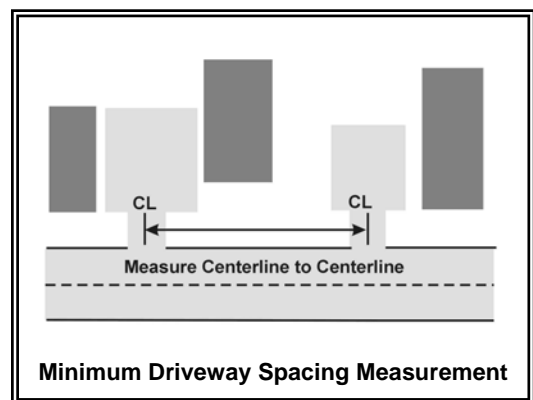
or

2) A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and The traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not cause negative traffic impacts.

C. Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure) based on the posted speed limit along the public street segment. Required spacing along M-65 & M-72 is greater than other roadways to acknowledge MDOT access guidelines and that their primary function is to accommodate through traffic while the function of other roads is more balanced with access to properties.

Posted Speed limit	Along M-65 & M-72 *	Along County Roadways*
35 mph or less	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.

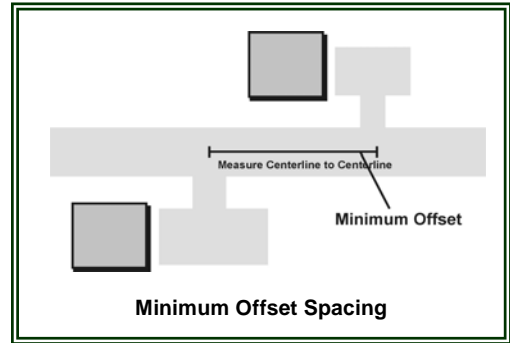
**unless greater spacing is required by the Road Agency or required to meet other standards herein*



Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to

ensure the adjacent site(s) can also meet the access location standards in the future.

- D. Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations do not exist.



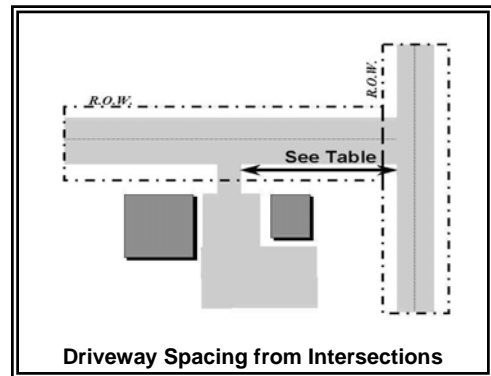
- E. Minimum spacing of access points from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge as shown on the figure):

Signalized locations: *

Along M-65 & M-72	300 feet
along side streets	200 feet

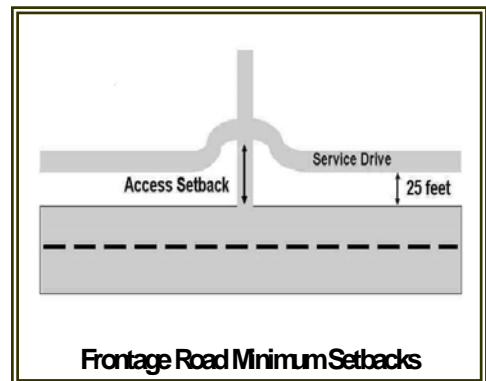
Unsignalized locations:*

intersections with M-65 & M-72	300 feet
along side streets	150 feet



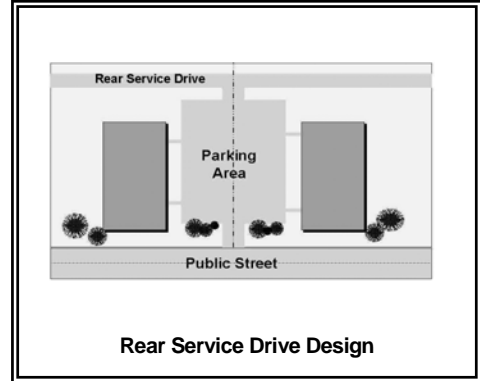
* Spacing shown for signalized intersections shall also be applied at unsignalized intersections where Road Agencies indicates spacing and approach volumes may warrant a signal in the future.

- F. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.



Frontage roads or service drives shall be constructed in accordance with the following standards:

- 1) Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.



- 2) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).
- 3) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access system becomes available. This may require posting of a financial performance guarantee.

- G. Driveways shall be located to provide safe sight distance as determined by the applicable road agency.
- H. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the property owner.

Section 8.02 Bed and Breakfast Establishments

1. While this subsection is established to enable single-family dwelling units to be used as bed and breakfast facilities, tourist homes, or boarding houses, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast, tourist home, or boarding house is a subordinate use to a single-family dwelling unit subject to the following conditions:
 - A. The bed and breakfast, tourist home, or boarding house shall not alter the residential character of the structure.
 - B. The operator shall live on the premises when the operation is active.

- C. Bed and breakfasts, tourist homes, or boarding houses will operate in compliance with all local, state and federal requirements.
- D. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- E. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
- F. The maximum length of stay for bed and breakfasts and tourist homes for guests shall be fourteen (14) consecutive days.
- G. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employed.
- H. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
- I. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of **Section 3.19**, to indicate that the dwelling is being utilized for any purpose other than as a residence.
- J. Breakfast may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.
- K. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1) non-resident full-time equivalent employee may be hired. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

Section 8.03 Businesses with Drive-Through Services

These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.

Businesses which provide a drive-in or drive-through service (but not Gasoline Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

1. Access drives shall be located at least sixty (60) feet from the nearest intersection, measured from the edge of the access drive to the closest edge of the right-of-way of either of the intersecting roads.
2. Drive-through / drive-in service windows and order areas shall only be located in the side or rear yard of the property.
3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and to drive-through lanes.
4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing may be required on the sides abutting or adjacent to a residential district or use to provide six (6) foot high screening, measured from the surface of the ground on the abutting residential district or use.
5. Vehicle stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in ***Section 3.12 Parking and Loading Space Requirements***.

Section 8.04 Campgrounds and Travel Trailer Parks

1. A minimum parcel size shall be ten (10) acres, and not less than six hundred (600) feet wide.
2. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
3. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
4. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained tight board or vinyl fence or masonry wall, or by well maintained live evergreens.
5. Campsites shall be located at least fifty (50) feet from property lines.
6. All campgrounds and travel trailer parks shall comply with State of Michigan and Health Department requirements.
7. No person shall occupy any one campsite for more than six (6) weeks in any one (1) year.

Section 8.05 Car Wash Facilities

1. **Layout:** All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted in the rear and side yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.
2. **Entrances and Exits:** Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Dryers shall be located and muffled to not create a noise nuisance for surrounding properties. All maneuvering areas, vehicle stacking lanes, and exit aprons shall be located on the car wash parcel itself and subject to the standards listed in ***Section 3.12 Parking and Loading Space Requirements***. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
3. **Groundwater Protection:** The storage, use and disposal of chemicals and detergents shall meet the standards of ***Section 3.15, Groundwater Protection and Section 3.16, Hazardous Materials***.

Section 8.06 Cemeteries

1. **Location:** No portion of any cemetery that is located in a wetland shall be developed or platted for grave sites.
2. **Accessory Buildings:** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
3. **Setbacks:** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.
4. **Operation of the cemetery** shall meet all standards set forth by State of Michigan laws and regulations.

Section 8.07 Commercial and Industrial Uses with Outdoor Storage

Outside storage of equipment or materials in the Commercial and Industrial Districts shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 8.08 Commercial Outdoor Recreational Facilities

Commercially used outdoor recreational space, such as but not limited to, that used for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, and driving ranges, shall be subject to the following requirements:

1. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot protective wall or fence.
2. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
3. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Section 8.09 Funeral Home or Mortuary

Funeral home or mortuary property shall have direct vehicular access to a public road or street. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are within the accommodations on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

Section 8.10 Gasoline / Service Station

1. Minimum lot size shall be fifteen thousand (15,000) square feet for an automobile repair station and twelve thousand (12,000) square feet for a gasoline service station.
2. Minimum lot width shall be one hundred twenty (120) feet for an automobile repair station and one hundred (100) feet for a gasoline service station.
3. An automobile repair station building, repair garage or main building for a gasoline service station shall be located not less than forty (40) feet from the street right-of-way nor less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property nor less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
4. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material. On site stormwater management shall comply with the provisions of **Section 3.1** of this Ordinance.
5. No ingress or egress to an automobile repair station, public garage or automobile service station, shall be closer than twenty-five (25) feet from any intersection, driveway or residential property line abutting the property on which such facility is located, except if the facility is located on M-65 & M-72 or any designated County Primary Road. If located on M-

65 & M-72 or a designated County Primary, locations of the ingress and egress shall comply with the provisions of **Section 8.01 Access Management** of this Ordinance.

6. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way. Storage and disposal of any hazardous materials shall comply with the provisions of **Section 3.15 and 3.16** of this Ordinance
7. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a fence or masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed thirty (30) days.
9. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is allowed in designated areas, subject to site plan approval by the Planning Commission.
10. All exterior lighting shall comply with **Section 3.18 Outdoor Lighting** of this Ordinance.
11. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.
12. Parking and stacking spaces shall be provided subject to the **Section 3.12 Parking and Loading Space Requirements**.

Section 8.11 Group Day Care Homes/Child Care Center

1. 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 fifteen hundred 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 sixteen (16) hours of operation during a twenty-four (24)-hour period.

Section 8.12 Home Improvement Centers and Lumber Yards

Facilities dealing primarily in pre-planed, dimensional, or finished lumber for wholesale or retail markets, and including building materials, accessory hardware, plumbing, and electrical supplies and/or equipment, provided:

1. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
2. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.
3. Storage uses, buildings, parking lots, and sidewalks, shall provide a minimum setback of ten (10) feet from one side yard and forty (40) feet from the side property line to afford transition space for storm water, snow storage, and/or landscaped buffers.
4. The outdoor display of model homes, trusses, garages, storage sheds, etc. shall only be allowable upon Planning Commission approval of specific location on the site, and may be prohibited where site characteristics and adjoining uses would be incompatible with such a display. Such outdoor sales areas all also subject to the provisions of ***Section 8.20 Outdoor Sales Facilities***.
5. Building material centers associated with the lumberyard may include incidental operations involving fabrication and processing, but only within limits set forth on an approved Site Plan.

Section 8.13 Junk Storage

Junk storage and salvage materials shall be allowed when located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the Industrial District than one hundred (100) feet.

Section 8.14 Kennels or Veterinary Clinic/Animal Hospital

1. Commercial Kennels and Veterinary Clinics/Animal Hospitals
Any building(s), structure(s), or location(s), where four (4) or more animals more than four (4) months of age are housed and one or more of the following: groomed, bred, boarded, trained or sold.
 - A. All commercial kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or animal hospitals shall be located on sites of at least one (1) acre in size.
 - B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.
 - C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
 - D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
 - E. Animals shall be kept in an enclosed building between the hours of 10 p.m. and 6 a.m.
 - F. All principal use activities shall occur within an enclosed main building.
2. Private Kennels
Any building(s), structure(s), or location(s), where four (4) or more animals more than four (4) months of age are housed but not boarded, bred, groomed for compensation, trained for compensation, or sold.
 - A. Animals shall be confined within a building or a fenced area.
 - B. Outdoor animal enclosures which are within five hundred (500) feet of a dwelling on another property shall be screened from adjacent properties and/or roads with an opaque fence or vegetated evergreen buffer at least five (5) feet in height. The enclosure shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises as determined by the Zoning Administrator.
 - C. If, in the Zoning Administrator's determination, the kennel presents a nuisance to neighboring properties, he/she may require the screening elements in subsection (b) above to be constructed regardless of whether a neighboring dwelling exists within five (500) feet.

Section 8.15 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 Michigan Manufactured Housing Commission, 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.

Section 8.16 Motels and Hotels

1. Motels and Hotels shall have direct access to a County Primary or State Trunk line Highway, as opposed to a County local road as defined by the County Road Commission.
2. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet.
3. There shall be at least eight hundred (800) square feet of lot area per guest room.
4. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
5. Motels and Hotels shall provide customary services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

Section 8.17 Non-public Recreational Areas and Facilities

Private, semi-private, and other non-public recreation lands and/or facilities, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established. Recreational uses permitted herein include parks, playgrounds, and common access sites. No such facilities shall have a commercial appearance or be of a commercial character.

Section 8.18 Nursing Homes, and Assisted Living Facilities

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

1. The minimum lot size for such facilities shall be five (5) acres.
2. Such uses shall front on to a paved county primary road and State Highways and the main means of access for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be off of a residential street.
3. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bedroom used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
4. Nursing homes, convalescent homes, rest homes, and orphanages houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

Section 8.19 Offices and Showrooms

Offices and show rooms of plumbers, electricians, decorators or similar trades shall be subject to the following standards. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

Section 8.20 Outdoor Sales Facilities

Outdoor sales and rental lots for automobiles, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for sale or rental of new and/or used units, subject to the following:

1. No display shall be permitted in the right-of-way of any abutting road or highway.
2. Existing roadside trees and shrubs, shall be retained or replaced and maintained in a healthy growing condition determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
3. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two (2), or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the

underframe of a vehicle more than five (5) feet above the ground.

4. Display lot lighting shall comply with terms of **Section 3.18** which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
5. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
6. Adequate parking area shall be provided on site.

Section 8.21 Planned Unit Development (PUD)

1. Intent and Purpose

As used in this section, "planned unit development" (or PUD) means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

- A. To accomplish the objectives of the Zoning Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage usable open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township.

2. Use and Area Regulations

A. **Permitted Uses.** Planned unit developments shall be permitted in any Zoning District according to the following:

- 1) **Forest Recreation and Residential Districts** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20%) percent of the PUD site area.

- 2) **Commercial & Business District** - Except as noted, PUD uses may include any of the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40%) percent of the PUD site area.
- 3) **Light Industrial District** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying Zoning District classification. Such uses may be placed either singularly or in combination. Commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20%) percent of the PUD site area.

In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

B. **Area Regulations.** Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.

- 1) *Perimeter Setbacks.* The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying Zoning District, provided:
 - (a) Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is developed residential or is located in a zoning district that permits residential development.
 - (b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 2) *Open Space.* A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.
- 3) *Height Regulations.* The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying Zoning District.
- 4) *Other Dimensional Regulations.* To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying Zoning District, including but not limited to minimum lot size,

density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the Township as a whole.

Any reductions by the Planning Commission shall be limited as follows:

- (a) Setbacks shall not be reduced by more than fifty (50%) percent of the underlying Zoning District requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
- (b) Required parking shall not be reduced by more than sixty (60%) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

Prior to approving a reduction in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the Township as a whole.

C. ***Planned Unit Development Eligibility Requirements.*** To be eligible for a planned unit development, a parcel shall meet all of the following:

- 1) The parcel shall be ten (10) contiguous acres or more in area. Provided, however, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be twenty (20) acres or more in area. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-residential uses.
- 2) The parcel on which the proposed PUD will be located shall be served by public water and sanitary sewer facilities, if available.
- 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- 4) The proposed uses within the PUD shall be consistent with the Mitchell Township Master Plan for the subject parcel.

D. ***Pre-application Conference.***

- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-

application conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.

- 2) A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

E. ***PUD Application Requirements.*** An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

- 1) A completed application form, supplied by the Zoning Administrator.
- 2) Payment of a fee as established by resolution of the Township Board.
- 3) A narrative statement describing:
 - (a) The objectives of the proposed PUD and how they relate to the intent of the Zoning Ordinance as described in subsection 1), above.
 - (b) The relationship of the proposed PUD to the Mitchell Township Master Plan.
 - (c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - (d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - (e) Anticipated dates for the start and completion of the PUD construction.
 - (f) The location, type, and size of areas to be dedicated for common open space.

F. The PUD application shall include all information required by ***Sections 6.03*** and ***Section 7.02***, and the following:

- 1) Required setbacks of the Zoning Districts.
- 2) Area of subject property to be covered by buildings.
- 3) Percentage of the total site devoted to open space and the proposed uses of that spacious open space.
- 4) Such other information regarding the development area that may be

required to determine conformance with this Ordinance.

- G. *Public Hearing on PUD Request; Notice.*
See **Section 7.02.3.**
- H. ***Planning Commission Review of PUD.*** Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection I. below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on each standard.
- I. ***Standards for PUD Approval; Conditions; Waiver of PUD Standards.***
- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Section 6.03.5** and **Section 7.02.4** and all of the following:
 - (a) The planned unit development shall be consistent with the Mitchell Township Master Plan.
 - (b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
 - (c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.
 - (d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - (e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
 - (f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street

ends shall be provided.

- (g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
 - (h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
 - (i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.03** of this Ordinance.

J. ***Planned Unit Development Permit.*** Following final approval of a PUD application, a permit shall be obtained from the Zoning Administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void. The applicant shall have obtained all required county, state, or federal permits prior to commencing construction, including earth changes.

K. ***Continuing Adherence to Approved PUD Application.*** Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

L. ***Recording of Action.*** The applicant shall record an affidavit acceptable to the Township Attorney with the Alcona County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township approval, specifies the description or identification number which the Township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning

Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the Township Attorney that contains all of the information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Alcona County Register of Deeds and copies of recorded documents filed with the Zoning Administrator.

M. ***Amendment of an Approved Planned Unit Development.*** Amendments to an approved PUD shall be permitted only under the following circumstances:

- 1) The owner of property for which a PUD has been approved shall notify the Zoning Administrator of any desired change to the approved PUD. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes related to items (a) through (e) above, required or requested by Mitchell Township, Alcona County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
- 2) All amendments to a PUD approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- 3) An amendment to an approved PUD that cannot be processed by the Zoning Administrator under subsection 1) above shall be processed in the same manner as the original PUD application.

N. ***Expiration of Approved PUD; Extension.***

- 1) An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the

Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:

- (a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - (b) The PUD requirements and standards that are reasonably related to the development have not changed.
- 2) If the PUD approval expires pursuant to subsection 1) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Planning Commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

O. *Performance Guarantee.*

The Planning Commission may require the applicant to obtain and maintain a performance guarantee in connection with the PUD project, pursuant to **Section 9.08** of this Ordinance.

Section 8.22 Public Buildings and Institutions

Public buildings (except public works garages and storage yards), public schools, private schools and their local supporting service uses, provided:

1. The arrangement of property uses shall consider the impact on scenic views, and if feasible, the site design shall endeavor to mitigate negative impacts related to building size, noise, lighting and traffic.
2. No such use shall locate on or have vehicle access from a subdivision street unless the subdivision (or similar type of development) contains dedicated sites for such uses.

Any uses of structures or properties for such other secondary purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

Section 8.23 Race Tracks

Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the Light Industrial (LI) Districts subject to the following conditions and such other controls as the Planning Commission, after holding a Hearing, deems necessary to promote health, safety and general welfare in the Township:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking areas shall be provided from major traveled roads. Review and recommendations concerning the ingress and egress points, shall be requested from the sheriff authority having jurisdiction.
3. Minimum size parcel shall be twenty (20) acres. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.
4. The hours of operation shall be between 10 a.m. and 10 p.m.
5. The noise level shall be no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site.

Section 8.24 Recreation Camps

Recreation camps, recreation lodges and resorts for either profit or non-profit shall be subject to the following conditions:

1. The use is established on a minimum site of twenty (20) acres.
2. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from all property lines. The resulting one hundred (100) foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as deemed necessary.
3. The use does not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

Section 8.25 Salvage Yards, metal recycling, and scrap

1. **Salvage Yard Classifications**
Salvage yards shall be defined and regulated by type or class depending on the scope of its intended operation. These are:

Type I

A full service metal salvage center intended for the collection, storing and/or processing of scrap metals of all kinds, and other materials defined as junk in Article 2 of this Ordinance.

Type II

A limited salvage facility with open storage on less than ten thousand (10,000) square feet of land and where the materials are not stacked. This facility is not a vehicle repair or sales use except as an incidental function to the salvage operation.

Type III

A site used for short periods of time for community vehicle collection programs. This facility does not include continuous processing or repairing, and is intended for annual clean-up programs to collect sufficient materials to warrant a visit by vehicle crusher, shredder, or similar processor.

In approving Special Use Permits for salvage operations the Planning Commission shall classify the facility as being Type I, Type II, and/or Type III, and shall consider the type of a facility in review of any request to modify siting standards.

2. **Requirements**

Metal recycling centers or yards, or facilities, including salvage yards or scrap yards, and which uses include the storage, dismantling, sorting, cutting, crushing, and/or other processing activities primarily associated with metal goods, may be permitted provided:

- A. All activity and uses are within a defined and confined space as opposed to being dispersed over the site. Only that area designated on the site for these uses shall be permitted to be so used.
- B. No oils, lubricants, or other liquids from vehicles, machinery, or equipment or other materials, shall be disposed of on-site, unless State of Michigan approved facilities are properly in place and properly functioning, and in compliance with ***Section 3.15 and Section 3.16*** of this Ordinance. No burial of wastes shall be permitted on the property under this Ordinance section.

The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater, and present a written plan for handling and disposal of such hazardous liquids.

The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with floor drain collection system.

- C. The proposed site shall have a minimum of six (6) feet of vertical isolation from groundwater, and be at least one thousand (1,000) feet from an identified body of surface water.
- D. Screening devices to include but not necessarily be limited to fences, greenbelts, berms or natural features shall be employed provide maximum visual obscurity of the use. No such device shall be constructed without approval of the structural details and type of materials to be used, and shall adhere to a stated installation schedule.
- E. Entrance/exit points shall give due consideration to minimizing conflicts with adjacent properties, and the views from adjacent properties and/or public roads shall be a major consideration in positioning the use on the property.

- F. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hour of 8:00 a.m. or after 6:00 p.m. and no such activity shall operate on Sundays.
- G. Open burning shall not be permitted, except by State Permit, and it shall comply with this subsection.
- H. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use Permit, and there shall be no presumption that any usage beyond that in the original permit would be approved.
- I. The minimum site size to consider for uses permitted herein shall be thirty-five (35) acres or more by description and have at least nine hundred (900) feet of width and depth throughout. All salvage yard uses shall be at least:
 - 1) Two hundred (200) feet from a property line
 - 2) Three hundred (300) feet from an off premises residence
 - 3) Five hundred (500) feet from a residential district boundary (LDR or MR)
 - 4) The height of stacked metals and/or materials shall be regulated by screening and the physical characteristics of the site, but shall in no instance be higher than twenty (20) feet.
- J. The operator shall submit monthly reports to Mitchell Township that include an inventory report form and disposal report form for all vehicles.
- K. The Planning Commission may modify the terms of this section where it can be demonstrated that no good or practical purposes would be served by strict compliance, and for temporary collection sites to be used for less than twelve (12) months.

3. **Reasons for Denial**

The Planning Commission may refuse to grant a permit for any salvage uses regulated herein, because of one or more of the following:

- A. The topography is such that the use has wide visual exposure to surrounding properties and public roads, and/or land conditions are such that screening plans would be ineffective or impractical.
- B. There are conflicts with natural water courses and/or there are undesirable impacts on wetlands, farmlands, and forest lands.
- C. It is determined by the Planning Commission that the proposed use on the proposed site is inappropriate for the area, and not in accord with the principles of land use expressed or implied, and in the interpretation of appropriate use shall also consider, but not necessarily be limited to: recognized scenic resources, recreation lands, neighborhoods, historic sites, tourist attractions, and similar uses that would be adversely affected, and not be in the best interests of public welfare.

4. **Violations Not Nonconforming**

Any salvage yard or junk storage use determined to have been established in violation of the terms of the Mitchell Township Zoning Ordinance or in violation of any previously applicable Ordinance shall not be accorded the status of "nonconforming" as defined in this Ordinance, but shall be pursued as Ordinance violations. Such uses, however, shall have the right to apply for a Special Use Permit in compliance with this Ordinance, as prescribed in Article 7.

Section 8.26 Sawmills and other Mills

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber are allowed provided the following standards are met:

1. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
2. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathes, etc.), shall not be located closer than five hundred (500) feet to an off-premises residence, unless the owner of the residence signs a statement agreeing to a lesser setback.
3. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
4. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable, and any Township or Community Land Use Plans for the area. The mill location shall be determined to be good land use.
5. Nothing in this Ordinance shall be interpreted to exclude portable sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

Section 8.27 Sexually Oriented Businesses

The purpose and intent of the sections 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 ordinance, 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.

1. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, school, place of worship, public park or civic building.
2. The proposed use shall conform to all specific density and set back regulations, etc. of the Zoning District in which it is located.
3. The proposed use must meet all applicable written and duly promulgated standards of Mitchell 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.
4. 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.
5. 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.
6. 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."
7. 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.
8. Hours of operation shall be limited to 11:00 AM to 12:00 AM.
9. 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:

- A. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
- B. Shall be unobstructed by any door, lock, or other entrance and exit control device;
- C. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- D. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
- E. Has no holes or openings in any side or rear walls.

Section 8.28 Stables, Commercial

- 1. Commercial stables shall be on sites of at least twenty (20) acres in size.
- 2. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

Section 8.29 Storage Facilities

- 1. Storage uses as allowed in the Light Industrial District (LI) and Commercial & Business District (CB), including mini-storage, shall meet the following regulations:
 - A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
 - B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are setback at least one hundred (100) feet from public road right-of-way lines.
 - C. Effective year-round landscaping is required to screen and shield storage buildings from bordering public roads upon installation of proposed plant materials.
 - D. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
 - E. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies shall be enclosed within a building or behind an obscuring wall or fence.

Section 8.30 Telecommunication Towers and Antennae Facilities/Alternative Tower Structures

Antenna towers, masts, and alternative tower structures for cellular phone and other business communications services may be authorized as a Special Use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering authorization of a Special Use for a telecommunications tower, antennae facility, or alternative tower structure, the Planning Commission shall apply the standards of **Article 7** and the following standards:

1. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
2. **Need & Co-Location:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
3. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
4. **Size:**
 - A. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
 - B. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
5. **Lighting:** The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

- A. The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - B. Lighting 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.
 - C. Lighting may consist of a red top light that does not pulsate or blink.
6. Color: Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
 7. Height Decrease: If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
 8. Signs: No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.
 9. Cable and Anchor Setbacks: Guy cables and anchors shall comply with applicable zoning district setback regulations.
 10. Setback from Dwellings: The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
 11. Setback from Property Line: The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
 12. FCC/FAA/Other Regulations: The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).
 13. Use: The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.

14. Performance Guarantee: As for condition of approval, the Planning Commission shall require an owner to deposit funds a performance guarantee to assure the removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
15. Cease of Operations/Abandonment: If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.

Section 8.31 Antenna Co-location on an Existing Tower or Structure

1. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 8.32 Small On-Site Wind Energy Systems

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.

1. Small On-Site Wind Energy Systems up to one hundred (100) feet in height shall be permitted by right in the following districts: **AG, MHD, RuR, FR, RC, CB, and LI** and as a special use in **R-R and VMU**.
2. Small On-Site Wind Energy Systems over one hundred (100) feet in height shall be considered a Special Use in **AG, RuR, FR, RC, CB, and LI** districts.
3. The following Regulations shall apply to all small on-site wind energy systems in the Township:
 - A. Blade Clearance: There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.

- B. Guy Wires: If the small wind energy system is supported by guy wires, such wires shall be covered with a high visibility material so as to make it visible to a height of at least six (6) feet above the ground.
- C. 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 or waterfront than the required setback for the district in which the unit is located.
- D. 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) dB(A) 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.
- E. 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.
- F. Reception Interference: Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
- G. Shadow Flicker: Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
- H. Color: Wind turbines and towers shall be painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and accessory buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping).
- I. 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.
- J. Safety: A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
- K. 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.

Section 8.33 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 Use and shall adhere to the following requirements in addition to the requirements contained in **Article 7** of this Ordinance.

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. 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 Use approval is approved.

3. 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. 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.

4. 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.

5. 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 (1 ½) 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.

6. **Height**

Regarding wind turbine height, 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.

7. **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.

8. **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.

9. **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).

10. **Maximum Vibrations**

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

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. **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.

13. **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.

- 5) Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- 6) 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.

14. **Shadow Flicker**

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.

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.

15. **Safety**

- A. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- B. Wind turbine towers shall not be climbable on the exterior.
- C. All access doors to wind turbine towers and electrical equipment shall be lockable.
- D. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- E. 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.

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 not 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 shall 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. The performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.

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 9: ADMINISTRATION AND ENFORCEMENT

Section 9.01 – Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine is reasonable.

The Zoning Administrator shall have the power to grant Land Use Permits and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 9.02 – Land Use Permit

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved until a Land Use Permit application has been filed with the Township Zoning Administrator and a Land Use Permit has been issued by the Zoning Administrator, except as otherwise provided for in this ordinance. No Land Use Permit shall be required for any lawful use of any land building or structure in existence as of the adoption date of this Ordinance.
2. The application shall be signed by the owner of the premises or his agent and shall certify the proposed use of the property and that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - A. A site plan, if required, or a sketch triplicate, in a scale sufficient to clearly detail– as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and

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the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.

- B. Properties less than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator.
 - D. Such other information as may be required to determine compliance with this Ordinance.
3. A Land Use Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Local Building Department.
 4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Land Use Permit.
 5. The Land Use Permit will expire after one year from date of issuance for any Land Use Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the Land Use Permit.
 6. The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
 7. No Land Use Permit shall be valid until the required fees have been paid. Except for an accessory building or structure 200 square feet or smaller in size (consistent with setback requirements), which does not require a Land Use Permit pursuant to Section 9.02 (A) of this Ordinance, no separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.
 8. Upon issuance of the Land Use Permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 9.03 – Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective 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 and conserve natural resources and

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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:

1. 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.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. 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 – Public Notification

All applications for development approval requiring a public hearing 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 Secretary, Planning Commission Recording Secretary and the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Mitchell 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 use, planned unit development, 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).

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- 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 Mitchell 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 9.05**, 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 Secretary, Planning Commission Recording Secretary and the Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
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:

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- A. For a public hearing on an application for a rezoning, text amendment, special use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 9.05 – 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 9.04.3**. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk 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.

Section 9.06 – Rehearing Process

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 - C. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
 - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

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- C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
- D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.07 – Fees and Forms

- 1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
 - A. Land Use Permits
 - B. Special use permits
 - C. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - D. Requests for variances from the Zoning Board of Appeals.
 - E. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - F. Site plan reviews.
 - G. Requests for a planned unit development (PUD).
 - H. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
 - I. Distribution of written notice to persons and entities registered with the Township Clerk

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to receive all applications for development approval pursuant to Section 9.04.3.

2. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
3. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.
4. Official Forms, Applications and Permits

See Table 9.1

Section 9.08 – Performance Guarantee

In connection with the construction of improvements through site plan approval, special use approval, or a PUD project the Planning Commission may require the applicant to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to

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construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are

Table 9.1 Official Forms, Applications and Permits		
Name	Purpose	Location of requirement in Zoning Ordinance
Land Use Permit	#1. Establish conformance	9.01 (ppg#2)
	#2. Grants permission to begin	
Application for extension of Site Plan	One year extension	6.03.9
Application for Special Use Permit		7.02.1
Permit revocation form	Notifies development of the revocation of permit	9.02.F
Request to receive public hearing notice form	Personal and mailed notice	9.04.C.1.c
Request to receive notice of development	Notifies persons of any development application	9.05.B
Stop work order	Notifies the public and the property of a violation	9.09.D (ppg #1)
Zoning Amendment Application Petition	Provide Petition to the public for amendments	11.01.A.3.a

located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the township clerk at or before the time the township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the township clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as

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

Section 9.09 – Violations and Penalties

1. Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

2. Inspection

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

3. Penalties

- A. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and may be subject to a fine. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this ordinance.
- B. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this ordinance.
- C. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

4. Stop Work Order

If construction or land uses are being undertaken contrary to a Land Use Permit, the Michigan Zoning Enabling Act, or this ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable

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location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

Section 9.10 - Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other township ordinances, in which case the more stringent regulations will control.

Section 9.11 - Unclassified Uses

When a use is not expressly mentioned in the Zoning Ordinance, the Planning Commission shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district and similar uses allowed in the district. The decision of the Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals.

ARTICLE 10: ZONING BOARD OF APPEALS

Section 10.01 – Zoning Board of Appeals

1. Creation and Membership:

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

- A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- B. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
- D. 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.
- E. 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.
- F. 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

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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.

2. Meetings:

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. 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.

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.

3. Jurisdiction:

- A. 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 of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant dimensional variances as provided for in **Section 10.01.5**. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. 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.
- F. 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.

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- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning site plan review, special approvals or planned unit developments.
- I. When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or zoning administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the township master plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

4. 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 Land Use 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.

5. Variances:

- A. 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:
 - 1) 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;
 - 2) 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;
 - 3) The plight of the owner is due to unique circumstances of the property;
 - 4) The problem was not self-created.

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6. Zoning Board of Appeals Submittal:

The applicant is required to submit four (4) copies of surveys, plans and data as required under **Article 6**, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

7. Conditions of Approval:

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 9.03**.

8. Exercising Powers:

In exercising the above powers, 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 from whom the appeal is taken.

9. Miscellaneous:

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.

ARTICLE 11: ADOPTION AND AMENDMENTS

Section 11.01 – Amendments to this Ordinance

1. 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.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Mitchell Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 - B. 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.
 - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) The public notice procedure shall be the same as that contained in **Section 9.04**.
 - 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - (a) Is the proposed rezoning consistent with the Mitchell Township Master Plan?
 - (b) Is the proposed rezoning all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - (c) Will there be an adverse physical impact on surrounding properties?
 - (d) Will there be an adverse effect on property values in the adjacent area?

Mitchell Township Zoning Ordinance

- (e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - (f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - (g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - (h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - (i) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - (j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - (k) Are there sites nearby already properly zoned that can be used for the intended purposes?
- 6) 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.
- 7) 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.
- 8) The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **Section 9.04**.
- 9) The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- 10) After any such public hearing as allowed under **Section 11.01**, 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.

Mitchell Township Zoning Ordinance

- 11) 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 eight (8) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- 12) 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 11.02 – Repeal and Savings Clause

1. This Ordinance repeals and replaces any previous Mitchell Township Zoning Ordinance in its entirety.
2. The repeal of the Mitchell Township Zoning Ordinance dated July 11, 2001, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 11.03 – Enactment and Effective Date

1. This Ordinance was adopted on June 14, 2010 by the Mitchell Township Board of Trustees and will be effective September 1, 2010. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on February 17, 2010.
2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.

Appendix A
Records

Resolution 001 of 2010
MITCHELL TOWNSHIP ZONING ORDINANCE
RESOLUTION OF RECOMMENDATION TO ADOPT
MITCHELL TOWNSHIP PLANNING COMMISSION

Resolution to recommend adoption of the Zoning Ordinance revision pursuant to the authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

- WHEREAS,** Mitchell Township has zoning powers pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and
- WHEREAS,** Mitchell Township has administered township wide zoning since the adoption of its first zoning ordinance, and
- WHEREAS,** the fundamental purpose of the Zoning Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Mitchell Township, and
- WHEREAS,** a public notice appeared in the Alcona Review on January 20, 2010, and
- WHEREAS,** a public hearing was held on February 17, 2010 at the Mitchell Township Hall and public comments were received, and
- WHEREAS,** the ordinance and map will be transmitted to the Alcona County Board of Commissioner for a 30-day review and comment period, and
- WHEREAS,** the Mitchell Township Planning Commission finds that it is in the best interest of residents of Mitchell Township to adopt the proposed Zoning Ordinance.

NOW, THEREFORE BE IT RESOLVED, that the Mitchell Township Planning Commission hereby recommends adoption of the proposed Mitchell Township Zoning Ordinance by the Mitchell Township Board.

Yeas: 3

Nays:

Absent: 2

I HEREBY CERTIFY, that the forgoing Resolution was adopted at a regular meeting of the Mitchell Township Planning Commission, held on February 17, 2010.

2/17/2010
Date

Eve Chartier
Mitchell Planning Commission Secretary

Resolution 002 of 2010
MITCHELL TOWNSHIP ZONING ORDINANCE
RESOLUTION OF RECOMMENDATION TO ADOPT
MITCHELL TOWNSHIP PLANNING COMMISSION

Resolution to recommend adoption of the Zoning Ordinance revision pursuant to the authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

- WHEREAS,** Mitchell Township has zoning powers pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and
- WHEREAS,** Mitchell Township has administered township wide zoning since the adoption of its first zoning ordinance, and
- WHEREAS,** the fundamental purpose of the Zoning Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Mitchell Township, and
- WHEREAS,** a public notice appeared in the Alcona Review on January 20, 2010, and
- WHEREAS,** a public hearing was held on February 17, 2010 at the Mitchell Township Hall and public comments were received, and
- WHEREAS,** the ordinance and map were transmitted to the Alcona County Board of Commissioner for a 30-day review period and no comments were received, and
- WHEREAS,** the Mitchell Township Board has reviewed the proposed Zoning Ordinance, offered suggestions and corrections, and said suggestions were duly considered and incorporated, where appropriate, and
- WHEREAS,** the Mitchell Township Planning Commission finds that it is in the best interest of the residents of Mitchell Township to adopt the proposed Zoning Ordinance.
- WHEREAS,** the Mitchell Township Planning Commission has recommended that the proposed Mitchell Township Zoning Ordinance be adopted.

NOW, THEREFORE BE IT RESOLVED, that the proposed Mitchell Township Planning Commission recommends adoption of the proposed Mitchell Township Zoning Ordinance by the Mitchell Township Board. Roll call vote.

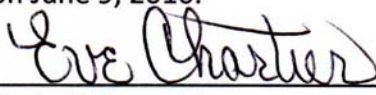
Yeas: Soranno, Sanford, Chartier

Nays: None

Absent: Trader, London

I HEREBY CERTIFY, that the forgoing Resolution was adopted at a regular meeting of the Mitchell Township Planning Commission, held on June 9, 2010.

June 9, 2010
Date



Mitchell Township
Planning Commission Secretary

Resolution 08 of 2010

MITCHELL TOWNSHIP ZONING ORDINANCE ADOPTION

**RESOLUTION OF ADOPTION
MITCHELL TOWNSHIP BOARD OF TRUSTEES**

Resolution to adopt a Zoning Ordinance revision pursuant to the authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

WHEREAS, Mitchell Township has zoning powers pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and

WHEREAS, Mitchell Township has administered township wide zoning since the adoption of its first zoning ordinance, and

WHEREAS, the fundamental purpose of the Zoning Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Mitchell Township, and

WHEREAS, a public notice appeared in the Mitchell Review on January 20, 2010

WHEREAS, a public hearing was held on February 17, 2010 at the Mitchell Township Hall and public comments were received, and

WHEREAS, the ordinance and map were transmitted to the Alcona County Board of Commissioner for a 30-day review period and no comments were received, and

WHEREAS, the Mitchell Township Planning Commission and Mitchell Township Board of Trustees finds that it is in the best interest of the residents of Mitchell Township to adopt the proposed Zoning Ordinance revision, and

WHEREAS, the Mitchell Township Planning Commission has recommended that the proposed Mitchell Township Zoning Ordinance be adopted effective September 1, 2010.

NOW, THEREFORE BE IT RESOLVED, that the proposed Mitchell Township Zoning Ordinance is adopted by the Mitchell Township Board of Trustees. Moved by Cross supported by Murnock. Roll call vote.

Yeas: Cross, Soranno, Small, Lay, Murnock Nays: None Absent: None

I HEREBY CERTIFY, that the forgoing Resolution was adopted at a regular meeting of the Mitchell Township Board of Trustees, held on June 14, 2010.

June 14, 2010

Date



Mitchell Township Clerk