

ONOTA TOWNSHIP ZONING ORDINANCE

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ONOTA TOWNSHIP BOARD
ONOTA TOWNSHIP
DEERTON, MICHIGAN 49822

Under the Direction of:

PLANNING COMMISSION
of ONOTA TOWNSHIP
DEERTON, MICHIGAN 49822

Assisted by:

Central Upper Peninsula Planning
and Development Agency (CUPPAD)

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ZONING ORDINANCE OF THE TOWNSHIP OF ONOTA

TITLE

AN ORDINANCE enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, (MCLA 125.271 et seq.), known as the "Township Rural Zoning Act" for the establishment of a Zoning Ordinance governing the unincorporated portions of the Township and utilizing districts and standards to regulate the use of land and resources in the best interest of the public health, safety and welfare. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be done pursuant to Act 110 of the Public Acts of Michigan for 2006, as amended, (MCL 125.3101 et seq.), herein after referred to as the "Zoning Enabling Act."

This Ordinance is enacted to establish administrative procedures for the review and processing of land use proposals subject to authority of this Ordinance and to set up the requirements for the administration, enforcement, penalties for violation, provision for amendments and to establish a reasonable schedule of fees to carry out these provisions. This Ordinance also establishes an appeals process along with procedures to be followed for the organization and perpetuation of a Zoning Board of Appeals outlining their authority, duties and responsibilities.

PREAMBLE

In accordance with the authority and intent of the Zoning Enabling Act, Onota Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon residents, commerce, food producers, the natural resources, energy conservation, developers or industry. The Township further desires to assure adequate sites for residences, food production, recreation, industry and commerce; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect residents, food producers, natural resources, energy consumption, industry and commerce against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the Township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township.

ENACTING CLAUSE

THE TOWNSHIP OF ONOTA, COUNTY OF ALGER, STATE OF MICHIGAN ORDAINS:

ARTICLE I: GENERAL PROVISIONS

SECTION 1.01: Short Title

This ordinance shall be known and may be cited as the "Onota Township Zoning Ordinance."

ARTICLE II: DEFINITIONS

SECTION 2.01: Construction of Language

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

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "use" includes the words, "structures" and "buildings" associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word "building" includes the word "structure" and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel."
- K. Unless the context clearly indicates the contrary, where regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or," the conjunction shall be interpreted as follows:
 - 1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3) "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. Words in a singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the

feminine gender shall include the masculine.

- M. Whenever a reference is made to several sections and the section numbers are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.
- N. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.02: Definitions

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Cottage: A separate and subordinate dwelling unit that is located on the same lot as a single-family dwelling but is contained in a detached garage or other out building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens. Agricultural activity shall be further identified on the basis of intensity as:

Light agricultural activity: The cultivation of more than a garden but less than a farm, where the primary land use is residential and the production of crops and husbandry of domesticated animals is primarily for the consumption, enjoyment and/or use of the occupants.

Traditional agricultural activity: One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity for the primary purpose of producing income, and which is operated in accordance with the Michigan Right To Farm Act, Public Act P.A. 93 of 1981.

Intensive agricultural activity: The keeping of animals, either in pens or buildings where one or more of the following conditions exist:

1. Where the primary food for purposes of preparation of animals for market is produced off-site and where grazing or foraging is minimal or does not occur, i.e. feedlot.
2. Where commercial processing operations also occur on the same premises.
3. The operation consists of a fur farm, feedlot (beef, hogs, etc.) or poultry farm.
4. Keeping of exotic animals, other non-domesticated or musk producing species.
5. Kennel activity involving more than thirty (30) dogs.

Agricultural Produce Stand: A structure, which is used seasonally for display and sale of agricultural produce.

Airport: An area where aircraft can land or take off, whether designated or not by an official body.

Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.

Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

Bar: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

Bed & Breakfast Establishment: As defined in Act No. 112, Public Acts of 1987, being Section 4B(4) and incorporated herein, "Bed and Breakfast" means a single-family residence structure that meets all of the following criteria.

1. Has 8 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.
2. Serves breakfast at no extra cost to its transient tenants.
3. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

Basement: That portion of a building, which is partially 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. A basement shall not be counted as a story.

Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river, stream, or other barrier to the continuity of development.

Bluffline: The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack, and normally present a precipitous front and inclines steeply on the water side. (Dunes, terraces, which accrete and erode depending on water levels, are not considered blufflines.)

Boat House: A building beside a river or lake in which boats are kept.

Boat Livery: A place where boats are kept, maintained, repaired or rented and sold.

Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.

Buffer: A strip of land, including any specified type and amount of planting or structures, which may be required to protect one type of land, use from another, or minimize or eliminate conflicts between them.

Building: Any structure having a roof supported by columns or walls four (4) feet or higher for the shelter, support, enclosure of persons, animals or property.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain the height may be measured from the average ground level of the grade at the building walls.

Building Principal: A building in which is conducted the main or principal use of the lot on which said building is located.

Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.

Campground: Any parcel of land, improved or unimproved, designated for the temporary placement of three (3) or more motor homes, RV's, trailers, slide in campers or tents, whether a fee is charged or not.

Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township.

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

Church: A building whose primary purpose is the regular assembly 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 primary purpose.

Clinic: A place where mental, medical or dental care is furnished to persons on an out-patient basis by a licensed health care professional.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.

Communications Tower: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave or any other telecommunications signals.

Conditional Use Permit: A permit issued by the Zoning Administrator after a Public Hearing before the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under "Conditional Uses Authorized by Permit". Conditional Uses possess unique characteristics and are not found to be injurious to the health, safety, convenience, and general welfare of Township residents.

Contiguous Property: Any portion of an individual lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property, which is joined only at a single common point and does not share a common boundary line, is not considered contiguous property.

CONDOMINIUM:

Condominium Act: Act 59, Public Acts of 1978, as amended and MCL 559.101 et.seq.

Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws, which affects the rights and obligations of a co-owner of the condominium.

Condominium Lot: The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.

Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Consolidated Master Deed: The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully described the condominium project as completed.

Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.

Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before filing of a Notice of Taking Reservations under Section 7 of the Condominium Act.

Expandable Condominium: A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

Notice of Proposed Action: The notice required by Section 7 of the Condominium Act, to be filed with the County of Alger and other agencies.

Site Condominium: A condominium development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which it is located, and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

County Board: Alger County Board of Commissioners.

Day Care Center/Facility: See Child/Family/Group care centers/homes.

District: One zoning district.

Driveway: A private road giving access from a public roadway to a building or house on abutting grounds, which is maintained by an individual or group without help from a government agency. Within this ordinance, the Schedule of Regulations for a driveway will be the same as defined for Accessory Building/Structure.

Dwelling, Single-Family: A structure designed or used for residential occupancy by one family.

Dwelling, Two-Family: A structure containing two dwelling units each designed for residential occupancy by one family.

Dwelling, Multiple Family: A structure containing more than two dwelling units each designed

for residential occupancy by one family, including condominiums.

In districts providing for multiple family dwellings for the purpose of computing the maximum number of rooms per lot, the following room assignments shall control:

Efficiency = 1 room
One Bedroom = 2 rooms
Two Bedrooms = 3 rooms
Three Bedrooms = 4 rooms (or more)

Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding road.

For multiple family dwellings, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet divided by five thousand (5,000) with private water and sanitary facilities.

All units shall have a least one (1) living room and one (1) bedroom except for efficiency apartment type units, which shall not exceed ten (10) percent of the units in any multiple dwelling structure.

Dwelling Unit: One or more rooms designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

Earth Sheltered Home: A building, which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

Essential Governmental Services: The minimum of publicly provided services required for the location of certain land uses and specified in Article III. These services include direct legal access to an existing road maintained year-round by the Alger County Road Commission, ready access for emergency vehicles, fire, police, and ambulance, garbage pick-up, a school bus route within one-half (½) mile of the site and mail delivery.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Exotic Species: Species defined by Michigan Department of Agriculture.

Family: An individual, or two or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom/housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. This definition shall not apply in instances where family or group day

care homes, or State licensed residential facilities have been established under the requirements of P.A. 395 of 1976, as amended.

Family Day Care Home: A private home licensed by the State as may be required, in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Farm: A tract of land devoted to agriculture in accordance with the Michigan Right to Farm Act, P.A. 93, 1981, for the purpose of raising crops or animals as a source of income.

Feed Lot: The place of confined or concentrated feeding of farm animals, which are being fattened for market.

Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the purpose of separating yard areas.

Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance materials.

Fishing Pier: A structure built out into or alongside a body of water that is used primarily as a place to catch fish.

Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered, and basements, and breezeways shall not be considered as part of the gross floor area unless used for commercial purposes.

Floor Area Ratio: An intensity measured as a ratio derived by dividing the gross floor area of a building(s) by the lot area.

Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from the computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages.

Fur Farm: The place of confined keeping, raising or breeding of animals for the purpose of producing fur or pelts. Refer to Agriculture: Intensive Agriculture definition, Section 2.02, Pages 2-3.

Garage, Residential: An accessory building or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment,

and having no public sales or shop services in connection thereof.

Gasoline Service Stations: A structure used for the retail sale or supply of fuels and/or lubricants, air, water and other operating commodities for motor vehicles, and/or including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.

Group Day Care Home: A private home licensed by the State as may be required, in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Heavy Construction Material Processing or Manufacturing: Operations that produce materials such as asphalt, concrete, concrete products, and miscellaneous paving materials.

Home Occupation: A use or occupation conducted on the premises either within the main residential dwelling or an accessory building, which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in this ordinance.

Hotel: A facility offering transient lodging accommodations to the general public on a short-term basis, that is, typically 14 days or less, and which may provide additional services such as restaurants, meeting rooms, and recreational facilities. Hotel does not include single-family homes in residential areas that are rented on a transient basis (See Vacation Rental).

Identification Sign: A sign, which pertains to the use of the premises upon which it is located and contains any or all of the following information:

1. The occupant of the use.
2. The address of the use.
3. The kind of business and/or the principle commodity sold on the premises.

Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.

Kennel: Any activity involving the permanent or temporary keeping or treatment of more than three (3) but less than thirty-one (31) dogs more than six (6) months of age. Such activity

involving more than thirty-one (31) dogs older than six (6) months of age shall be considered intensive agricultural activity for the purposes of this Ordinance.

Loading Space: An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodge: A single building or facility that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of guests with or without sleeping facilities.

Lot: A parcel of land, excluding any portion in a street or road right-of-way, of a least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. Any combination of complete and/or portions of lots of record; or
4. A parcel of land described by metes and bounds, which was not created in violation of the Subdivision Control Act, as amended, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

Lot Area: The area of land within the boundary of a lot excluding any part under water, bounded by any front lot lines, the right-of-way line of the roadway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the right-of-way line of the roadway.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot Line(s): Any of the lines bounding a lot as follows:

1. Front Lot Line: In the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, it is both lines separating the lot from either street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot lines.
2. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
3. Side Lot Lines: Any lot line other than front lot line or rear lot line.

Lot of Record: A lot on a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.

Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot, Width: The straight-line horizontal distance between the side lot lines, measured at the front lot line. Minimum lot width as used in Article IV, Section 4.01 shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.

Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan may consist of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, topsoil, silver, gold, diamonds and other precious and semi-precious stones, and uranium.

Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a currently licensed recreational vehicle.

Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: See hotel.

Night Club: A restaurant that is open until early in the morning and provides food, drink, music, etc.

Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.

Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

Park: A tract of land set aside for public recreation or enjoyment.

Parking Lot: A use containing one or more parking spaces located at, above or below grade and accessible for the parking of permitted vehicles, exclusive of access drives and entranceways.

Parking Space: An accessible area of not less than nine (9) feet by nineteen (19) feet, exclusive of drives, aisles or entranceways giving access thereto.

Planned Unit Development: See Section 4.21.

Planning Commission: The Planning Commission of the Township of Onota.

Pole Building: A structure wherein the poles support the building.

Poultry Farm: The place of confined keeping, raising, or breeding of fowl for the production of eggs or meat for commercial purposes. Refer to Agriculture: Intensive Agriculture definition, Section 2.02, Pages 2-3.

Premises: A lot as otherwise used in this Ordinance.

Principal Structure: The main structure or building to which the premises are devoted.

Principal Use: The main use to which the premises are devoted.

Private Road: Road with access to three (3) or more lots shall meet County Road Commission specifications.

Privy: A non-portable outbuilding or outhouse with one or more seats and a pit serving as a toilet. All privies shall be constructed and maintained in accordance with Section 12771 of Act 368, P.A. of 1978, and the associated administrative rules.

Public Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are of municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, towers, or structures which are enclosures or shelters for the service equipment or maintenance depots.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, communication, telephone, telegraph, transportation or water.

Reclamation Plan: A plan for reconditioning or rehabilitating of a mineral extraction area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rockslides and air and water pollution.

Recreational Facility: Building, group of buildings, or parcel of land privately or publicly owned, used for exercise, sports or relaxation by the public, whether a fee is charged or not.

Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or seasonal purposes, and which is not a permanent place of domicile or residency of the owner, and which is not a Vacation Rental.

Recreational Vehicle: A vehicle used for pleasure and designed for recreational use and not as a place of domicile, built upon a frame or chassis with wheels attached.

Resort: A facility offering transient lodging accommodations to the general public, but differing from a hotel in that the accommodations are often provided in cabins, condominiums, or other detached units on a single parcel typically involving occupancy or use for recreational purposes. Resorts are often located in proximity to amenities such as lakes, rivers, golf courses, or other attractions, and may offer additional services such as a restaurant, meeting rooms, etc.

Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is

offered, and includes establishments commonly known as grills, cafes, drive-ins, and any fast food establishments permitting consumption on the premises.

Right-of-Way: A street, alley, or other thoroughfare, or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Riverbank: The top of the slopes bordering a riverbed.

Sawmill: The machinery and appurtenant structures used for the manufacture of wood products including, but not limited to, circular or band saws, planers, debarkers, chippers and kilns for commercial use.

Screen: A structure providing separation, such as a fence, or a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other living vegetation.

Setback: The minimum unoccupied distance between the lot line and the principal or accessory building, as required by this Ordinance.

1. **Front:** The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.
2. **Rear:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
3. **Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

Shopping Center: Is a group of businesses providing a variety of merchandise and/or services located on the same lot.

Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

Additional Definitions Pertaining to Signs: *(see also Article V – Signs)*

Advertising Sign: A sign advertising services or products, activities, persons or events.

Area, Sign: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any fixture of 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 on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed

using the dimension of the rectangle which touches the outermost points of the sign.

Balloon: See Pennant.

Banner: See Pennant.

Billboard: An off-premise advertising sign, which is larger than 100 square feet in area.

Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premises.

Construction Sign: A temporary sign erected during construction of a structure or building for which a valid building permit has been issued.

Directional Sign: A sign, which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.

Face: The portion of a sign upon, against, or through which the message is displaced or illustrated.

Flashing Sign: An illuminated sign on or in which artificial light source is not constant in intensity and color whenever such sign is in use. Message signs, defined hereafter, are not flashing signs.

Free Standing Sign: A sign having its own support mechanism placed in or upon the ground.

Ground Sign: A permanent sign supported by a monument or base.

Home Occupation Sign: An on-premise sign used to advertise a home occupation approved in accordance with Sections 4.03, 5.07 and 5.10.

Identification Sign: A sign, which pertains to the use of a premise and contains any or all of the following information.

1. The occupancy of the use.
2. The address of the use.
3. The kind of business and/or the principle commodity sold on the premises.

Illuminated Sign: A sign, which emits or reflects artificial light either by means of exposed tubing or lamps lighting its surface, or by means of light transmitted through the sign face. Message signs, defined hereafter, are not illuminated signs.

Message Sign: A sign, which emits artificial light and shows a message such as time, temperature, date, or other such information or advertisements.

Off-Premise Sign: A sign, which advertises goods, services or attractions not available on the same site as the sign.

On-Premise Sign: A sign, which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Pennant: A flexible piece of fabric or other material designed to attract attention or convey information by means of lettering, logos, color, or movement.

Permanent Sign: A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing.

Pole Sign: A sign supported by one or more uprights or braces in or upon the ground.

Political Sign: A temporary sign which advertises a candidate for public office or urges action on any matter on an election ballot, but which is not affixed to a sign structure.

Portable Sign: See Temporary Sign. A vehicle sign defined hereafter shall not be considered a portable sign.

Projected Sign: A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

Public Signs: Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.

Real Estate Sign: A temporary sign advertising the sale or rental of property.

Roof Sign: A sign mounted or painted on a roof. Roofs with slopes in excess of 60 degrees from a horizontal plane shall be considered walls for the purposes of this ordinance.

Streamer: See Pennant.

Structure: Any bracing or device, which supports or contains the sign.

Swinging Sign: A sign affixed in a manner that allows it to swing freely in the wind.

Temporary Sign: A sign intended to be displayed for a limited period of time and one, which is without permanent foundations or attached to a permanent building.

Vehicle Sign: A sign painted on or affixed to a vehicle.

Wall Sign: A permanent sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

Window Sign: A sign affixed to or placed next to a window.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Site Plan Approval: Site plan requirement for all conditional use permits issued by the Township Planning Commission.

Site Plan Review: Plan submitted with all Township zoning permit applications (as described in the zoning compliance form).

Site Preparation: To include land clearing, establishment of access/driveway, staking of building site and property lines.

Solar Energy System: A device or combination of devices, structures or parts thereof, that collect, transfer or transform solar, radiant energy for personal use into thermal or electrical energy and that contribute significantly to a structure's energy supply.

Freestanding Solar Energy System: Solar Energy System not attached to and separate from any existing structures on the site.

Structurally Attached Solar Energy System: Solar Energy System attached to an existing structure's roof or wall or serving as a structure's roof, wall, window or other structural member.

Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the highest level of the adjoining ground.

Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, sheds, free standing signs, fences, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, and utility poles. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and when food or packaged liquor may be served or sold only as accessory to the primary use.

Vacation Rental: A single-family dwelling, cabin, cottage, camp, mobile home or other habitable structure, rented for temporary use and accommodations, typically for fourteen (14) consecutive days or less.

Variance: A modification of the literal provisions of the Zoning Ordinance, which is authorized by the Zoning Board of Appeals and granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty to the property owner, due to specific circumstances unique to the individual property of which the variance is granted. A Dimensional Variance is a

modification of the literal provisions of the zoning ordinances which is authorized by the Zoning Board of Appeals when strict enforcement of the ordinance would cause practical difficulties for the property owner due to circumstances unique to the property.

Wood Processing and Retailing: This activity involves the secondary processing of forest products such as carpentry or woodworking shops, wood planing or molding operations, and cabinetry shops, as well as small-scale sawmills. Operations employing more than six (6) workers shall be considered manufacturing operations for the purposes of this Ordinance.

Wood Yard: A parcel of land where pulpwood and other logs are gathered from various locations and stored for commercial sale.

Yards: See setback.

Youth Camp: A residential, day, troop, or travel camp that provides care and supervision and is conducted in a natural environment for more than 4 children, apart from the children's parents, relatives, or legal guardians, for 5 or more days in a 14-day period.

Zoning Enabling Act: Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 et seq.).

Zoning Administrator: The Township's designated representative charged with the responsibility of administering the Onota Township Zoning Ordinance.

Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Onota.

ARTICLE III: ZONING DISTRICT AND MAPS

SECTION 3.01: Establishment of Districts

For the purpose of this Ordinance, Onota Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

R:	Residential
R-5:	Residential Five
LS&R:	Lake Shore and River
TD:	Town Development
TP:	Timber Production
RP:	Resource Production
I:	Industrial

SECTION 3.02: Zoning District Map

The boundaries of the respective districts enumerated in Section 3.01 are defined and established as depicted on the map entitled "*Official Zoning Map of Onota Township*", which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.

If changes are made in district boundaries, such changes shall be made in accordance with the provisions of this Ordinance, and shall be incorporated on the Official Zoning Map. Approval by the Township Board and an entry shall be made on the Official Zoning Map showing the date and official action taken.

One copy of the Official Zoning Map shall be maintained and kept up-to-date by the Township Clerk. The official map shall be accessible to the public and shall be the final authority as to the current zoning status of properties in Onota Township.

SECTION 3.03: Replacement of Official Zoning Map

In the event the *Official Zoning Map* becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 3.04: Application of District Regulations

The regulations established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have authority to decide appeals in accordance with Article X, to vary or modify regulations and provisions of this Ordinance shall be observed, public safety secured and substantial justice done as authorized by the Zoning Enabling Act, as amended.

SECTION 3.05: Scope of Provisions

Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to any expressly permitted use. The Zoning Administrator shall determine if a use is similar to an expressly permitted use. Any appeals to the Zoning Administrator's interpretation shall be to the Zoning Board of Appeals.

- A. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- B. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

SECTION 3.06: Conflicting Regulations

Where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of the preceding State and Federal Zoning Ordinance.

SECTION 3.07: District R: Residential

- A. **Intent:** To establish and preserve quiet neighborhoods for single-family homes, for residential use and occupancy, free from other uses except those which are both compatible with and convenient to the residents of the district.
- B. **Permitted Principal Uses.** Detached single-family dwellings and recreational structures affixed to a permanent foundation that are compatible with other dwellings in the vicinity.
- C. **Conditional Uses Authorized by Permit.** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 - 1. **Accessory structures** exceeding 1,600 sq. ft. of floor area normally associated with single-family dwellings and recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boathouse, swimming pools, woodshed and sauna.

2. **Home occupations**, subject to the conditions of Article IV, Sec. 4.03E.
3. **Parks and recreational structures** when located and designed so as to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

SECTION 3.08: District R-5: Residential Five

- A. **Intent:** To establish and maintain for low intensity recreational and single-family residential use and occupancy, those areas, which because of existing development, natural characteristics and accessibility are suitable for development of this type. All essential government services may not be provided in this district.
- B. **Permitted Principal Uses.** Single family dwellings and recreational structures affixed to a permanent foundation.
- C. **Permitted Accessory Uses.** Accessory structures not to exceed 1,600 square feet of floor area normally associated with single-family dwellings and recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boathouse, swimming pools, woodshed and sauna.
- D. **Conditional Uses Authorized by Permit.** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 1. **Accessory structures** exceeding 1,600 sq. ft. of floor area normally associated with single-family dwellings and recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boathouse, swimming pools, woodshed, and sauna.
 2. **Home occupations**, subject to the conditions of Article IV, Sec. 4.03E.
 3. **Parks**, when located and designed so as to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

SECTION 3.09: District LS&R: Lake Shore and River

- A. **Intent:** To establish and maintain for low intensity recreational and single-family residential use and occupancy, those areas with frontage on lakes and rivers, which, because of existing development, natural characteristics and accessibility, are suitable for development of this type. All essential governmental services may not be provided in this district.
- B. **Permitted Principal Uses.** Single family dwellings and recreational structures affixed to a permanent foundation.
- C. **Permitted Accessory Uses.** Accessory structures not to exceed 1,600 square feet of floor area normally associated with single-family dwellings and recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boathouse, swimming pools, woodshed, and sauna.
- D. **Conditional Uses Authorized by Permit.** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.

1. **Accessory structures** exceeding 1,600 sq. ft. of floor area normally associated with single-family dwellings and recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boathouse, swimming pools, woodshed, and sauna.
2. **Home occupations**, subject to the conditions of Article IV, Section 4.03E.
3. **Parks**, when located and designed so as to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

SECTION 3.10: District TD: Town Development

- A. **Intent:** To establish and preserve a town district for single-family dwelling units, mobile homes and for retail commercial uses that are compatible with a small town setting and serve the residents and tourists. This district is designed for small-unincorporated town areas where a mix of residential and retail commercial is consistent and compatible with established patterns of use and the needs of nearby residents.
- B. **Permitted Principal Uses.** Churches; detached single-family dwellings; homes on individual lots; recreational structures; hotels; lodges; resorts; youth camps; vacation rentals; bed and breakfast establishments; general retail establishments under 5,000 sq. ft. and no hazardous material that are designed to serve nearby residents and tourists and include such establishments as offices, clinics, grocery, drug, gift, hardware, or sporting goods stores, art and crafts studios, and other retail and personal service establishments.
- C. **Permitted Accessory Uses.** The following are permitted accessory uses:
 1. **Accessory structures** normally associated with residential dwelling such as a private garage, shed for yard tools, playhouse, pens, boathouse, swimming pool, woodshed, and sauna.
 2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 3. **Signs**, as required and subject to the regulations established in Article V.
- D. **Conditional Uses Authorized by Permit.** The same conditional uses as permitted in the R District subject to the same conditions; mobile home parks which shall comply with all applicable laws of the State of Michigan, be consistent with all standards of this Ordinance, and shall not be located so as to place an undue burden upon municipal services or the surrounding natural resources; apartments; motor vehicle sales and service; construction and farm equipment sales; sales of mobile homes, campers, recreational vehicles, boats, and monuments; wholesale and storage uses; food packaging and bottling works; contractor's yards and shops, gas stations and restaurants and; general retail establishments exceeding 5,000 sq. ft.

SECTION 3.11: District RP: Resource Production

- A. **Intent:** To establish and maintain for low intensity use those areas which because of their location, accessibility, soils, drainage, and other characteristics are suitable for a wide range of agricultural, forestry and recreational use.
- B. **Permitted Principal Uses.** Single-family dwellings, recreational structures, the growing and

harvesting of timber and related activities, agricultural production operations including crop cultivation, pastures, orchards, farmstead and similar uses, except intensive agricultural activity.

- C. **Permitted Accessory Uses.** The following are permitted accessory uses:
1. Accessory structures normally associated with recreational structures such as a private garage, shed or yard tools, playhouse, pens, boathouse, swimming pool, woodshed and sauna.
 2. Accessory uses and structures normally associated with the operation of a mineral extraction process.
 3. Accessory uses or structures clearly incidental to the permitted intensity of the agricultural activity on the site.
 4. One agricultural produce stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or foodstuffs made from such products.
- D. **Conditional Uses.** Authorized by permit. Campgrounds, parks, stables, and other similar uses customarily incidental to the above recreational uses; intensive agricultural activity, providing that no such operation shall be established within one-quarter mile of any existing residence not on the premises; light wood processing and retailing; airports subject to the requirements of Section 4.16; mineral extraction and processing; subject to the requirements of Section 4.17; and wireless communication support structures, subject to the requirements of Section 4.26.

SECTION 3.12: District TP: Timber Production

- A. **Intent:** To maintain for timber production purposes and recreational use, those lands, because of their soil, drainage and other characteristics, are especially suited for timber production.
- B. **Permitted Principal Uses.** The growing and harvesting of timber and related uses and single-family dwellings including mobile homes, recreational structures, and agricultural production operations including crop cultivation, pastures, orchards, farmstead and similar uses, except intensive agricultural activity.
- C. **Permitted Accessory Uses.** The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings such as private garage, shed for yard tools, playhouse, boathouse, pens, swimming pool, woodshed, and sauna.
 2. Any structural or mechanical building or use customarily incidental to the operation of sawmills or wood yards.
- E. **Conditional Uses.** Authorized by permit. Vacation rentals; recreational facilities; bed and breakfast establishments; resorts; intensive agricultural activity provided that no such operation shall be established within one-quarter mile of any existing residence not on the premises: airports subject to the requirements of Section 4.16; mineral extraction and processing subject to the requirements of Section 4.17; wood processing and retailing operations; and wireless communication support structures, subject to the requirements of

Section 4.26.

SECTION 3.13: District I: Industrial

- A. **Intent:** To establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses.

- B. **Permitted Principal Uses.** Manufacturing, mineral extraction and processing subject to the requirements of Section 4.17, processing, warehousing, auto body and paint shops, sawmills, research labs, contractor yards and shops, and construction and farm equipment sales. Outside storage shall be screened from adjacent properties of a higher use classification and public right-of-ways.

- C. **Permitted Accessory Uses.** The following are permitted accessory uses:
 - 1. Any structural or mechanical building or use customarily incidental to the permitted principal uses.
 - 2. Signs, as required and subject to the regulations established in Article V.

- D. **Conditional Uses.** Paper mills, junk yards, grain elevators, sanitary landfills, scrap yards, heavy construction material processing or manufacturing, airports subject to the requirements of Section 4.16; other heavy industrial uses; and wireless communication support structures, subject to the requirements of Section 4.26.

ARTICLE IV: GENERAL REGULATIONS

SECTION 4.01: Height, Placement and Lot Size Regulations

Except as otherwise specifically provided in this Ordinance, no structure shall be created or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. If there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. If a lot fronts on two streets within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, nor side lot line. All distances are measured in feet.

SCHEDULE OF REGULATIONS										
	Minimum Lot Size (sq feet)	Minimum Lot Width (feet)	Minimum Setbacks Main Structure A			Maximum Height Main Structure	Minimum Setbacks Accessory Building or Structure A			Max Height Accessory Building or Structure
District	Permitted Use	Permitted Use	Front	Side	Rear	Height	Front	Side	Rear	Height Max. D
R	40,000	100	30	15	35	30	30	6	25	14
R-5	5 Acres	250	30	30	30	30	30	15	20	14
LS&R	1 Acre	120	30	15	40	30	30	10	20	14
TD	1 Acre	120	30	10	35	30	30	6	15	14
TP	40 Acres	660	35	35	40	30B	30	30	35	30B
RP	10 Acres	330	30	30	40	30	30	25	35	30
I	1 Acre	150	40	C	20	B	40	6	20	B

*The maximum lot depth to width ratio shall be no greater than 4:1, except along the Lake Superior shoreline where the maximum lot depth to width ratio shall be no greater than 7:1.

- A. Waterside minimum setback shall be 50 feet for main structures and 30 feet for accessory structures.
- B. Not to exceed the horizontal distance to any lot line.
- C. No minimum side yard required, however, a minimum thirty (30) foot wide clear and unobstructed access way and/or easement shall be provided to the rear yard of each lot or parcel. Setbacks from existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits: and 10 feet for parking areas.
- D. Measured at sidewall.

SECTION 4.02: Maximum Density for Multiple Family and Condominium Developments

- A. The following room assignments shall be used to compute the maximum number of rooms per lot:

Efficiency = 1 room
One Bedroom = 2 rooms
Two Bedrooms = 3 rooms
Three Bedrooms = 4 rooms (or more)

- B. Plans presented showing 1, 2 or 3 bedroom units and including "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.
- C. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.
- D. For multiple family dwellings, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by:
 - 1. Five thousand (5,000) with private water and sanitary facilities.
 - 2. Three thousand three hundred and thirty (3,330) with municipal water and private sanitary facilities.
- E. All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type.

SECTION 4.03: Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized unless specifically prohibited or by necessary implication by this or any other ordinance.

The following special rules are applicable:

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
- B. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. Accessory buildings two hundred (200) square feet or less require a Zoning Compliance Permit, and the fee for the Zoning Compliance Permit shall be waived.
- D. **Saunas.**
 - 1. All drains from saunas shall be connected to approved septic systems whenever possible.
 - 2. Where connection to an approved septic system is not possible, all discharges from sauna drains shall be located at least seventy-five (75) feet from any surface water or wetlands, at least fifty (50) feet from any potable water supply, and at least ten (10) feet from any property line.
 - 3. All sauna drains and/or discharges shall be constructed and connected to approved systems in accordance with the Alger County Health Dept Sanitary Code and/or any other applicable rules, regulations or standards relative to sauna drains and/or discharge.

- E. **Customary home occupations** are authorized upon application for and issuance of a Conditional Use Permit as provided for in Article VII. In addition, home occupations shall meet the terms as identified below:
1. There shall be two classes of home occupations. Home occupation **Class I** shall be permitted in all districts by application for a conditional use permit. Class II home occupation may be allowed in RP, TP, TD, C and I upon application of and issuance of a Conditional Use Permit pursuant to Article VII Conditional Use Permits.
 2. Home occupation in a single-family residence for instruction in craft or fine arts is allowed in all districts subject to the provisions of Sections 4.03E-5 and 4.03E-6.
 3. **Class I** and Class II home occupations must be clearly incidental and subordinate to its use for residential purposes by its occupants.
 4. **Class I** and Class II home occupations shall not permit equipment or processes to be used which creates noise, vibration, glare, fumes, odors, or electrical interferences which create an unreasonable interference with the enjoyment and use of adjoining properties and which are detectable by normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 5. **Class I** home occupation shall:
 - a. Employ only those members of the family residing on the premises and not more than one non-occupant employee.
 - b. Be conducted within the principal dwelling and utilize not more than 25% of the usable floor space.
 - c. Permit no outdoor storage or exterior evidence of the conduct of home occupations, other than an approved sign.
 - d. Permit no exterior display of merchandise produced by such home occupations.
 - e. Not generate traffic in greater volumes than would normally be expected in that residential neighborhood.
 - f. Provide that parking generated by the conducting of such home occupation meet the requirements of Section 4.10 and 4.11.
 - g. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pickups and vans. These vehicles may be parked outside.
 - h. Allow a sign, not to exceed six square feet, to advertise the home occupation. The sign shall not be illuminated nor have working parts. It may be attached flush on the building or placed in the front of the lot or parcel. The sign location may be at the front lot line, but may not be placed so to interfere with traffic visibility. The sign shall not detract from the visual appearance of the neighborhood.
 6. Class II home occupation may:
 - a. Employ not more than two non-occupant employees.
 - b. May be conducted in an accessory building as per Sec. 4.03.
 - c. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building or adequately screened from view of the street or adjoining neighbors.
 - d. Utilize structures to store commercial vehicles which shall not exceed twice the floor area of the principal structure.
 - e. Permit outdoor storage or exterior evidence of the conduct of home occupations.

- f. Permit exterior display of merchandise produced by such home occupations.
 - g. Provide for an illuminated sign greater than six square feet, except in the R District.
7. The Planning Commission may place additional conditions upon Class II home occupations to assure compliance with the intent of the zoning district.

F. **Kennels** (as defined in Section 2.02) are permitted providing that the following standards are met:

- 1. Kennels are permitted on any lot at least three and one-half acres in area. The specific number of dogs allowed is determined by the lot size rounded to the nearest acre.
- 2. In the R, R-5, LS&R, and TD districts, one dog per acre is permitted up to a maximum of five (5) dogs provided they are kept at least eighty-five (85) feet from any property line.
- 3. In the RP and TP districts, one dog per acre is permitted up to a maximum of thirty (30) dogs provided they are kept at least one-hundred-ten (110) feet from any property line.

NOTE: Kennel activity involving more than 30 dogs older than six (6) months of age shall be considered intensive agricultural activity (see Section 2.02) for the purposes of this Ordinance.

Accessory Housing is authorized upon application for and issuance of a Conditional Use Permit as provided for in Article VII. It is the intent of this Section to provide standards that will allow extended family living or guest accommodations in what have traditionally been single-family only, zoning districts and neighborhoods. *(Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment, as a means of accommodating an elderly parent or other family member. Also permitted will be the placement of a detached, self-contained residential unit on the same lot as the principal dwelling.)*

- 1. **Accessory Apartments** shall meet the following provisions:
 - a. Only owner-occupiers are permitted to install accessory apartments.
 - b. All improvements associated with the construction of the accessory apartment shall meet current, applicable codes.
 - c. Additional off-street parking required by this Ordinance shall be provided.
 - d. Adequate provision for wastewater disposal, by expanded private on-site facilities, shall be required.
 - e. Accessory apartments shall not subsequently be used as rental dwelling units unless apartments are permitted in the zoning district in which it is located.
- 2. **Accessory Cottage.** In addition to the requirements set forth in Section 4.03, the following provisions shall be met:
 - a. Only owner-occupiers of the principal dwelling are permitted to install accessory cottages.
 - b. All yard requirements applicable to the principal dwelling shall be complied with in placement of the accessory cottage.
 - c. The accessory cottage shall meet all applicable codes.
 - d. Any additional off-street parking required by this Ordinance shall be provided.
 - e. The Planning Commission may impose any other reasonable conditions including lot coverage, landscaping, skirting of mobile home units and similar requirements deemed necessary to protect adjoining properties and the public welfare.

- f. Adequate provision for wastewater disposal, by expanded private on-site facilities, shall be required.
- g. Accessory cottages shall not be converted to principal structures by dividing the lot unless all new lots created comply with the requirements of this Ordinance.

B. Solar Energy Systems

- 1. Freestanding solar energy systems shall be considered an accessory building and shall be subject to the requirements for such, together with all applicable building codes and ordinances.
- 2. Structurally attached solar energy systems shall be a permitted accessory use in all districts and subject to administrative review and approval. Structurally attached solar energy systems installed on a building with a sloped roof shall not project vertically above the peak of the roof. Structurally attached solar energy systems installed on a building with a flat roof shall not project vertically more than five (5) feet above the roof.

SECTION 4.04: One Principal Structure or Use Per Lot

No more than one principal structure or use may be permitted on a single lot, unless specifically provided for elsewhere in this Ordinance.

EXCEPTION: In the Town Development District, a residential dwelling and a separate building used for commercial purposes may occupy the same lot.

SECTION 4.05: Lots of Record

Minimum lot size and lot width regulations do not apply to any non-conforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, and executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of this Zoning Ordinance or prior ordinances.

SECTION 4.06: Allocation and Reduction of Lot Area

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards shall meet at least the minimum requirements established herein.

SECTION 4.07: Height Requirement Exceptions

- A. Structures purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments.
- B. Necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial radio, television or

transmission tower shall be so located that the distance from the base of the tower to the nearest property line shall be fifty (50) feet greater than the height of the tower.

- C. Public utility structures.
- D. Agriculture related structures such as barns, silos, elevators, etc.
- E. Wind Turbines shall be no less distant from property lines than their height.

SECTION 4.08: Access Through Yards

Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

SECTION 4.09: Use of Yard or Open Space

Intent: To maintain the aesthetic appearance of the Township and protect the view from residences and public roads in residential districts.

In a residential district, it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn-out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property.

SECTION 4.10: OFF-STREET PARKING REQUIREMENTS

There shall be provided off-street parking for motor vehicles and the minimum number of parking spaces to be provided is shown in the following list:

TYPE OF USE	SPACE REQUIRED
Single and two-family dwellings	2 per dwelling unit
Apartments, townhouses, motels, hotels, bed & breakfast establishments	1.5 per room or dwelling unit
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, and similar facilities	.35 times the seating capacity
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other commercial and industrial use	.75 times maximum number of employees on premises at any given time
Airports	1 per space in hangers or tie-down areas plus 2 per maximum number of employees at any given time

Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space. Required off-street parking shall be provided on the lot to which it pertains.

The following minimum design standards shall be observed in laying out off-street parking facilities.

SECTION 4.11: Off-Street Parking Design Standards

Parking Angle in Degrees	Staff Width	Aisle Width	Parking Stall Length	Curb to Curb
0 to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16 to 37°	10 ft.	11 ft.	19 ft.	47 ft.
38 to 57°	10 ft.	13 ft.	19 ft.	54 ft.
58 to 74°	10 ft.	18 ft.	19 ft.	61 ft.
75 to 90°	10 ft.	24 ft.	19 ft.	63 ft.

SECTION 4.12: Required Off-Street Loading Spaces

Loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

SECTION 4.13: Required Planting Screens

In Town Development (TD) and Industrial (I) districts or wherever a multiple-family use may locate, or where any parking lot, trash collection, outdoor storage, merchandising, or service area lies within fifty (50) feet of any Single-Family Residential District or adjoins an existing residential dwelling within the TD or I District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required - except where the view is blocked by a change in grade or other natural or man-made feature. Where the planting screen cannot be expected to thrive because of intense shade or soil conditions, a six (6) foot high fence may be substituted – whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall.

SECTION 4.14: Time of Completion

All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, and a hearing for the opportunity to demonstrate compliance whenever plantings

are not maintained as required in this Ordinance.

SECTION 4.15: Waterfront Setback

All structures located on lots or parcels abutting any body of water shall be established in accordance with the requirements of the Inland Lakes and Streams Act No. 346, PA 1972, and the Goemaere-Anderson Wetland Protection Act No. 203, P.A. 1979. Said structures shall maintain a fifty (50) foot minimum setback as measured from the riverbank or lake bluff line.

That part of the setback which lies within 15 feet of the riverbank or lake bluff line shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 100 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. All uses shall be subject to this setback except private bathing facilities, gazebos, saunas, and associated facilities, which shall maintain a minimum setback of 30 feet as measured from the riverbank or lake bluff line.

Limitation of "Funnel Development": Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement common fee ownership, single fee ownership or lease.

SECTION 4.16: Airports

Airfields, airstrips and airports are authorized upon application for and issuance of a Conditional Use Permit as provided for in Article VII. All airfields, airstrips, and airports shall meet the following standards:

- A. The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Michigan Bureau of Aeronautics for the class of airport proposed, in accordance with their published Rules and Regulations.
- B. Any building, hangar, or other structure shall be at least two hundred (200) feet from any street or boundary line.
- C. Any runway, taxiway, or hangar shall be located no less than one-half mile from the nearest existing residence other than the proposed premises to be developed for airport use.
- D. Any proposed runway or landing strip shall be situated so that the approach zones are free of any flight obstructions such as towers, chimneys, other tall structures, or natural obstructions outside the airport site.
- E. There shall be sufficient distance between the end of each usable landing strip and the airport

and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.

- F. The number, size, weight and type of aircraft may be limited in the Conditional Use Permit if required for public safety and welfare.

SECTION 4.17: Mineral Extraction

A. Purpose. Mineral extraction is the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and other minerals. It is the intent of these regulations to:

1. Provide for the proper environmental management during the site planning, operational and reclamation states of the mineral extraction process;
2. Provide the Township with information important to overall planning and orderly economic growth;
3. Provide for the right to extract mineral deposits where located; and
4. Ensure that all conditional use permit applications for mineral extraction comply with existing state and federal regulations.

B. Compliance. Any grading, land balance, or soil control measures shall be designed and constructed in accordance with the requirements as set forth in Act 347, of the Public Acts of 1972, as amended, the Soil Erosion and Sedimentation Control Act, and in compliance with the regulations for soil erosion and sediment control as may be administered by the designated Alger County Agency or Department. All fill areas or temporary or permanent storage areas, located in other than public road right-of-ways shall be approved by the Planning Commission prior to placement.

C. Permit exempt. The following shall not require an application for a Conditional Use Permit:

1. Any active mining operation in existence at the date of enactment of this Ordinance may continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site. However, this exemption does not apply to new holes or shafts.
2. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
3. Site preparation authorized by Zoning Compliance Permit.
4. Grading or site preparation associated with public roadway construction, reconstruction, or maintenance within the right-of-way.

D. Application for Conditional Use Permit: No mineral extraction shall be undertaken without first obtaining a Conditional Use Permit from the Planning Commission and upon payment of a reasonable fee established by the Township Board. The Zoning Administrator, upon receipt of the application for Conditional Use Permit, and the designated fee shall forward all necessary information within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for Conditional Use Permit at a public hearing, to be scheduled and in accordance with the provisions of Article IX and they shall approve, approve with conditions, or reject the Conditional Use Permit with explanation. If any of the application information is available in the form of an Environmental Impact Assessment or statement or other appropriate documents, which are required to be

submitted to various County, State and/or Federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

An application for a Conditional Use Permit must contain a Site Plan, Operation Plan and Reclamation Plan as described herein.

The applicant shall submit the following documents, including a cover letter to the Zoning Administrator with the signature of the applicant or the authorized agent of the applicant.

1. **Site Plan Requirements.** A site plan shall consist of twelve (12) identical copies on one or more sheets at a scale adequate to illustrate the proposed operation and shall include:
 - a. A legal description of the property; the name, address and telephone number of the owner, developer and designer.
 - b. Date, north point, and scale.
 - c. The actual dimensions of the proposed developed area as shown by a surveyor or engineer, with the survey stakes visible, showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the parcel lines.
 - e. The location of all existing and proposed drives and parking areas.
 - f. The location and right-of-way widths of all abutting streets, alleys, and private easements.
 - g. The location and proposed planning and screening, fencing, signs and advertising features.
 - h. The height and floor area of all proposed structures.
 - i. The size and location of all existing and proposed public and private utilities and required landscaping.
 - j. Proposed location, area extent, estimated depth of excavation.
 - k. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
 - l. A description of the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate any potential problems in the quality and supply of groundwater to adjacent land owners.
 - m. Additional information as noted and as required in Article XI of this Ordinance.

2. **Operation Plan Requirements**
 - a. A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.
 - b. A narrative description of the social and economic impact on Onota Township including an estimate of the number of potential employees, proposed transportation

routes for employees and any changes in the present road system that might be made necessary by the proposed operation.

- c. Sight and sound buffers as reasonable and practicable along all boundaries of the mining operation. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury including loud or annoying noise.

The following techniques may be used, but are not limited to the following screening methods:

Buffer Zone: An area of sufficient depth as to screen the operation from view.

Earth Berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one-foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the rows and the spacing of trees in the rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

- d. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
- e. Plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

3. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing the:

- a. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.
- b. Description of topsoil stripping and conservation during storage and replacement.
- c. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
- d. Plan for disposition of surface structures, roads, and related facilities after cessation of mining.
- e. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
- f. A timetable for completion of reclamation requirements.

E. General Standards

The Planning Commission shall review the particular facts and circumstances of each Application for a Conditional Use Permit for mineral extraction in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the Master Plan;

2. Will provide adequate site drainage so that runoff waters will not adversely affect neighboring properties;
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
4. Will be served adequately by essential public facilities and services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and
6. Will protect the public health, safety and welfare of the community.

SECTION 4.18: Heavy Construction Material Processing or Manufacturing

Heavy construction material processing or manufacturing is authorized upon application for and issuance of a conditional use permit subject to the following requirements.

Note: A batch plant for road construction may be operated as an accessory use to a mineral extraction operation provided that the operation is terminated at the end of road project and also meets the requirements outlined below.

A. Site Plan Requirements

A site plan shall consist of twelve (12) identical copies on one or more sheets at a scale adequate to illustrate the proposed operation and shall include:

1. A legal description of the property; the name, addresses and telephone number of the owner and operator.
2. Date, north point, and scale.
3. The actual dimensions of the proposed developed area as shown by a surveyor or engineer, with the survey stakes visible, showing the relationship of the subject property to abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the parcel lines.
5. The location of all existing and proposed drives and parking areas.
6. The location and right-of-way widths of all abutting streets, alleys, and private easements.
7. The location of proposed planting and screening, fencing, signs and advertising features.
8. The height and floor area of all proposed structures.
9. The size and location of all existing and proposed public and private utilities and required landscaping.
10. Proposed location of waste dumps, stockpiles and other permanent or temporary facilities used in the operation.
11. Additional information as noted and as required in Section 6.04 of this Ordinance.

B. Operation Plan Requirements

1. A narrative description outlining the estimated time span which the operation will cover; the type of material to be produced; the type of processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport material to the processing plant or markets, and the proposed steps to be taken to relieve adverse effects.

2. Sight and sound buffers as reasonable and practicable along all boundaries of the mining operation which abut R, R-5, LS&R, I or TD Zoning Districts and any public right-of-ways. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury. The following techniques may be used, but are not limited to the following screening methods:

Buffer Zone: An area of sufficient depth as to screen the operation from view.

Earth Berms: Earth berms constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the rows and the spacing of trees in rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

3. Plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

C. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

1. Plans for disposition of surface structures, roads, and related facilities after cessation of the operations.
2. A plan for disposal or treatment of any harmful or toxic materials produced during the processing operation and of chemicals or materials used during the processing operation.
3. A timetable for completion of reclamation requirements.

D. General Standards

The Planning Commission shall review the particular facts and circumstances of each Application for a Conditional Use Permit for a heavy construction material processing or manufacturing operation in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general policies or with any specific objectives of the Community Master Plan;
2. Will provide adequate site drainage so that runoff waters will not adversely affect neighboring properties;
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
4. Will be served adequately by essential public facilities and services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and
6. Will protect the public health, safety and welfare of the community.

SECTION 4.19: Storage of Hazardous Materials

- A. **View.** Storage tanks and associated equipment shall be screened from adjoining residential

areas with an opaque fence or screen.

- B. **Compliance.** The storage, handling, dispensing and use of the hazardous materials shall be done in accordance with applicable Federal, State and local rules and regulations.
- C. **Discharge protection.** Hazardous materials storage and handling areas shall be equipped with structures and/or systems designed to prevent direct or indirect discharge to ground water.
- D. **Requirements.** Storage tanks and associated equipment shall meet all applicable yard requirements for principal buildings.
- E. **Plan Review.** Plans shall be reviewed & approved by the Fire Chief responsible for fire protection in the Township.

SECTION 4.20: Discharges to Groundwater

No discharges to groundwater, whether direct or indirect, shall be permitted without evidence of required permits and approvals from all Federal, State, and County agencies administering such permit or approval programs.

SECTION 4.21: Planned Unit Development

The intent of this chapter is to provide an optional method for residential land development, which allows for flexibility in the application of the standards governing the type of residential structures permitted and their placement on the property. A Planned Unit Development will provide for the development of residential land as an integral unit which incorporates within a single plan the location and arrangements of all buildings, drives, parking areas, utilities, landscaping, and any other improvements or changes within the site. Deviation from the specific site development standards of this Zoning Ordinance may be allowed, so long as the general purposes for the standards are achieved and the general provision of the Zoning Regulations observed. A Planned Unit Development shall be designed to achieve compatibility with the surrounding area, and may also be designed to encourage innovation and variety in the design, layout, and type of residential development; to achieve economy and efficiency in the use of land, natural resources, and energy: to provide for efficiencies and economies in providing public services and utilities and to encourage the development of more useful open space.

Definitions: For the purpose of this section the terms and words herein are defined as follows:

- A. **Planning Unit Development:** A residential development planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the Planned Unit Development.
- B. **Common Open Space:** Lands within the Planned Unit Development, under the common ownership of all residents in the Planned Unit Development, to be used for park, recreation, or environmental amenity. These lands shall not include public and private streets, driveways, or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and

paving constituting not more than ten (10) percent of the total open space.

- C. **Attached Single Family Dwelling:** A single family dwelling unit attached to one or more other single family dwelling unit by means of a common party wall or by a connecting wall or similar architectural feature such as a garage or carport, and with such dwelling having its own private entrance.
- D. **Home Owners Association:** An association of all owners of a project organized for the purpose of financing, administering, managing and maintaining the common open space and common property and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

Development Standards and Modifications: A Planned Unit Development will be developed in accord with the following standards except that the Township Planning Commission may waive a part or all of these requirements where, because of parcel size or shape or other extenuating factors, such a restriction would be to the detriment of quality development, and through site design any adverse affects to adjoining properties can be eliminated.

A. **Minimum size requirement:** five (5) acres

- 1. Exception: The Planning Commission, may approve a Planned Unit Development for a site of no less than one (1) acre in area when because of location, parcel size and/or shape, and the type of development proposed, it is determined to be in the general interest of the township to allow such development.

B. **Permitted principal uses.**

- 1. R-5, single family residential districts: Single family dwellings, two family dwellings, attached single family dwellings limited to a cluster of units not more than one hundred fifty (150) feet in length.
- 2. R, single and two family residential districts: Single family dwellings, two family dwellings, attached single family dwellings limited to a cluster of units not more than one hundred fifty (150) feet in length.

C. **Conditional Uses.** If a proposed use in a planned unit development is one or more of the following:

- 1. Retail Trade;
- 2. Finance, Insurance and Real Estate; and
- 3. Services establishments, *(except hotels, & other lodging places)*

AND is not listed as a permitted use or special use in the respective district in which the planned unit development is proposed; the use may still be a part of the planned unit development if the following conditions are met:

- a. The use is clearly an accessory use to the principle function(s) in the Planned Unit Development.
- b. The use is conducted entirely within an enclosed building except for parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature;
- c. The use has all outside accessory and work areas enclosed by a solid wall;
- d. The maximum size all structures (building areas and total interior floor areas, whichever is less) is three thousand (3,000) square feet in area.

- D. **Allowable Densities.** The maximum density as permitted in a Planned Unit Development shall be:
1. For multiple family dwellings, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by:
 - a. Five Thousand (5,000) with private water and sanitary facilities.
 - b. Three Thousand Three Hundred and Thirty (3,330) with municipal water and private sanitary facilities.
 2. Where a Planned Unit Development includes lands in more than one zoning district, the dwelling units must be distributed in accord with the permitted uses and the allowable density of the zoning district in which the portions of the project are located.
- E. **Permitted Accessory Uses.**
1. Common open space for passive or active recreation, and golf course area specifically for the residents of the Planned Unit Development.
 2. Streams or ponds.
 3. Parking lots.
 4. Other uses which, as a result of the site development plan review process, are determined to be designed to serve the residents of the Planned Unit Development.
- F. **Common Open Space:** At least forty (40) percent of the total land area within a Planned Unit Development shall be in common open space, and it shall be located and designed so as to provide optimum access for all dwelling units located in the project and be of such size and shape so as to be able to provide useful areas in the development of recreational facilities to meet the needs of the occupants of the dwelling units.
- G. **Unified Control:** All lands within a proposed Planning Unit Development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation, or group of individuals, partnerships or corporations. All buildings, structures, landscaping and other improvements in a Planned Unit Development shall be under the unified control of the same applicant or contractually transferred to an equally responsible organization or individual with the approval of the Planning Commission.
- H. **Access and Circulation**
1. Roadway access for Planned Unit Developments will be reviewed in accord with standards set forth by a licensed professional engineer and County Road Commission.
 2. Private Roadway Width: Minimum, twenty (20) feet. Roadways may be paved in accord with specifications set forth by a licensed professional engineer.
 3. Paved walkways may be provided within the Planned Unit Development as part of the site Development Plan requirements and as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian traffic generators.
- I. **Off-street parking requirements**
1. Spaces required:
 - a. 1 bedroom units – one and one half spaces
 - b. 2 or more bedroom units – two spaces

- c. Guest Parking: The number of guest parking spaces shall be equal to at least ten (10) percent of the total spaces required for all dwelling units in the project, and shall be provided in addition to those required for the dwelling units.
 - 2. Design and Layout, R Zoning District(s):
 - a. Parking must be arranged so as to be compatible with the surrounding development parking for residents and guests must be located so as to be directly and conveniently accessible to the entrances to all dwelling units. Common garages under a single roof are permitted.
 - b. *Parking Lot Size:*
 - * Parking space dimensions shall be in accord with Section 4.11.
 - * A single parking area shall contain not more than twenty (20) parking spaces.
 - * Within a parking area, no more than ten (10) spaces may be permitted in a continuous row without being interrupted by landscaping.
 - * *Parking and Storage Areas:* Separate parking and storage areas may be provided to accommodate motor homes, campers, boats, and similar vehicles and equipment. Such areas shall be isolated and screened from both within and outside the Planned Unit Development.
 - 3. Design and Layout, R-5 District(s):
 - a. Parking space dimensions – in accordance with Section 4.11.
 - b. *Parking Lot Sizes:*
 - * No more than 40 parking spaces may be accommodated in a single parking area.
 - * No more than 10 parking spaces may be permitted by landscaping.
 - 4. Parking Lot Screening: Parking areas may be screened from adjacent roads and buildings with solid continuous fences, dense evergreen plantings or beams at least five (5) feet in height.
 - 5. Lighting: All off-street areas may be adequately lighted.
- J. **Yard Requirements, Site Perimeter:** Where a Planned Unit Development abuts a Residential Zoning District, all structures and parking areas within said development shall be at least twenty-five (25) feet from any perimeter boundary line. In addition, a continuous evergreen greenbelt at least eight (8) feet wide shall be located along the perimeter adjacent to a Residential District. This landscaped area shall contain densely planted evergreen trees and or shrubs which are so selected and arranged as to provide maximum year-round opaqueness to a height of six (6) feet or more within one (1) year. An alternative screening may be solid continuous fence six (6) feet high and aesthetically compatible.
- K. **Yard Requirements, Interior:** Yards in the interior of a Planned Unit Development may be less than those required in the zoning district within which located. Development may occur within any provision for interior yards, but in no case shall buildings be closer than ten (10) feet from each other.
- L. **Underground Utilities:** All new utilities within a Planned Unit Development shall be constructed underground.
- M. **Lot Sizes:** Individual residential lot sizes may be reduced from the regulations of the specific zoning district and as an alternative, developments without lot lines may have similar

densities but in no case shall the sizes of lots reduce the regulation area or dimensions by more than thirty (30) percent.

- N. **Dwelling Unit Access:** Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.

SECTION 4.21A: Application Procedures

Applications are to be filed with the Onota Township Planning Commission. Applications for planned unit development are essentially Conditional Use Permit applications which request a waiver of basic dimensional restrictions.

- A. **Applicant:** An application for approval of a Planned Unit Development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
- B. **Pre-application Conference:** An applicant shall meet with the Planning Commission prior to the submission of a formal application. The purpose of the conference is to review procedures necessary for the submission of an application. Special problems concerning utilities, street access, site design, and zoning will be identified to enable the developer to better plan for the project. Time requirements for plan approval shall be reviewed.
- C. **Preliminary Plan Application:** Before submitting a final plan, an applicant shall submit a preliminary plan of the Planned Unit Development, in accord with requirements set forth in this section. This plan shall show the name, location and principal design elements so as to enable the Planning Commission to make a determination as to whether the Preliminary Planned Unit Development is in keeping with the intent of the Planned Unit Development Ordinance. The approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed. The preliminary plan shall be submitted to the Planning Commission for its approval or disapproval.
- D. **Final Plan Application:** Upon approval of a preliminary plan application, a development shall prepare and submit a final plan application in accordance with the requirements set forth in this section. A final plan submitted in accord with an approved preliminary plan shall warrant approval by the Planning Commission. Upon approval of a final plan application by the Planning Commission, the developer may obtain necessary building permits for the construction of the Planned Unit Development.
- E. **Submission Requirements for Preliminary Plan Application**
1. Applicant name, address, phone number, proof of property interest, and the name, address and phone number of the architect, engineer, or designer preparing the application (*12 copies*)
 2. A written legal description of the total site area proposed for development (*12 copies*).
 3. A site plan and support maps and drawing containing the following information at a scale of not more than 1" = 100' and sufficiently dimensioned so as to identify the size and location of the various elements of the plan (*12 copies*):
 - a. Location map.
 - b. Site topography, existing and proposed at spot intervals (*interval no greater than two*

(2) feet)

- c. The general location of all existing and proposed buildings and structures.
 - d. Public and private roadways within and adjacent to the site.
 - e. Walkways within and adjacent to the site.
 - f. Park areas, driveways, and loading and service areas.
 - g. Open areas, and a description as to use.
 - h. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the areas of all parcels created, the area of all common open space, and the number of parking spaces provided.
 - i. A general landscape plan of landscaping within the site.
 - j. The location and screening of any outside trash containers.
 - k. The location and size of all known utilities and drainage facilities.
 - l. The general location of all proposed utilities and drainage facilities.
 - m. The dimensions of all parcels to be created as a part of the development.
4. General building elevation drawings showing the architectural style to be used in the development. (12 copies)
 5. An application fee as established by the Township Board.

F. Submission requirements for Final Plan Application

1. Applicant(s) name, address, phone number, proof of property interest, and the name, address and phone number of the architect, engineer, or designer preparing the application (12 copies).
2. A written legal description of the total site area proposed for development (12 copies).
3. A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development (12 copies).
4. A site plan supporting maps and drawings containing the following information at the scale of not more than 1" = 100' and dimensioned so as to identify the size and location of the various elements of the plan (12 copies).
 - a. A location map.
 - b. Site topography, existing and proposed, intervals no greater than two (2) feet.
 - c. The location of all existing and proposed buildings and structures.
 - d. Public and private roadways within and adjacent to the site.
 - e. Walkways within and adjacent to the site.
 - f. Park areas, driveways, and loading and service areas.
 - g. Open areas, and a description as to use.
 - h. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided.
 - i. A general plan for landscaping the site. Specific details of plan size shall be shown for any landscaping provided to comply with any required screening within the project.
 - j. The location & screening of any outside trash containers.
 - k. The dimensions of all parcels to be created as a part of the development.
5. The organizational structure of the homeowner's association to be formed for the financing, operation and maintenance of all common open space and common property and facilities within the development (12 copies).
6. A copy of all covenants pertaining to the development (12 copies).

7. Plans and specifications for all sanitary sewer, storm drainage, water and roadways within the project. Said plans and specifications shall be prepared by a professional engineer in accord with the standards of the Department of Public Health of the State of Michigan, and a licensed professional engineer.

SECTION 4.21B: Preliminary Plan Planning Commission Review & Approval

- A. **Public Hearing Notice.** The Planning Commission shall conduct a public hearing on the proposed Planned Unit Development. Notice of said public hearing pursuant to comply with the Zoning Enabling Act, as amended shall be published in the local newspaper not less than fifteen (15) days prior to the date of the public hearing. All property owners of lands within three hundred (300) feet of the property in question shall be notified by first class mail or personal delivery to each dwelling unit or other occupied structure.
- B. **Planning Commission Action.** After a study of the application for a Planned Unit Development, and within sixty (60) days of receipt of said application, the Planning Commission shall recommend to the Township Board the approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action and any modifications and conditions of approval or denial. The decisions of the Planning Commission shall be based on:
 1. The standards incorporated in Subsection 4.21 of this Article and other applicable standards set forth in ordinances and regulations of the Township of Onota.
 2. A determination that the development is not detrimental to the health, safety and welfare of the community;
 3. A determination that the development shall not be detrimental or injurious to the character of the neighborhood in which located and that the development is compatible with said neighborhood. The review period may be extended upon a written request of the applicant.

SECTION 4.21C: Township Board Review & Approval Preliminary Plan

- A. **Public Hearing Notice.** Upon receipt of a recommendation from the Planning Commission, the Township Board may conduct a public hearing on the proposed Planned Unit Development. Notice of said public hearing pursuant to comply with the Zoning Enabling Act, as amended if scheduled shall be published in the local newspaper not less than fifteen (15) days prior to the date of the public hearing. All property owners of lands within three hundred (300) feet of the property in question and the occupants of all structures within three hundred (300) feet of the property in question shall be notified by first class mail.
- B. **Township Board Action.** Within forty–five (45) days after receipt of a recommendation from the Planning Commission, the Township Board may conduct a public hearing and shall approve, approve with conditions, or disapprove the proposed Planned Unit Development. The basis for Township Board action and any modifications or conditions of the approval of the Planned Unit Development shall be set forth in writing as a part of the official Township Board action. This review and approval of the Township Board shall be based on:
 1. The standards incorporated in subsection 4.21A-5 of this Chapter and other applicable standards set forth in ordinances and regulations of Onota Township.
 2. A determination that the development is not detrimental to the health, safety and

welfare of the community.

3. A determination that the development shall not be detrimental or injurious to the character of the neighborhood in which located and that the development is compatible with said neighborhood.
- C. **Developer Action.** After receiving Township Board approval of the preliminary plan, the developer may proceed with the installation of any public work improvements required to serve the development. Said improvements shall be in accord with the approved preliminary plan, and plans and specifications shall have been approved by the appropriate officials. Such improvements shall be inspected by the appropriate Township and/or County officials. The developer shall have paid to the township the required fee for said inspection prior to the performance of inspection services. In no event will the developer be permitted to proceed with any further or additional construction or development until receiving final plan approval.

SECTION 4.21D: Final Plan - Review and Approval

- A. A developer may submit to the township for final plan approval all or part of the plan for which preliminary approval has been received. Any final plan for a part of the larger development shall be such that its proportional share of the common space shall be included in and contiguous to the area to be developed, and said partial development shall be capable of standing on its own with respect to necessary improvements, circulation, facilities and open space.
- B. **Planning Commission Action.** After a study of the proposed final plan for a Planned Unit Development or part thereof, the Planning Commission shall, within thirty (30) days of the receipt of said plan, recommend to the Township Board approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action. The Planning Commission shall recommend approval of a final plan unless it is determined that said final plan is not in accordance with the approved preliminary plan.
- C. **Township Board Action.** Within forty-five (45) days of the receipt of a recommendation from the Planning Commission, and after the execution of the agreement by the developer, as required in Subsection 4.21A of this ordinance, the Township Board shall approve, approve with conditions, or disapprove the final plan. A final plan shall be approved unless it is determined that it is not in conformance with the approved preliminary plan or that said final plan, when a part of the total proposed plan, does not represent a proportional part of all the critical elements of said plan. The Township Board shall set forth in writing the basis for its decision and any conditions related to an affirmative decision.
- D. **Agreement Required.** Prior to final plan approval by the Township Board the developer shall have executed, and submitted in duplicate to the Township, an agreement with the Township setting forth:
1. The specific location and use of common lands and common facilities within the development.
 2. The organizational structure of homeowners association and the provisions for implementation of transfer of control to said association from the developer;
 3. The methods for levying assessments on the common lands and facilities, both with

- respect to taxes and operation and maintenance fee;
4. Provisions enabling the Township to enter in and maintain such common lands and facilities, both with respect to taxes and operation and maintenance fee;
 5. Provisions whereby the Zoning Administrator shall not issue a certificate of occupancy until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the Township as prescribed by the Township Board.
 6. Provisions to allow the Township to enter and complete such improvements if the developer has failed to do so within the stated period of time.

The agreement shall be approved as to form and content by the Township Attorney.

SECTION 4.21E: Approval Period

- A. **Preliminary Plan.** The length of time during which the approval of the preliminary plan for a Planned Unit Development remains valid shall be eighteen (18) months from the date of Planning Commission approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Planning Commission twice, each for a period of one (1) year.
- B. **Final Plan.** The length of time during which approval of a final plan for a Planned Unit Development remains valid shall be two years from the date of Planning Commission approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Planning Commission twice, each for a period of one (1) year. Where a Planned Unit Development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two (2) years from the date of issuance of a land use permit.

SECTION 4.21F: – Performance Guarantee

- A. **Condition for Issuance of Temporary Certificate of Occupancy.** If all required site improvements have not been completed when a certificate of occupancy is requested, the Zoning Administrator may issue a temporary certificate of occupancy upon receipt from the developer by the Township Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount sufficient to cover the cost of outstanding improvements.
- B. **Covered Improvements.** The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of the Zoning Ordinance and any conditions attached to the Planned Unit Development approval, and said improvements shall include, but not be limited to, roadways, lighting, utilities, sidewalks, screening and drainage.
- C. **Exemptions.** This section shall not be applicable to improvements for which cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act. No. 288 of the public Acts of 1967, as amended, being sections 560.101 to 450.293 of MCL.

- D. **Completion Time:** All required improvements covered by the performance guarantee shall be completed within two hundred forty (240) days of the issuance of the temporary certificate of occupancy.

In the event all required improvements are not completed within the time period provided, the Township, by resolution of the Township Board, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the applicant proprietor.

- E. **Release of Performance Guarantee.** Upon the written request of the applicant/developer for the release of all or a portion of the financial security provided for the completion of the improvements, and upon certification by the Zoning Administrator that the portion of the financial security requested to be released is equal to or less than the amount of the improvements installed at the date of such request, the Township Clerk may authorize the release of such financial security of the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by the written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

SECTION 4.21G: Amendments to Plans

Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this section may increase by more than ten (10) percent, or decrease by more than twenty (20) percent, the size of any building or structure, or change the location of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding, anything in the foregoing, the Zoning Administrator may not permit changes beyond the maximum requirements set forth in this ordinance.

All other changes in the planned unit, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the Planned Unit Development.

SECTION 4.21H: Subdivision Requirements

Any Planned Unit Development which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Subdivision Control Act, of Act 59 of 1978, the Condominium Act, shall comply with the provisions of those Acts.

SECTION 4.22: Regulation of Condominium Developments

The following regulations shall apply to all condominium developments within Onota Township.

- A. **Initial Information:** Concurrently with notice required to be given Onota Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act) a person, firm, or corporation intending to develop a condominium project shall provide the following information:
1. Name, address and telephone number of:

- a. All persons, firms or corporations with an ownership interest in land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - b. All engineers, attorneys, architects, planners or licensed land surveyors associated with the project.
 - c. The developer or proprietor of the condominium development.
2. The legal description of the land on which the condominium development will be developed together with the appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium development will be developed.
 4. The purpose of the development (for example, residential, commercial, industrial, etc.)
 5. Approximate number of condominium units to be developed on the subject parcel.
 6. Whether or not a community water system is contemplated.
 7. Whether or not a community septic system is contemplated.
- B. Information to be kept current.** The information shall be furnished to the Township Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Section 9.05 of this ordinance.
- C. Site Plans for New Projects.** Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to 6.04 of this ordinance. In addition, the township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
- D. Site Plans for Expandable or Convertible Projects.** Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to 6.09 of this ordinance.
- E. Master Deed, Restrictive Covenants & "As Built" Survey to be Furnished.** The condominium development developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as-built survey". The "as built survey" shall be reviewed by a licensed professional engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.
- F. Monuments Required**
1. Site Condominium Projects: All condominium developments which consist in whole or in part of condominium units which are residential, commercial, or industrial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.
 - a. All monuments used shall be made of solid iron or steel bars at least one-half inch (1/2") in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.
 - b. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection

of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the raveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

- c. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- d. If a point requiring a monument is on bedrock outcropping, a steel rod, at least one-half inch (1/2") in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches (8").
- e. All required monuments shall be placed flush with the ground where practicable.
- f. All unit corners and the intersection of all limited common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (1/2") in diameter, or other approved markers.
- g. The Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Township cash or a certified check, or irrevocable bank letter of credit to the Township of Onota, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

G. All Condominium Projects shall be marked at their boundaries with monuments meeting the requirements of Section 4.22F above.

H. Compliance with Federal, State and Local Laws: All condominium developments shall comply with federal and state statutes and local ordinances.

I. Occupancy: The Zoning Administrator may allow occupancy of the condominium development before all improvements required by this ordinance are installed provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

J. Site Condominiums

1. **Review Procedures:** Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Township Board following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board, the Planning Commission shall consult with the Zoning

Administrator, Township Attorney and a licensed professional engineer regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and the Township Zoning Ordinance. The review process shall consist of two steps:

- a. *Preliminary Plan Review* – In the preliminary plan review Phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Onota Township Zoning Ordinance and Master Plan. Plans submitted for preliminary review shall include information specified in items 1-4 of the Submission Requirements as set forth below.
 - b. *Final Plan Review* – Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by items 1-8 of the Submission Requirements as set forth below. Such plans shall be reviewed by the Township Attorney, and a licensed professional engineer. Further, such plans shall be submitted for review and comment to all applicable local, county, and state agencies as may be appropriate, and as determined by the Planning Commission. The Township Board may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comment on said plans.
2. Exhibits Required. In addition to the requirements of Section 66 of the Condominium Act and requirements for site plans (in Chapter V of the Zoning Ordinance), all plans for site condominium projects presented for approval shall contain the following information.
- a. Survey of the condominium subdivision site.
 - b. A survey or drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, floodplains, wetlands, and woodland areas.
 - c. The location, size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
 - d. A generalized plan for the provision of utilities and drainage systems.
 - e. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
 - f. A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to the township for repair and maintenance of utilities.
 - g. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision.
 - h. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
3. Zoning District. A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located.
4. Design. The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by

this ordinance. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least minimum requirements of the general specifications and typical cross sections, including bituminous or concrete paving standards, as set forth in the Plat Development and Street Construction Manual, as amended, issued by the Alger County Road Commission.

5. Location Arrangements and Design of Streets

- a. The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
- b. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- c. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- d. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- e. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be developed, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- f. Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.

6. Right-of-Way and Pavement Widths: Street right-of-way and pavement widths shall conform to at least the following minimum requirements, see below:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTH</u>	<u>PAVEMENT WIDTH</u>
All types of streets	66' (ft)	24' (ft)
Cul-de-sac	75' Radius	45' Radius

- a. No on-street parking shall be allowed unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.
- b. Minimum length for cul-de-sac streets shall be 140'. Maximum length for cul-de-sac

streets shall be 1000'.

- c. Access to streets across all ditches shall be provided by the proprietor with the Alger County Road Commission's specifications and procedures for driveway installations.
- d. The Township may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to insure that streets will be properly maintained. Such provisions shall be reviewed and approved by a licensed professional engineer and Township Attorney.

7. Easements

- a. Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each proposed condominium unit site.
- b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
- c. Easements six feet (6') in width, three feet (3') from condominium unit site shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan; a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of the utility company)"

8. Condominium Unit standards. Condominium units within site condominium developments shall conform to the following standards:

- a. The lot size, width, depth, and shape in any site condominium shall be appropriate for the location and type of development contemplated.
- b. Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the District in which the site condominium is proposed.
- c. Condominium units situated on corners in residential condominium subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.
- d. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
- e. Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the Zoning Ordinance.
- f. Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed

in the Zoning Ordinance for "lots."

- g. Side condominium units shall be at right angles or radial to the street lines.
 - h. Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
 - i. Condominium units shall have a front-to-front relationship across all streets where possible.
 - j. Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.
9. Blocks:
- a. Maximum length for blocks shall not exceed one thousand three hundred feet (1,300') in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
 - b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
10. Natural Resources: The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.
11. Sidewalks: Sidewalks shall be installed in all single-family detached site condominium developments. Side walks shall be a minimum of five feet (5') in width along both sides of collector and minor streets and six feet (6') in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.
- Notwithstanding the above, in instances where the average width of condominium units is greater than or equal to sixty-five (65') feet, sidewalks along internal streets shall not be required.
12. Reserved for future use.
13. Utilities
- a. *Storm Drainage*. An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by a licensed professional engineer, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall

be drained from rear to front except where topography or other natural features require otherwise. The Township Board may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the township.

- b. *Sewage disposal* when a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by a licensed professional engineer, shall be installed within the public rights-of-way or within the general common elements and dedicated to the township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the Township.
- c. *Water supply* when a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by a licensed professional engineer, shall be constructed in such a manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of public water supply system, a private water supply system shall be provided by the developer as regulated by the Alger County Health Department. The Township Board may require that all water lines and appurtenances connecting to the public water supply system be installed within the public rights-of-way or within the general common elements and dedicated to the township when, in the opinion of the Township Board, dedication of the same would be in the best interest of the Township.
- d. *Requirements for Underground Wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of a licensed professional engineer and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

14. Street Names and Signs: For the purpose of insuring proper response by emergency vehicles, road name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the Alger County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the township or postal zone. For private streets,

in addition to the above requirements, a sign meeting County Road Commission standards with the words "Not a Public Street" shall be installed and maintained at all points where private streets meet public streets.

15. Street Lighting: For the purpose of protecting public safety, street lights meeting the standard of the Alger County Road Commission and the public utility providing such lighting shall be installed and maintained with the condominium development at all street intersections. The condominium association shall be responsible for the full cost of operation of street lights.
16. Final Documents to be Provided. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a Mylar sheet of at least thirteen by sixteen inches (13" x 16") with an image not to exceed ten and one-half by fourteen inches (10 ½" x 14").

SECTION 4.23: Public Service Installations

- A. The following standards shall apply to public utility transformer stations and substations, gas regulator station, and radio, television, microwave transmitting and receiving apparatus, and enclosures or shelters for the service equipment or maintenance depots.
- B. Public services as defined in Article II, Section 2.02 are exempt from these and the other regulations of this Article.
- C. *Standards*:
 1. The lot area and width shall not be less than that specified for the district in which the proposed use is located.
 2. The yard and setback requirements shall not be less than that specified for the district in which the proposed use is located.
 3. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.
 4. Not more than thirty (30%) percent of the lot area may be covered by buildings.
 5. All buildings shall be harmonious in appearance with the surrounding residential area and screened by suitable plant material or shall be fenced as approved by the Planning Commission.
 6. Where mechanical equipment is located in the open, it shall be screened from the surrounding residential areas by suitable plant material and shall be fenced as approved by the Planning Commission.
 7. All signs and off-street parking shall be in compliance with this Ordinance.
 8. In the R, R-5, LS&R, and TD Districts, the public utility must prove the necessity of locating within that district.

SECTION 4.24: Storm Water Runoff and Drainage

Any land use with more than five thousand (5,000) square feet of impermeable surface shall retain all storm water drainage resulting from runoff on-site by diverting the runoff to a storm water detention or retention pond or into an approved public storm sewer or drainage system. Storm water runoff and drainage resulting from site development and construction shall be addressed in accordance with the requirements of all existing statutes as well as any applicable

county or local ordinances or any rules promulgated by the Alger County Drain Commissioner relative to storm water management.

SECTION 4.25: Group Day Care Homes

The following standards shall be utilized by the Planning Commission when considering the location for group day care homes:

- A. The proposed site shall not be located closer than 1,500 feet to any of the following:
 1. Another licensed group day-care home.
 2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act. No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act. No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 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. There will be appropriate fencing for the safety of the children in the group day care home as determined by the Township Planning Commission.
- C. Maintenance of the property will be consistent with the visible characteristics of the neighborhood.
- D. The Township may limit, but not prohibit, the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
- E. The proposed use shall meet regulations of this ordinance governing signs used by the group day care home to identify itself.
- F. A group day care home operator shall provide off-street parking accommodations for all employees as required by this ordinance.

SECTION 4.26 WIRELESS COMMUNICATIONS SUPPORT STRUCTURES

- A. **Purpose and Intent:** It is the intent of Onota Township to comply with the requirements of the Federal Telecommunications Act of 1996, as amended from time to time, by authorizing wireless communication support structures as needed to operate wireless communications systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods, and the character, property values, and quality of the Township. It is the further purpose and intent of this Section to:
 1. Facilitate adequate and efficient provision of sites for wireless communication facilities.
 2. Ensure that wireless communication facilities (support structures, antennas and accessory ground equipment) are situated in appropriate locations and relationships to other land uses, structures and buildings.
 3. Minimize the adverse effects of such facilities through careful design, siting and screening criteria.
 4. Require adequate information about plans for wireless communication facilities in order to permit the Township to effectively plan for the location of such facilities.

5. Minimize adverse impacts of the technological obsolescence of such facilities.
6. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, the natural beauty of the Township and public rights-of-way by minimizing the numbers of wireless communication support structures through co-location where feasible.

B. Definitions. The following definitions shall apply in the interpretation of this Section:

1. **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include reception antenna for an individual lot as otherwise defined and regulated in this zoning ordinance.
2. **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.
3. **Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures, which appear to be something other than mere support structure.
4. **Co-location.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.

C. Standards and Conditions. Wireless communication support structures may be permitted in Onota Township by Conditional Use Permit in the RP-Resource Production, TP-Timber Production and I-Industrial Zoning Districts, subject to the following conditions:

1. Location and Site

- a. The wireless communication support structures shall be located in RP, TP or I Zoning Districts only. No structures shall be permitted in other zoning districts. However, notwithstanding, in districts where wireless communication support structures are prohibited, antennas may be co-located on other tall structures whose primary function is not for wireless communications. In pursuit of the above purposes, wireless communication support structures and antennas shall be permitted in the following zoning districts according to the review and approval procedures indicated. Proposed uses & locations are listed below in order of preference from greatest to least.

Co-Location: *Types of Wireless Communication Support Structure or Antenna*

- i. Co-Location of Antennas on existing approved wireless communication support structures or tall structures whose primary function is not for communications in RP, TP and I with Site Plan Approval and Conditional Use Permit if it has not been previously granted.
- ii. Co-Location of Antenna(s) on existing tall structures whose primary function is not

for communications in R, R5, LS&R and TD with Site Plan Approval and Conditional Use Permit if it has not previously been granted.

- iii. New wireless communication support structures on appropriate public and privately owned lands in RP, TP and I with Conditional Use Permit and Site Plan Approval
- iv. Replacement wireless communication support structures on appropriate public or privately-owned land in RP, TP, and I with Conditional Use Permit and Site Plan Approval if existing structure does not have one, otherwise only Site Plan Approval required.
- b. The wireless communication support structure shall be located on an area of sufficient dimensions to allow a distance from the base of the tower plus fifty (50) feet to any lot line to exceed the height of the tower if it falls. Sufficient lease area must be provided to allow for the ground equipment needs of all anticipated future antenna co-locators.
- c. The site plan for the wireless communication support structure shall be accompanied by a signed certification by a registered civil engineer regarding the design integrity of a structure and the manner and distance in which the structure may fall. This will enable the Zoning Administrator to determine appropriate setbacks as part of the site plan approval process. At a minimum, the wireless communication support structure shall meet the setback requirements of the zoning district in which it is located' however, greater setbacks may be required based on the structural certification, character of the area, and other factors related to this ordinance and the public health, safety and general welfare.
- d. Minimum spacing between wireless communication support structure locations shall be five (5) miles, measured by a straight line, unless compelling evidence can be provided by the applicant demonstrating that a wireless communication support structure must be located closer.
- e. There shall be no interference with the reception of any kind on any adjacent uses. In the event such interference occurs, the provider shall take all steps necessary to eliminate such interference, in the determination of the Township's designated expert.
- f. The following facilities shall be exempt from the tower regulations herein: towers less than 50 ft. in height, citizen band radio antennas, short wave antennas, ham and amateur radio antennas, personal satellite dishes and personal television receiving antennas.

2. Structure

- a. All new and modified wireless communication support structures shall be designed and constructed to accommodate not less than three (3) wireless communication antennas. A written commitment and other necessary provisions to permit co-location by other providers shall be included in the documentation with the application.
- b. The maximum height of the structure shall be limited to the minimum height demonstrated to be necessary by the applicant or a height deemed necessary by the Planning Commission to fulfill this Section's purpose and intent.
- c. The color of the structure shall be reviewed with consideration for aviation safety and the character of the surroundings. The Planning Commission may require the

- application of stealth technology to enable the support structure to blend in with its surroundings as much as possible. The application for a conditional use permit for a wireless communication support facility shall include the color of the proposed structure.
- d. There shall be no advertising of any kind visible from the ground or other structures, other than required for emergency purposes.
 - e. All lighting on a support structure shall be prohibited, unless required by the Federal Aviation Administration (FAA). If the FAA requires lighting, it shall be of the flip-over type and shall be directed away from residential property so as to cause the least disturbance to surrounding properties. Flip-over type lights shine white during the day and red during the night. No light shall be installed unless the applicant submits a letter from the FAA stating the necessity for lighting on the proposed wireless communication support structure.
 - f. All signals and remote control conductors of low energy extending horizontally above the ground between structures shall be at least eight (8) feet above the ground, unless buried underground.
 - g. Support structures shall comply with the provisions of Article 7 Conditional Use Permits and Article 6, Site Plan Review as well as with all other local regulations, including all applicable construction codes.
 - h. Wireless communication facilities shall comply with applicable federal and state regulations, including but not limited to requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and the Michigan Aeronautics Commission.
3. **Co-Location:** It is the policy of the Township that wireless communication providers shall co-locate on existing structures capable of accommodating antennas to minimize the overall number of newly established support structures with the Township and to encourage the use of existing structures for new antennas. Examples include locating a new antenna on an existing wireless communication support structure, or on an existing tall building or water tank.
- a. Requirements for Co-location
 - i. A conditional use permit for the construction and use of a new wireless communication support structure shall not be granted unless and until the applicant demonstrates to the satisfaction of the Township that a feasible co-location is not available for the coverage area and capacity needs.
 - ii. The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such support structure shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - iii. Approval of co-located antenna: An application for co-location on an existing support structure or other tall building or structure shall not require a new Conditional Use Permit. Only Site Plan Review, in accordance with Article 6, Site Plan Review, shall be required in order to obtain approval.
 - b. Feasibility of Co-location. Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:

- i. The structure on which co-location is being considered, taking into consideration reasonable modification or replacement of a support structure, is able to provide structural support.
 - ii. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - iii. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards specified herein.
4. **Accessory Structures:** Accessory buildings and structures (ground equipment) shall not exceed six hundred (600) square feet in area. One (1) accessory building may be permitted for each company that leases space on the wireless communication support structure. The layout of all ground equipment shall be in such a manner as to facilitate the ground equipment needs of future co-locators.
5. **Fencing and Screening**
- a. A fence with a height of six (6) to eight (8) feet shall enclose all wireless communication facilities. If deemed necessary for security purposes, a barbed wire cradle may be mounted on top of the fence.
 - b. Where a property line of a site containing a wireless communication support structure abuts a residentially zoned or used area, the applicant shall provide an evergreen planting screen of sufficient density and height as to have an immediate buffering impact on the adjacent site.
6. **Maintenance:** A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.
7. **Removal:** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - b. Six (6) months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.
 - c. The situations in which removal of a facility is required, as set forth in paragraph "a" above, may be applied and limited to portions of a facility.
 - d. Upon the occurrence of one or more of the events requiring removal, specified in paragraph "a" above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
 - e. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the

facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

D. Application Requirements: New support structures or existing structures to be newly used for antennas, shall require a Conditional Use Permit and Site Plan Review approval. If a Conditional Use Permit has previously been granted, the co-location of antennas shall only require Site Plan Review approval. Applications for Conditional Use Permits and Site Plan Review approvals shall be made in accordance with Article 7, Special Use Permits and Article 6, Site Plan Review as well as with all other local regulations, including all applicable construction codes. In addition, the following information is also required for all new support structures and antenna co-locations (except Structural Specifications for co-locations):

1. **Structural Specifications:** Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennas capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Planning Commission and County Building Department. Before the support structure is used or a certificate of occupancy is issued, the applicant shall have the structure inspected and certified by a structural engineer. A copy of the structural engineer's certification shall be submitted to the Township and the County Building Department.
2. **Service Area Documentation:** The application shall include a map of the Township and surrounding communities showing existing and proposed tall structures and wireless communication support structures to illustrate potential co-location sites or the need for a proposed wireless communication support structure. If such information is on file with the Township, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy {MCL 15.243(l)(g)}. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.
3. **Contact Person:** The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
4. **Technical Experts:** The Township may hire independent experts to review and comment on technical aspects of support structures and facilities, including but not limited to service area coverage, structural integrity, and feasibility of co-location. The cost of hiring such experts shall be borne by the applicant.
5. **Performance Guarantee:** The Township may require the deposit of a performance guarantee to be posted at the time of receiving a Conditional Use Permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of any structure used for wireless communication in an amount which reasonably reflects

the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner. The security shall, at the election of the Township Board, be in the form of (1) cash; (2) security bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this section of the ordinance. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.

SECTION 4.27: Wind Energy

Definitions

- A. **Ambient Sound Level** is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American Standards Institute.
- B. **Anemometer** is a wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- C. **Decibel** means the unit of measure used to express the magnitude of sound pressure and sound intensity.
- D. **dB(A)** means the sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI, a method for weighting the frequency spectrum to mimic the human ear.
- E. **Decommissioning** is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads and equipment.
- F. **Lease Unit Boundary** means boundary around property leased for purposes of a Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.
- G. **On Site Wind Energy System** means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
- H. **Rotor** means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- I. **Rotor Diameter** means the cross sectional dimension of the circle swept by the rotating blades.

- J. **Shadow Flicker** means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- K. **Total Height** means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- L. **Tower** means the monopole, freestanding or guyed structure that supports a wind generator.
- M. **Utility Grid Wind Energy System** means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as, but not limited to, a SCADA Tower, electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.
- N. **Wind Energy System** means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- O. **Wind Energy Turbine (WET)** is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.
- P. **Wind Generator** means blades and associated mechanical and electrical conversion components mounted on top of the tower.

Construction Standards

- A. **Compliance with Uniform Building Code:** Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Construction and materials shall meet or exceed all applicable local and state and national building codes.
- B. **Compliance with FAA Regulations:** Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- C. **Compliance with National Electric Code:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that information is frequently supplied by the manufacturer. Installation and materials shall meet or exceed all applicable local and state codes and the NEC.
- D. **Utility Notification Requirement:** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

ON-SITE WIND ENERGY SYSTEMS

A. **Requirements.** An on-site wind energy system shall be a permitted use in all zoning districts, subject to the following requirements:

1. It must be designed to primarily serve the needs of a home, farm, or small business.
2. *Property set back.* The distance between an on-site use wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
3. *Lighting.* A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
4. *Sound pressure level.* On-site use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
5. *Signal interference.* The on-site wind energy system shall not interfere with the communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
6. *Safety.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade, for a propeller style, tower mounted, ground installation, shall be 20 feet for a wind energy system employing a tower mounted horizontal axis rotor.
7. *Abandonment.* A small wind energy system that is out-of-service for a continuous 24-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to or dispute the Notice of Abandonment, within 30 days from the date the Notice is issued. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense with 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the owner's expense.

B. **Height limitations.** On-site, non-commercial construction of wind energy systems shall be limited in height as follows:

1. Wind energy systems in the following zoning districts shall be no higher than 66 feet or

less dependent upon lot size: Residential, Town Development, Lakeshore and River, and all other lots where the lot size does not allow the wind energy system to be contained on the property if it should collapse.

2. Wind energy systems for non-commercial use in all other zoning districts shall be limited to a height of 132 feet unless the applicant can demonstrate that a greater height is necessary due to terrain features. In all events, the wind energy system height shall not exceed the distance to the property line necessary to contain the structure in the event of a collapse.
- C. **Building mounted wind energy systems:** In addition to information required in this section the following information shall be submitted with an application for a wind energy system proposed to be attached to the roof or wall of a building or structure and subject to approval by the Planning Commission under provision of this Ordinance.
1. An elevation drawing of the building or structure to which the proposed wind energy system will be attached, showing the placement of the wind energy system and show the projection of the wind energy system from the structure, marked with all necessary dimensions.
 2. The height of a building mounted wind energy system shall not exceed the maximum permitted building height for the property by more than twenty (20) percent. For a building mounted wind energy system that exceeds the maximum permitted building height by more than twenty (20) percent, the Planning Commission after a public hearing, may approve a greater height if the Planning Commission determines that the placement of the wind energy system and context of the site will mitigate any significant negative visual or safety impacts on nearby properties.
 3. A building mounted wind energy system shall meet all applicable building codes for an addition to that building.

Placement & Operational Standards

A Utility Grid Wind Energy System, On-Site Use Wind Energy System over 66 feet high, and Anemometer Towers over 66 feet high shall meet the following standards:

- A. **Districts Permitted.** An Utility Grid Wind Energy System may be permitted in the following districts: Industrial, Timber Production, and Resource Production.
- B. **Property Set-Back**
1. Anemometer Tower setback shall be the greater distance of the following: The setback from the road right-of-way; and
 - a. A distance equal to the height of the tower from property lines or from lease unit boundary, whichever is less.
 2. Utility Grid and On-Site Use Wind Energy System setback shall be greater distance of the following:
 - a. The setback from the road right-of-way, and
 - b. A distance equal to the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less.
 3. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the set-back and

placement requirements applicable to public utilities.

- C. **Sound Pressure Level:** The sound pressure level shall not exceed 55dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
- D. **Safety.** Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely remove in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- E. **Post-Construction Permits.** Construction Codes, Towers, and Interconnection Standards: Shall comply with all applicable state construction and electrical codes and local building permit requirements.
- F. **Pre-Application Permits**
 - 1. *Utility Infrastructure:* Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23) of 1950 as amended, M.C.L. 259.431 et seq.), the Michigan Tall Structure Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.
 - 2. *Environment:*
 - a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - b. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 et seq.) Including but not limited to:
 - i. Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),
 - ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.32301 et seq.),
 - iii. Part 310 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
 - iv. Part 303 Wetlands, (M.C.L. 324.30301 et seq.),
 - v. Part 323 Shoreland Protection and Management (M.C.L. 324.32301 et seq.),
 - vi. Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 et seq.), and
 - vii. Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 et seq.) as shown by having obtained each respective permit with requirements and

limitations of those permits reflected on the site plan.

- G. **Performance Security** shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.
- H. **Utilities:** Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.
- I. **Standards.** The following additional standards apply only to Utility Grid Wind Energy Systems:
1. **Visual Impact:** Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflected matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's plan.
 2. **Avian and Wildlife Impact:** Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.
 3. **Shadow Flicker:** Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
 4. **Decommissioning the System:** A Planning Commission approved decommissioning plan indication 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioned and the site restored.
 5. **Complaint Resolution:** A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.
 6. **Electromagnetic Interference:** No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

Site Plan and Review

A Site Plan or Plans are required for Anemometer Tower, Utility Grid Wind Energy System, and On-site Use Wind Energy System.

In addition to requirements for a site plan found in Article VI of the Onota Township Zoning

Ordinance, site plans and supporting documents for Anemometer Tower, Utility Grid Wind Energy System, and on-site Use Wind Energy Systems which are over 66 feet shall include the following additional information:

- A. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
- B. Proof of the applicant's public liability insurance for the project.
- C. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the Anemometer Tower and/or Utility Grid Wind Energy System; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
- D. The phases or parts of construction, with a construction schedule.
- E. The project area boundaries.
- F. The location, height, and dimensions of all existing and proposed structures and fencing.
- G. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- H. All new infrastructures above ground related to the project.
- I. A copy of Manufacturers' Material Safety Data Sheet(s) (MSDS) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- J. For Utility Grid Wind Energy Systems only:
 - 1. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on the analysis, so that the wind energy system will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S 12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
 - 2. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
 - 3. A copy of an Environment Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse

impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

4. A copy of an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

(Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.)

(At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the Federal Endangered Species Act and Michigan's Endangered Species Protection Law)

(The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.)

5. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
6. A second site plan, which includes all the information found in Article VI of this Ordinance, and shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
 - a. The anticipated life of the project.
 - b. The estimated decommissioning costs net of salvage value in current dollars shall be in the form of a bond.
 - c. The method of ensuring that funds will be available for decommissioning and restoration.
 - d. The anticipated manner in which the project will be decommissioned and the site restored.
7. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

SECTION 4.28: Fence Regulations

A. Requirements. The following requirements for fences shall apply:

1. The maximum height of fences shall be eight feet. Fences constructed higher than eight feet will require approval through the Conditional Use Permit process after a demonstration of the need for such a fence.
 2. All fences must be located at least six inches from the property line of the person, firm or corporation constructing the fence, unless a written agreement stipulates that a fence may be constructed on the property line along with maintenance arrangements.
 3. The finished side of the fence shall be the exterior side of the fence, unless otherwise provided for in an agreement between abutting property owners.
 4. No fence shall obstruct the vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. Clear vision shall be maintained at no less than 3.5 feet from the grade of the street or alley for a continuous length of 15 feet from the curb or shoulder of the intersecting street or alley.
 5. No fence shall be located on any street or alley corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any street or alley. No fence shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises.
 6. An electrical fence may be erected for the purpose of containment of animals or to exclude animals. Such fence shall be clearly marked as being electrified.
 7. Unless permitted by the Planning Commission, fences shall not use barbed wire or razor wire.
- B. **Maintenance.** Fences must be maintained so not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise imperils life or property, shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property on which the fence is located of the existence of the nuisance and require the nuisance be abated within six days of receiving such a notice.

ARTICLE V: SIGNS

SECTION 5.01: Intent

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the right of legitimate business interests and of the public.

Sign Regulations

SECTION 5.02: Residential, Residential-5, and Lake Shore & River Districts

Sign regulations within the R, R-5 and LS&R Districts shall be permitted as follows:

- A. One sign to announce the sale or rent of property, whose area shall not exceed twelve (12) square feet.
- B. Churches shall be permitted a total sign area of twelve (12) square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- C. One sign per vehicle entrance, which identifies a platted subdivision development or mobile home park, not exceeding twelve (12) square feet and eight feet in height.
- D. Multiple dwellings and nursing homes shall be permitted one identification sign, not to exceed twelve (12) square feet and eight (8) feet in height.
- E. One sign shall be permitted to advertise a home occupation not to exceed twelve (12) square feet and shall not be illuminated or have working parts. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
- F. Signs shall not interfere with traffic visibility.
- G. All signs shall be located a minimum of ten (10) feet from any boundary line other than a road right-of-way line or in accordance with Section 4.01, relative to minimum setbacks for side yards whichever is more restrictive.

SECTION 5.03: Town Development District

- A. Signs are permitted in the Town Development (TD) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet frontage, or sixty (60) square feet for each acre of area of the developed premises. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel. Where a premises has more than one occupant the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premises has more than two occupants and has a name distinct from that of the occupants, as in a shopping center, an additional two (2) square feet of sign for each ten (10) feet of street frontage, up to a maximum of two hundred

(200) square feet, is permitted only for signs identifying the developed premises.

- B. Signs shall be subject to the following setback requirements: Signs shall be subject to the height regulations for the Town Development District and shall be located a minimum of ten (10) feet from said boundary line, other than a road right-of-way line.

SECTION 5.04: Industrial District

In the Industrial District, on-premises signs shall be permitted, having a sign area not to exceed 100 square feet. Back-to-back signs shall have a maximum of 100 square feet for each side and shall be no more than four (4) feet apart. Individual signs shall be located at least three hundred (300) feet apart and shall maintain a minimum forty (40) foot setback. The maximum height for signs in the Industrial District shall be thirty (30) feet and shall be located a minimum of ten (10) feet from any boundary line, other than a road right-of-way line.

SECTION 5.05: Signs for Conditional Use

In granting a Conditional Use Permit, the Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

SECTION 5.06: Temporary Signs

Signs which are intended to identify or advertise a non-profit, annual or one time event or occurrence, such as a fair or other event of general public interest, shall be authorized for a period not to exceed two (2) months upon finding that the proposed sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all temporary signs, which shall be removed no later than ten (10) days after the end of the event.

SECTION 5.07: Construction Signs

One (1) construction sign is permitted per project not to exceed sixteen (16) feet in sign area for residential districts and thirty-two (32) square feet for Town Development or Industrial Districts. Signs shall not be erected more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed prior to occupancy.

SECTION 5.08: Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance.

- A. *Public Signs* of a noncommercial nature and in the public interest, erected by, or based upon the order of a public officer in the performance of official duty.
- B. *Political Signs*, which are intended to advertise a public election, an individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within ten (10) days after the election date.
- C. *No hunting and no trespassing* signs.

SECTION 5.09: Lighting of Signs

- A. No strobe or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.
- B. All outdoor illumination of signs shall be shielded, shaded, designed and/or directed away from adjacent residential districts and uses. It shall not glare upon or interfere with persons and vehicles using public streets.

SECTION 5.10: Maintenance of Signs

- A. Dilapidated signs and/or structures which may cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise or unsafe, are hereby declared a nuisance and a potential hazard to the general health, safety and welfare. All signs shall be maintained in a safe condition and good repair, and failure to maintain a sign as required by this Ordinance, or to remove it upon notice from the Zoning Administrator, shall constitute a violation of this Ordinance.
- B. *Nuisance Signs.* The following signs are declared to be a nuisance:
 - 1. A sign structure, which is likely to cause injury.
 - 2. A sign, which advertises a closed business, past event, or past political election.
 - 3. A sign, which is no longer legible.
 - 4. A sign, which is otherwise unsafe.
 - 5. Dilapidated sign structure - structural defects or supports with broken or rotten wood.

The Zoning Administrator is authorized to have all dangerous or nuisance signs removed, the cost of which is to be borne by the sign owner and/or property owner. The owner of the sign and/or property owner shall be notified and given two months to rectify the situation. The Zoning Administrator may grant a reasonable extension of time following a meeting with the property owner or sign owner.

SECTION 5.11: Non-conforming Signs

- A. It is the intent and purpose of this Section to eliminate all nonconforming signs just as rapidly as the police power of the Township allows, except as may be otherwise provided for in Article VIII of this Ordinance.
- B. *Non-conforming Signs:*
 - 1. Shall not be structurally altered to prolong the life of the signs, nor shall the shape, size, type, or design of the sign/structure be altered.
 - 2. Shall not be continued after the activity, business, or usage to which it relates has been discontinued for thirty (30) days or longer.
 - 3. Shall not be reconstructed after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the sign value.
 - 4. Shall not be altered or changed to create another non-conforming use or structure.
 - 5. May have the face or message updated but shall not be structurally altered in any way.

SECTION 5.12: Billboards

All billboards shall meet the provisions of the Highway Advertising Act of 1972, as amended.

ARTICLE VI: SITE PLAN REVIEW

SECTION 6.01: Purpose

The purpose of site plan review is to insure that a proposed land use or activity is in compliance with local ordinances and State and Federal statutes. The term "Site Plan" includes all documents, plans and drawings required by the Zoning Ordinance. The site plan should specifically denote the detailed intent of the petitioner. The specified standards and required procedures contained herein are intended to promote the orderly development of the Township assure compliance with all applicable Federal, State and local ordinances and to promote and protect the public health, safety and general welfare of Township residents and the public at large.

SECTION 6.02: Required Plan Approvals

Site plan for zoning compliance review is required for all proposed land uses and activities including any subdivisions of land developed in accordance with the requirements of PA 59, 1978, the Condominium Act, and subsequent amendments as specified in PA 538, 1982, as well as other requests for zoning status where the Planning Commission determines that a site plan is necessary for the accurate review and/or documentation of the petitioner's request except as provided for in this Ordinance.

SECTION 6.03: Site Plan Approval Requirements

Site Plan approval shall not be required for single-family dwellings, mobile homes on individual lots, agricultural buildings, or non-commercial buildings under 5,000 square feet. With these exceptions, no person shall commence any use or erect or enlarge any building over 200 square feet, and no other substantial improvement or construction shall be undertaken except as shown upon an approved site plan.

SECTION 6.04: Required Format and Information on Site Plan

Every site plan for approval by the Township Planning Commission shall be submitted to the Zoning Administrator in three identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, certified by a Registered Land Surveyor or Professional Engineer, which shall show the following:

- A. The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- B. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
- C. The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
- D. Natural features such as woodlots, streams and lakes or ponds and man-made features such as existing roads and structures, with indications as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.

- E. Proposed streets, driveways, parking spaces, loading spaces, and sidewalks with indication of direction of travel for one way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
- F. The size and location of all existing and proposed public and private utilities and required landscaping.
- G. A vicinity sketch showing the location of the site in relation to the surrounding street system.
- H. A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
- I. Any other information necessary to establish compliance with this or other applicable ordinances.

SECTION 6.05: Site Plan Review Procedure

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and all other ordinances of Onota Township and demonstrates the adequacy of utility service. An administratively complete application shall be forwarded to the Planning Commission with staff review and comments.

The Planning Commission shall review the site plan at their next regularly scheduled meeting, provided staff has had time to prepare comments. The Planning Commission shall act upon all site plans within thirty (30) days of receipt. Upon demand by the applicant proposer of the site plan, the Zoning Administrator shall, within ten (10) days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable.

SECTION 6.06: Planning Commission Review

Upon receipt of the complete site plan submission, along with the receipt of comments from any affected Federal, State, County or local approving agencies, the Planning Commission shall proceed with the review of the site plan documents to determine compliance with the requirements and general intent of the Zoning Ordinance. The Planning Commission, at its option, may schedule and conduct a public hearing prior to the final approval of any site plan required by this Ordinance. Within thirty (30) days, the Planning Commission shall respond to the petitioner with a written approval, approval with conditions of modification or a denial. If approved, the Planning Commission Chairman shall sign and date three (3) complete sets of the site plan. One (1) approved, signed and dated set shall be returned to the petitioner and the other two (2) copies shall be retained by the Township for record purposes. If the site plan is denied approval, the reasons will be set forth in writing and forwarded to the petitioner.

SECTION 6.07: Revisions, Modifications, or Corrections to an Approved Site Plan

Once a site plan has been reviewed and approved by the Planning Commission, it shall become a part of the record of approval. Subsequent actions relating to the authorized activity shall be

consistent with the approved site plan unless a change, conforming to the Zoning Ordinance, received mutual agreement of the petitioner and the Planning Commission. Except for minor changes, any changes requested specifically by the petitioner shall require a resubmission of the revised site plan and payment of an additional review fee.

SECTION 6.08: Financial Guarantees

To insure the construction and installation of the necessary site improvements (and unless the site plan review requirements specified in Section 6.06 and 6.07 have been specifically waived in writing by the Zoning Administrator and approved by the Planning Commission in accordance with said sections), the Planning Commission shall require that a cash deposit, certified check, bond, irrevocable bank letter of credit or other financial guarantee be provided by the petitioner prior to the issuance of the official site plan approval and Certificate of Occupancy. Surety shall be provided in an amount sufficient to fulfill the faithful performance of the agreement. The Planning Commission, at its option, may authorize proportional rebates of the financial guarantee to the petitioner as the construction work progresses and upon the completion of significant phases of the scheduled improvements.

SECTION 6.09: Final Approval of Project

When the site has been substantially developed in compliance with the approved site plan documents, the petitioner shall request an on-site inspection by the Township Zoning Administrator. The joint on-site inspection shall require the review and approval of all the required plan elements to the satisfaction of the Township Zoning Administrator in strict accordance to the requirements as set forth in this Ordinance. An as-built site plan, in accordance with Section 6.13 shall be submitted at this time.

After the joint field inspection has been completed, and the site has been approved by the Township Zoning Administrator, a letter of acceptance will be forwarded to the applicant by certified mail, return receipt requested. If there are deficiencies on the project and the improvements are not in compliance with the approved site plan documents, a similar certified letter setting forth the reasons for such denial shall be sent to the applicant. Until such time as the stated deficiencies are corrected, an official letter of acceptance will not be authorized.

SECTION 6.10: Time Limit to Implement Approved Site Plan

The approved site plan shall be implemented and all required improvements completed no later than two (2) years after the date of initial approval. The Planning Commission, at its option, may authorize a one (1) year extension to the initial approval if extenuating circumstances justify an extension of time.

SECTION 6.11: Ordinance Interpretation and Appeals

An individual aggrieved by an action of the Zoning Administrator or the Planning Commission in the approval, conditional approval, or denial of a site plan submission may appeal any interpretations of this Ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within seven (7) days after the date of the decision of the Planning Commission. An appeal shall stay action on the issuance of any permit pursuant to an approved

site plan.

SECTION 6.12: Zoning Board of Appeals Procedure

The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Article and other applicable ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

SECTION 6.13: "As-Built" Site Plan

Upon completion of the installation of required improvements as shown on the approved site plan and prior to any Certificate of Occupancy, the property owner shall submit to the Zoning Administrator one (1) reproducible mylar copy of an "as built" site plan, certified by the engineer or surveyor, at least thirty (30) days prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans, via certified mail return receipt requested, among the appropriate agencies for review to insure conformity with the approved site plan and other Township, County, State or Federal requirements. Each agency shall have a twenty (20) day period from time of receipt to review the "as-built" plans, after which time, if no response has been received by the Township, they will have been assumed to be accepted by the agencies. The Zoning Administrator may then conduct the final inspection and issue any necessary permits if all the requirements of the approved site plan and of this Ordinance have been satisfied.

SECTION 6.14: Land Clearing

No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling or excavating associated therewith for which site plan approval is first required by this Ordinance. Nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or floodplain permits. Any violation of this provision is subject to the fines and penalties prescribed in Section 12.04 of this Ordinance for each day of the violation from the day of discovery of the incident until a restoration plan, or a site plan have been approved.

ARTICLE VII: CONDITIONAL USE PERMIT

SECTION 7.01: Intent

The functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. The forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide the necessary control and reasonable flexibility in establishing the requirements for certain kinds of uses. And, at the same time, to ensure that adequate provisions have been made for the health, safety, convenience and general welfare of the community's inhabitants.

To accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

SECTION 7.02: Application Procedure

- A. **Applicant qualifications.** Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. **Submission.** Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. **Requirements.** Every application shall be accompanied by the following information & data:
 1. Conditional Use Permit Application form provided by the Zoning Administrator and filled out by the applicant.
 2. A minimum of twelve (12) copies of a Site Plan drawn to a readable scale and containing that information and format specified in Article VI, Sec. 6.04.
 3. Statement with supporting evidence as to the required findings specified in Section 7.04.
- D. **Affected Agencies.** Upon receipt of such materials, the Zoning Administrator may transmit one copy to the road commission, drain commissioner, health department, school district, fire chief, local law enforcement authority, affected utilities and other Federal, State, County or Local agencies impacted by the proposal, and the Planning Commission for their review and comment. Each agency will be requested to review the document and forward any comments to the Zoning Administrator. The Zoning Administrator shall transmit a copy of the site plan along with any agency response to the Planning Commission for their review.

- E. **Change of Ownership.** Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- F. **Review upon Development Change.** In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission, after notice of hearing and opportunity to demonstrate compliance, may declare the permit null and void.
- G. **Expiration.** If on-site activities relative to the development of a Conditional Use Permit have not been commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant. Where differences and/or conflicts may arise with the time constraints as set forth in Section 7.02 of this Ordinance with the time schedules as outlined in Rule 905(6), of the Mobile Home Commission General Rules (based upon PA 96 of 1987, as amended), then the State Statute and Rule shall prevail. However, all other requirements as set forth within Section 7.02 of this Article shall be accommodated.

SECTION 7.03: Review and Findings

- A. **Planning Commission Public Hearing.** The Planning Commission shall review the application within thirty (30) days of the date of the application. One (1) notice of public hearing shall be published, not less than fifteen (15) days in advance of such hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners within three hundred (300) feet of the subject property. Such notice shall describe the nature of the request, indicate the property involved, state the time and place of the hearing and indicate when and where written comments will be received concerning the request, pursuant to the Zoning Enabling Act, as amended.
- B. **Planning Commission Action.** The Planning Commission shall approve, approve with conditions, or reject the application within thirty (30) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons in writing for approval, denial, or modification of the conditional use permit application. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Conditional Use Permit, in accordance with the site plan and any conditions placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and the petitioner has one year from the date of hearing to comply with all specified conditions (*except as provided for in Section 7.02 G*). Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

SECTION 7.04: General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing the proposed use will:

- A. Be harmonious with and in accordance with the general policies or with any specific objective of the Onota Township Master Plan;
- B. Be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area;
- C. Not be hazardous or disturbing to existing or future neighboring uses;
- D. Not diminish the value of land, buildings, or structure in the District;
- E. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposals, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide such services.
- F. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H. Protect the public health, safety and general welfare of the community;
- I. Be consistent with the intent & purpose of the specific zoning district in which it is located.

SECTION 7.05: Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those benefiting from 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; and be consistent with the general standards listed in Section 7.04 of this Ordinance.
- B. Conditions and requirements stated as part of Conditional use Permit authorization shall be a continuing obligation of landholders. The Zoning Administrator shall make periodic investigations of the developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond, irrevocable bank letter of credit or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the

like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as the original approval to the effect that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after a written order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued.
- G. No application for a Conditional Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of six (6) months or more from the date of such denial, except on appeal or on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Planning Commission.
- H. The foregoing general standards are basic to all conditional uses, and the specific requirements accompanying the individual sections relating to particular uses are in addition to and shall be required in all applicable situations.

SECTION 7.06: Appeals

- A. Recourse for a person or party aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals in accordance with Sections 603 and 604 of the Zoning Enabling Act, as amended.
- B. An additional fee may be required for an appeal concerning denial of a Conditional Use Permit.
- C. Appeals concerning Conditional Use Permits shall be made in accordance with Sections 603 and 604 of the Zoning Enabling Act, as amended. Notice of the appeal specifying the grounds of the appeal shall be filed with the Township Clerk, Planning Commission and the Zoning Board of Appeals within thirty (30) days from the date of the approval of the minutes of the meeting at which the decision was made that is being appealed. The Zoning Board of Appeals shall consider the appeal within thirty (30) days of the filing of the appeal. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed was taken from.
- D. Any appeal relative to the final decision of the Township Zoning Board of Appeals shall be to the Circuit Court of Alger County in accordance with Sections 605 and 606 of the Zoning Enabling Act, as amended.

ARTICLE VIII: NON-CONFORMING USES AND STRUCTURES

SECTION 8.01: Intent

- A. Non-conforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect the orderly development and the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by the Ordinance are designed to guide the future use of and in Onota Township by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare.
- C. The continued existence of nonconformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. Any use or structure created in violation of any preceding Onota Township Zoning Ordinance remains a violation unless the use or structure is in compliance with the present zoning ordinance.
- E. Where, at the effective date of adoption of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the provisions of this Article.

SECTION 8.02: Provisions for Continued Use of a Non-Conforming Structure or Use

- A. **Enlargement.** A non-conforming structure may be enlarged to occupy an area no greater than 110% of its gross floor area at the effective date of adoption of this Ordinance or amendment without the approval of the Planning Commission.
- B. **Damage.** If a non-conforming structure is damaged by fire or other casualty and such damage is less than the State Equalized Value of such property, reconstruction or repair within the building's original footprint may proceed without the approval of the Planning Commission.
- C. **Interior alterations.** Structural alterations to the interior of a non-conforming structure are permitted without the approval of the Planning Commission.
- D. **Exterior alterations.** Structural alterations to the exterior of a non-conforming structure as required by local, state or federal laws or regulations are permitted without the approval of the Planning Commission.
- E. **Movement.** A non-conforming use or structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use or structure subject to the specific approval of the Planning Commission.
- F. **Change of Use.** A non-conforming use or structure may be changed to another nonconforming use subject to specific approval of the Planning Commission. Before granting the approval,

the Planning Commission shall determine that such change in use will have a less harmful effect on neighboring properties than the existing non-conforming use.

- G. **Continuance.** No non-conforming use or structure shall be resumed if it has been discontinued for a continuous period of twelve (12) months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within a stipulated eighteen (18) month time period of such damage, unless extended by the Planning Commission.
- H. **Compliance restrictions.** A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.
- I. **Multiple structures, damage.** In the situation where two or more nonconforming dwellings are located on the same lot, and one dwelling sustains damage [by fire or other casualty] to the extent that the cost of reconstruction or repair exceeds the State Equalized Value of the structure; the damaged structure shall be removed, unless the damaged dwelling is closer to the street or faces a street. In such case it may be rebuilt with the approval of the Planning Commission.

SECTION 8.03: Procedures for Approval by Planning Commission

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. Name and address of property owner and applicant, if not same;
 - 2. A legal description of the property or lot;
 - 3. A site plan pursuant to Article VI;
 - 4. An explanation describing the present nonconforming use or structure;
 - 5. An explanation of any proposed addition or alteration to the uses or structures;
 - 6. Time frame for completion of the project; and
 - 7. Comparison of the proposed activity to the existing structure or use.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 9.01. The applicant must demonstrate practical difficulties and a necessity for the continuation or expansion of the nonconforming use or structure. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 8.04. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

SECTION 8.04: Standards for Review and Approval

In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:

- 1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
- 2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;

3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Onota Township;
5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;
7. The use or structure will not diminish the value of land, buildings, or structures in the district;
8. The use or structure will be served adequately by essential public facilities and services; and,
9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

ARTICLE IX: ADMINISTRATION AND ENFORCEMENT

SECTION 9.01: Administrative Standards and Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, the Zoning Board of Appeals or Planning Commission shall make the decision in accordance with the standards in this Ordinance. If there are not specific standards applicable to the decision to be made, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

- B. When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals or the Planning Commission shall:
 - 1. Base their decision upon facts presented at the public hearing preceded by notice in a newspaper of general circulation appearing not less than fifteen (15) days prior to the hearing.
 - 2. *For Rezoning*: Notice shall be given by personal service or by mail not less than fifteen (15) days before the hearing to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all structures within 300 feet.
 - 3. Ensure notices for a public hearing shall specify the time, date, place and exact nature of the meeting, the geographic area included in the zoning proposal, where and at what time copies of this Ordinance and the zoning maps may be examined, and where written comments will be received;
 - 4. Permit all interested parties at the hearing to present or rebut information either supporting or opposing the zoning action under consideration;
 - 5. Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions;
 - 6. Set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision; and
 - 7. File the record, written testimony, or documents submitted with regard to the hearings, and the decision, with the Onota Township Clerk, to be open to public inspection.

- C. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Onota Township Clerk and be open to public inspection.

SECTION 9.02: Zoning Administrator

A Zoning Administrator shall be appointed by the Onota Township Board to administer the provision of this Ordinance and to carry out all administrative functions not specifically assigned to another office or body. The Zoning Administrator shall serve at the pleasure of the Township Board and receive such compensation as they may, from time to time, determine. The Zoning Administrator may also serve in another capacity as an employee of the Township or as an elected or appointed official of Onota Township. The Zoning Administrator shall have no power to vary or waive Ordinance requirements.

SECTION 9.03: Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall immediately order discontinuance of any illegal work and shall take such action as authorized to prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Ordinance may be appealed to the Zoning Board of Appeals.
- E. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction of use until he has reviewed all pertinent information and found them to conform to the requirements of this Ordinance.

SECTION 9.04: Zoning Compliance Permit

Hereafter, no land use shall be commenced or changed except site preparation and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance and a finding by the Zoning Administrator that such is the case.

No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if its land area was, at any time subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on materially false statement in the application of supporting documents is absolutely void as of the date of issuance and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

SECTION 9.05: Certificate of Occupancy

No permanent certificate of occupancy shall be issued under any building code applicable in Onota Township until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

SECTION 9.06: Special Zoning Order Book and Map

The Zoning Administrator shall keep on file a book, to be known as the Special Zoning Orders Book, in which shall be listed, a brief description, of all variances, conditional use permits, authorizations for designations of non-conformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

SECTION 9.07: Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be available at the Township office and may be revised only by the Township Board. Administrative procedures shall not commence and no permit or certificate shall be issued unless all required fees have been paid in full.

ARTICLE X: ZONING BOARD OF APPEALS

SECTION 10.01: Creation and Membership

- A. The Zoning Board of Appeals (ZBA) is hereby established in accordance with the Zoning Enabling Act, as amended. The Board shall consist of three (3) members, the first member shall be a member of the Planning Commission and the remaining members shall be selected from the electors residing in Onota Township. One member may be a member of the Township Board, however, an elected officer of the Township shall not serve as chairperson and an employee or contractor of the Township Board may not serve as a member or an employee of said Board of Appeals. The term of office shall be for 3 years, except for ex-officio members of the Planning Commission or Township Board, whose terms shall be limited to their official terms as commissioner and/or Trustee respectively or to such lesser periods as determined by resolution of the Township Board.
- B. The Township Board may appoint two alternate members to the Zoning Board of Appeals for the same term as regular members of the Zoning Board of Appeals. The alternate may be called to serve in the absence of a regular member for the following reasons: if a regular member is (1) absent from or (2) will be unable to attend two or more consecutive meetings, or (3) is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member will also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 10.02: Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairperson. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation 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 in this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of the Zoning Enabling Act, as amended.

SECTION 10.03: Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in

the Zoning Enabling Act, as amended, so that the objectives of this Ordinance shall be attained, the public, health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters, which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map and variances.

- B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have authority to act on those matters specifically provided for in this Ordinance.
- C. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present, and a member shall disqualify themselves from a vote in which they may have a conflict of interest.

SECTION 10.04: Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator, with the exception of site plan appeals.
- B. The Zoning Board of Appeals shall have the authority to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
 - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 4.10 or by an analysis of the specific needs.

SECTION 10.05: Variances

- A. The Zoning Board of Appeals shall have the authority and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.
- B. Any non-conforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- H. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.
- I. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of such variance.

SECTION 10.06: Variance Standards

NOTE: In the granting of any variance, the Zoning Board of Appeals shall insure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.

A non-use variance shall not be granted unless the Zoning Board of Appeals finds:

- A. The dimensional zoning requirements cannot be physically met by an existing lot due to its shape or natural characteristics. The physical hardship is unique and is not shared by neighboring properties in the same district and that the special conditions and circumstances do not result from actions of the applicant. The problem must not be self-created.
- B. That all fees in accordance with the duly adopted "Schedule of Fees" to cover the administrative costs of such application have been paid.
- C. That proper notice of a public hearing as required in Section 9.01 has been given.
- D. The public hearing shall be held allowing any party the opportunity to appear in person, or by a duly authorized agent or attorney. At the public hearing the Board of Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and shall make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals shall be guided by the Administrative Standards in Section 9.01. The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 12.04.

SECTION 10.07: Appeals

- A. Appeals concerning interpretation or the administration of this Ordinance shall be made in accordance with Section 603 and 604 of the Zoning Enabling Act, as amended. Notice of the appeal specifying the grounds of the appeal shall be filed with the Township Clerk, Planning Commission and the Zoning Board of Appeals within thirty (30) days from the date of the approval of the minutes of the meeting at which the decision was made that is being appealed. The Zoning Board of Appeals shall consider the appeal within thirty (30) days of the filing of the appeal. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed was taken from.

- B. A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.

SECTION 10.08: Duties On Matters of Appeal

Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County in accordance with Sections 605 and 606 of the Zoning Enabling Act, as amended.

ARTICLE XI: TOWNSHIP PLANNING COMMISSION

PLANNING AND ZONING AUTHORITY

SECTION 11.01: Designation

The Onota Township Planning Commission, created as provided by the Zoning Enabling Act, as amended, shall advise the Township Board on matters of planning. Further the Planning Commission shall also assume the duties of the Zoning Board prescribed in the Zoning Enabling Act, as amended.

SECTION 11.02: Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Article IX of this Ordinance.
- B. Following the public hearing, the Planning Commission shall transmit their recommendation and summary of the comments received at the public hearing to the Township Board for review and recommendation in accordance with the requirements set forth in the Zoning Enabling Act, as amended.
- C. The Township Board shall review the recommendation from the Planning Commission and may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper, which is circulated in the Township. The notice shall be given not less than fifteen (15) days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have thirty (30) days from and after receipt of the proposed change or departure to send its report to the Township Board.
- D. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
- E. The petitioner shall transmit a detailed description of the petition to the Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property;
 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 3. The name and address of the petitioner;
 4. The petitioner's interest in the property;
 5. Date of filing with the Zoning Administrator;
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the requested information;
 7. The desired change and reasons for such change.
- F. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days of the hearing date of the petition. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:
1. If a rezoning request, is the area proposed to be rezoned an appropriate location for the proposed zone, and is the requested zoning change or amendment justified by reason of a change in conditions since the original ordinance was adopted or was there any error in judgment, procedure or administration which justifies the petitioned change;
 2. If the requested zoning change is consistent with the goals and policies of the Onota Township Community Master Plan;
 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 5. Are there any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
 6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

NOTE: All findings of fact, regarding any petition for change or amendment, shall be recorded in the official minutes and made a part of the public record for all meetings of the Planning Commission, the Township Board and the Zoning Board of Appeals.

ARTICLE XII: Interpretations, Severability, Vested Right Penalties, and Effective Date

SECTION 12.01: Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

SECTION 12.02: Severability

This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SECTION 12.03: Vested Rights

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 12.04: Violations and Penalties

- A. Any person who violates any provision of this Ordinance, or any amendment, or who fails to perform any act required or does any prohibited act, shall be charged with a municipal civil infraction, and, upon a finding of responsibility shall be punished by a fine of not more than \$500.00, plus court costs, for each offense.
- B. Each and every day on which any violation is committed or permitted to continue shall

constitute a separate offense and shall be punishable as such hereunder.

- C. Any violation of this Ordinance is hereby declared to be a public nuisance per se and, in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with the terms and provisions on this ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

SECTION 12.05: EFFECTIVE DATE

This ordinance hereby repeals any prior Onota Township Zoning Ordinances. In accordance with the provisions and procedures as outlined in the Zoning Enabling Act, as amended, a Notice of Ordinance Adoption shall be published within fifteen (15) days of the date this Ordinance is adopted by the majority vote of the Township Board membership. By order of the Township Board, the Onota Township Zoning Ordinance shall take effect as per regulations.

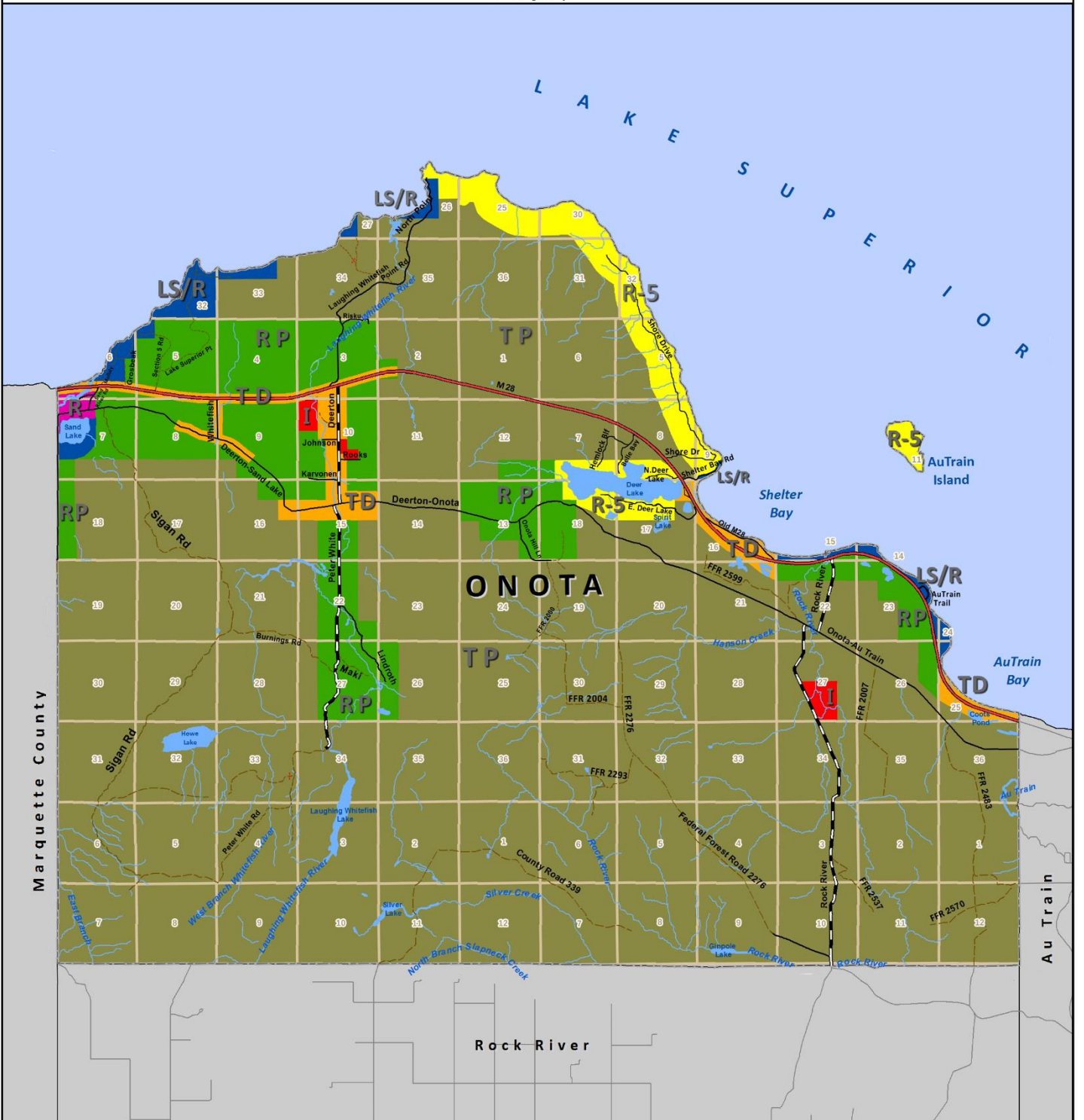
Amended by the Township Board of the Township of Onota, Alger County, Michigan on the 4th day of January, 2016.

Publication date of notice of the Onota Township Zoning Ordinance adoption: January 12, 2016

Effective date (*7 days following publication, as per Zoning Enabling Act*): January 19, 2016

SECTION 12.06: Township Supervisor and Clerk Signatures

Onota Township Zoning Map



Adopted Date: September 4th 2012

"The information and data provided herewith has been compiled from various sources, and is used by the CUPPAD Regional Commission for its own general purposes. CUPPAD does not warrant or guarantee that this information and data is accurate or current, nor does CUPPAD warrant or guarantee that this information and data is fit for any particular use or purpose. More specifically, CUPPAD warns that this information and data is not intended to be, and should not be, used to determine individual ownership, lot lines, or lines of occupation with respect to real estate. Any recipient of this information and data should independently verify its accuracy before relying on it for any purpose. CUPPAD and its officers, agents, employees, boards, and commissions shall not be liable for any inaccuracy or omission in this information and data."

This zoning map is subject to amendments over time & zoning districts may be revised. Rather than exclusively relying upon the information shown on this map, the Onota Township office should be contacted (906-343-6535) for verification.

LEGEND	
	Roads - ACT 51
	State Trunkline
	County Primary
	County Local
	Uncertified
	Township Boundary
	Rivers
	Lakes
	Section Lines

Zoning Districts	
	R, Residential
	R-5, Residential Five
	LS/R, Lake Shore and River
	TD, Town Development
	RP, Resource Production
	TP, Timber Production
	I, Industrial

