

ZONING ORDINANCE

Clayton Township

Arenac County

Michigan

AMERICAN ORGANIZATION

of the State of Michigan

of the State of Michigan

of the State of Michigan

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ZONING ORDINANCE

Clayton Township

An Ordinance to establish zoning districts and regulations governing the unincorporated portions of Clayton Township, Arenac County, Michigan, including the administration thereof, in accordance with the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended.

The Township Board of Clayton Township, Arenac County, Michigan, Ordains:

THE STATE OF TEXAS

COUNTY OF [illegible]

[illegible text]

Article I

IN GENERAL

- Sec. 1.01. Title.
- Sec. 1.02. Purpose.
- Sec. 1.03. Definitions.
- Sec. 1.04. Validity.
- Sec. 1.05. Enactment and effective date.

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Section 1.01. Title.

This Ordinance shall be known as the "Clayton Township Zoning Ordinance."

Section 1.02. Purpose.

The purpose of this Ordinance is to:

- (1) Improve the public health, safety, morals and general welfare.
 - (2) Promote the use of lands and natural resources of the township in accordance with their character and adaptability.
 - (3) Reduce hazards to life and property.
 - (4) Lessen congestion on the public roads and streets.
 - (5) Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used.
 - (6) Facilitate the development of an adequate system of transportation, education, recreation, sewage and refuse disposal, safe and adequate water supply and other public requirements.
 - (7) Conserve life, property and natural resources, and the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties.
 - (8) To protect natural features, ground and surface waters from pollution.
- (Amend. of 6-3-2013)

Section 1.03. Definitions.

Generally. For the purpose of this Ordinance, certain terms used are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number and conversely.

Accessory building or structure. A supplementary building or structure on the same premises as the main building or structure occupied by or devoted exclusively to an accessory use, but such use shall not include use for dwelling or lodging purposes, or sleeping quarters for human beings. Any accessory building or structure in excess of one hundred (100) square feet will require a Land Use Permit.

Dwelling. Any building or structure or part thereof occupied as the home, residence or sleeping place of one (1) or more persons either permanently or temporarily.

Erected. Includes built, constructed, reconstructed, moved upon or any physical operations on the land required for a building or structure. Excavations, fill, drainage and the like shall be considered a part of an erection.

Farm. All of the unplatted, contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, unplatted parcel of not less than three (3) acres in area; provided, further, that orchards, hatcheries and similar specialized agricultural enterprises may be considered as farms, but establishments keeping furbearing animals or game or operated as fish hatcheries, dog kennels, apiaries, stockyards, slaughterhouses, stone quarries, gravel or sand pits or the removal and sale of top soil, fertilizer works, bone yards, piggeries, or establishments for the reduction of animal matter or for the disposal of garbage, sewer rubbish, junk or refuse shall not constitute a farm hereunder.

State law reference—Michigan right to farm act, MCL 286.471 et seq.

Greenbelt. Any land lying within one hundred (100) feet from the ordinary high-water mark of a natural flowing waterway in each direction.

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

Home occupation. Home occupations, including handicrafts such as dressmaking and millinery, and the sale of products produced on the premises by such handicrafts; and the office of a physician, surgeon, chiropractor, osteopath, dentist, teacher, architect, engineer, lawyer magistrate, artist or other professional occupations; provided, however, that such occupation shall be situated entirely within the dwelling and that there be no externally visible display of stock, goods, or facilities relating to the occupation on the premises, and that not more than one (1) nameplate not exceeding fifteen (15) square feet in area containing the name and occupation of the person be displayed.

State law reference—Residence used to give instruction in craft or fine art deemed home occupation, MCL 125.3204.

Hunting, fishing and/or trapping structure. A structure devoted exclusively to the pursuit of hunting, fishing and/or trapping, but such use shall not include use for dwelling or lodging purposes or sleeping quarters for human beings. Any hunting, fishing and/or trapping structure in excess of one hundred (100) square feet shall require a Land Use Permit.

Lodges, recreational camps, resorts and clubs. A building where members and guests meet for lodging, meals, or other club activities. It may consist of a building or group of buildings, tents, travel trailers or recreational vehicles set up for hunting or special season outdoor recreational activities.

Low Impact Development (LID). An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems, water quality and reduce infrastructure costs. Consult *Low Impact Development Manual for Michigan: A Design Guide for Implementers and Reviewers*; <http://www.mi.gov/deq/0,1607,7-135-207334-,00.html>, or <http://www.mi.gov/deq/0,1607,7-135-207334-,00.html>.

Mobile home. A structure, transportable in one (1) 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.

State law reference—Similar definition, MCL 125.2302(g).

Recreational vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including, but not limited to, a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

State law reference—Similar definition, MCL 125.2302(l).

Significant Natural Feature. A natural area as designated by the Planning Commission, County Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, high risk erosion area, environmental area, water features, or other unique natural features.

State licensed residential facility. A structure that is constructed for residential purposes that is licensed by the State pursuant to Public Act 287 of 1972, as amended, being MCL 331.681 to 331.684, or Public Act 116 of 1973, being MCL 722.111 to 722.128, which provides resident services for six

(6) persons or less persons, Family Day Care Home, or for more than six (6) persons, but not more than twelve (12) persons, Group Day Care Home, under twenty-four-hour supervision or care for persons in need of that supervision or care.

Structure. Anything constructed, assembled or erected, the use of which is intended to be permanent or lasting, and requires location on the ground or attachment to something having a location on or in the ground. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

Yard. A space open to the sky between a building and the lot or property lines of the parcel of land on which located, unoccupied or unobstructed by any encroachment or structure.

(1) *Yard, front.* A yard across the full width of a lot or parcel of land extending from the front line of the building to the front line of the lot, or the highway right-of-way line, as the case may be.

(2) *Yard, side.* A yard extending from the front yard to the rear lot line, and from the side line of the building to the side lines of the lot or parcel of land on which the building is located, or from any accessory building attached to the main building.

(3) *Occupancy of yard space.* A side yard may be used for the parking of any motor vehicle in active service, but not for the parking, storage or dismantling of motor vehicles, machinery or other structures.

(Amend. of 7-5-2011; Amend. of 6-3-2013; Ord. of 10-13-2014)

Section 1.04. Validity.

This Ordinance and the various parts, sections, subsections, sentences, paragraphs, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, paragraph, phrase or clause is declared invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Clayton Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, sentence, paragraph, phrase and clause thereof irrespective of the fact that any one (1) or more parts, sections, subsections, sentences, paragraphs, phrases or clauses be declared invalid.

Section 1.05. Enactment and effective date.

A. Enacted by the Township Board, Clayton Township, Arenac County, on

_____.

B. The provisions of this Ordinance are hereby declared to be necessary for the public welfare, health, peace, safety and morals, and shall be in effect on and after _____.

100

CONFIDENTIAL

Section 105 Exemption, all sensitive data.

A request for the Township Board, Clinton Township, Michigan.

The purpose of this Ordinance is to provide for the protection of the public interest, health, safety and general welfare of the Township.

and

Article II

ADMINISTRATION AND ENFORCEMENT

Division 1. Generally

- Sec. 2.01. Zoning Administrator.
- Sec. 2.02. Land Use Permit.
- Sec. 2.03. Sanctions for violations.
- Sec. 2.04. Procedure for initiating and processing an amendment.

Division 2. Zoning Board of Appeals

- Sec. 2.20. Authorization.
- Sec. 2.21. Memberships and procedures.
- Sec. 2.22. Variances.
- Sec. 2.23. Administrative review.
- Sec. 2.24. Interpretation and classification of uses.
- Sec. 2.25. Hearing notices.

Table B

IDENTIFICATION AND REPORTING

Division 1 - General

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104	General	104	General
105	General	105	General

Division 2 - Specific

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202	Specific	202	Specific
203	Specific	203	Specific
204	Specific	204	Specific
205	Specific	205	Specific

DIVISION 1. GENERALLY**Section 2.01. Zoning Administrator.**

The provisions of this Ordinance shall be administered and enforced by the Township Zoning Administrator, appointed by the Clayton Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable. For the purpose of this Ordinance, he/she shall have the power of a police officer.

Section 2.02. Land Use Permit.

A. No building or structure in excess of one hundred (100) square feet, subject to the provisions of this Ordinance shall hereafter be erected, reconstructed or moved on any premises until application for a Land Use Permit has been filed with the Township Zoning Administrator on duplicate forms provided by the Township, and the Zoning Administrator has issued such Permit.

B. The application shall be signed by the owner of the premises or his agent, and shall certify that all provisions of this Ordinance and other applicable laws are to be complied with. The application shall be filed not less than ten (10) days prior to the intended initiation of any work on the premises, and shall be accompanied by a blueprint or pen and ink sketch to scale in duplicate showing the location and dimensions of the premises required with setbacks indicated, the kind and location on the premises of the building or structure, including accessory buildings or structures under consideration, and the kind and location of the sewage disposal and water supply facilities.

C. Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the owner a Land Use Permit within ten (10) days of the filing thereof. Where action of the Board of Appeals is required in any case, the Zoning Administrator shall issue such Permit within ten (10) days of such action. In any case where a Permit is refused the cause shall be stated in writing to the applicant.

D. Any Land Use Permit under which no work is done within six (6) months from date of issuance shall expire by limitation, but shall be renewable upon reapplication and on payment of the original fee, subject, however, to the provisions of all ordinances in effect at the time of renewal.

E. The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statements or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

F. Within five (5) days after receiving written notification of compliance with the provisions of this Ordinance after a Land Use Permit has been revoked, the Zoning Administrator shall inspect the premises and issue the owner a Land Use Permit if the building, structure and use are in conformity with this Ordinance.

G. For each Land Use Permit the fee shall be paid to the Zoning Administrator, who shall place the same in the general fund of the Township, or separate zoning fund. No Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application therefor is made at the same time as the principal building or structure. The fees shall be established from time to time by the Township Board.

H. It shall be the duty of all architects, contractors and other persons having charge of erection, reconstruction or movement of a building or structure subject to the provisions of this Ordinance, before undertaking any such work, to determine that the Land Use Permit has been granted therefor; and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed guilty of a violation to the same extent as the owner of the premises.

I. All land uses and construction activities shall conform with the provisions of this Ordinance and all applicable local, County, State and Federal regulations.

(Amend. of 7-5-2011; Amend. of 6-3-2013; Ord. of 10-13-2014)

Section 2.03. Sanctions for violations.

A. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule:

	<i>Minimum</i>	<i>Maximum</i>
First violation within a 3-year period*	\$50.00	\$500.00

ADMINISTRATION AND ENFORCEMENT

§ 2.04

	<i>Minimum</i>	<i>Maximum</i>
Second violation within a 3-year period*	\$125.00	\$500.00
Third violation within a 3-year period*	\$250.00	\$500.00
Fourth or subsequent violation within a 3-year period	\$400.00	\$500.00

**determined on the basis of the date of the violation(s)*

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00) be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

B. The Clayton Township Board, the Board of Appeals, the Prosecuting Attorney of Arenac County or any owner or owners of real estate within the zoning district in which such building, structure or premises is situated may institute injunction, mandamus, abatement or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

C. If a permit is not obtained in accordance with any provision of this Ordinance, but is applied for after notification of violation, an additional fee of one hundred dollars (\$100.00) will be added to the land use permit fee that applies.

Section 2.04. Procedure for initiating and processing an amendment.

Each petition by one (1) or more persons for an amendment shall be submitted to the Clayton Township Planning Commission through the Zoning Administrator in writing or on a standard form provided and shall be accompanied by the required fee to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner if a public hearing is held or a special meeting of the Planning Commission is held. The fees shall be established from time to time by the Township Board.

(Ord. of 10-13-2014)

State law reference—Zoning amendment procedure, MCL 125.3403.

DIVISION 2. ZONING BOARD OF APPEALS***Section 2.20. Authorization.**

There is hereby created a Zoning Board of Appeals, which shall derive [derive] its authority from Public Act No. 110 of 2006, the Michigan Zoning Enabling Act, as amended. The Board of Appeals shall ensure that the spirit and intent of this Ordinance is upheld, that the public health, safety and welfare is advanced, and that substantial justice is done.

(Ord. of 10-13-2014)

Section 2.21. Memberships and procedures.

A. The Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one (1) member may be a member of the Township Board, and the remaining member(s) shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing.

B. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. One (1) alternate member may be a Township Board member if no regular member of the ZBA is a Board member.

C. Terms of Zoning Board of Appeals members shall be for three (3) years, except members of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be

***Editor's note**—An ordinance adopted Oct. 13, 2014, amended Div. 2 in its entirety to read as herein set out. Former Div. 2 pertained to the same subject matter, consisted of §§ 2.20, 2.21.

State law reference—Board of appeals, MCL 125.3601 et seq.

appointed not more than one (1) month after the term for the preceding member has ended. All vacancies for unexpired terms shall be filled for the remainder of the term.

D. The total amount [of compensation] allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually by the Township Board.

E. The Board of Appeals shall adopt rules of procedure as may be necessary to conduct its meetings and carry out its functions. The Board shall choose a Chairperson, and in the Chairperson's absence, an acting Chair.

F. Meetings shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.

G. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members of the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and become public records.

H. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, or to grant a variance from the terms or conditions of this Ordinance.

I. The Zoning Board of Appeals shall return a decision upon each case within a reasonable amount of time. The Zoning Board of Appeals shall state the grounds for each determination. All decisions of the Board of Appeals are final and appeals must be filed with a Court of competent jurisdiction.

J. A member of the Zoning Board of Appeals shall disqualify himself from a vote in which the member has conflict of interest. Failure of a member to disqualify oneself from a vote in which the member has a conflict of interest shall constitute misconduct. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing or vote on the same matter that the member

voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

K. The Township Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Chapter [Division]. It shall fix reasonable times for hearings, give due notice to the parties, and decide the appeals within a reasonable time.

L. The Zoning Administrator shall keep a record of all decisions made by the Zoning Board of Appeals and make such record available to the Township Board, Planning Commission, and the public.

(Ord. of 10-13-2014)

Section 2.22. Variances.

The Zoning Board of Appeals is authorized to grant, upon application, variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. The Board may attach any conditions it deems necessary to a variance to ensure that the spirit and intent of this Ordinance is carried out. Township Board shall set all fees related to a variance request.

- A. The Board of Appeals shall ensure that all variances comply with the following:
1. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 2. Will not permit the establishment of a use within a district where it is prohibited.
 3. Will not adversely affect property values in the immediate vicinity or in the Township as a whole.
 4. Will relate only to the property for which the application has been submitted.
 5. Is not a request that occurs regularly that could be addressed through an amendment to this Ordinance.

B. The Board of Appeals shall not grant a variance unless at least one (1) of the following is demonstrated:

1. There are exceptional or extraordinary circumstances to the intended use or physical conditions such as narrowness, shallowness, shape, or topography of the property involved that generally do not apply to other properties or uses in the same district. Such circumstances or conditions shall not be considered grounds for a variance if they have been caused by the applicant or previous owner after the effective date of this Ordinance.
2. Where there are practical difficulties which prevent the carrying out of the strict letter of this Ordinance. Generally, economic difficulty on its face is not a qualifying difficulty. Difficulties should be evaluated in terms of the use of the parcel or property.
3. Where the lot or parcel was lawfully recorded prior to the effective date of this Ordinance or any amendment hereto, and the dimensional provisions of this Ordinance prohibit the use of the lot or parcel in accordance with the district regulations.

C. Any variance that is denied wholly or in part shall not be resubmitted for review for a period of one (1) year from the date that the Board took action on the request unless substantive new evidence is to be presented or new circumstances arise.

D. No use variances may be granted by the Zoning Board of Appeals (see [subsection] A.2, above).

(Amend. of 7-7-2014; Ord. of 10-13-2014)

Section 2.23. Administrative review.

The Zoning Board of Appeals is authorized to review all decisions made in the administration of this Ordinance. The Board may uphold, reverse, or modify any order, decision or determination made by the Zoning Administrator, Planning Commission, or any other entity except as otherwise noted in this Ordinance. The appeal or request shall be submitted to the Township Clerk with the required fee.

The filing of an appeal or request for review shall stay all proceedings in furtherance of the action being reviewed. If the Zoning Administrative

certifies in writing to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, the proceeding shall not be stayed unless an order is issued by the Zoning Board of Appeals or by court action.

(Ord. of 10-13-2014)

Section 2.24. Interpretation and classification of uses.

Upon application or petition and the filing of the appropriate fees, the Zoning Board of Appeals shall be authorized to interpret and clarify an ambiguous or unclear language of this Ordinance. The following are among the actions the Board may take:

- A. The Board may determine the precise location of the boundary lines between zoning districts when there is a question about the exact location.
- B. The Board may interpret any provisions of this Ordinance when the Zoning Administrator is unable to clearly determine its meaning, intent, and purpose.
- C. The Board may classify any activity which is not specifically mentioned in the district regulations as a Permitted Use of a Conditional Use. The basis for such classification shall be that the activity is consistent and similar to the uses already allowed in the district.
- D. The Board may determine the off-street parking and loading space requirements for any use or activity which cannot be determined under the provisions of this Ordinance.

(Ord. of 10-13-2014)

Section 2.25. Hearing notices.

A. All Zoning Board of Appeals hearings shall meet the public notice requirements of Section 4.24 of this Ordinance.

B. All registered entities or persons must re-register bi-annually to continue to receive notification pursuant to this Section.

(Ord. of 10-13-2014)

Article III

DISTRICT REGULATIONS

Division 1. Generally

- Sec. 3.01. Kinds of districts.
- Sec. 3.02. Location of districts.
- Sec. 3.03. Greenbelts.

Division 2. Agricultural Districts A

- Sec. 3.20. Scope.
- Sec. 3.21. Purpose.
- Sec. 3.22. Uses.
- Sec. 3.23. Size of premises.
- Sec. 3.24. Minimum floor area for dwellings.
- Sec. 3.25. Setbacks and yards.

Division 3. Residential Districts R-1

- Sec. 3.30. Scope.
- Sec. 3.31. Purpose.
- Sec. 3.32. Uses.
- Sec. 3.33. Size of premises.
- Sec. 3.34. Minimum floor areas.
- Sec. 3.35. Setback and yards.

Division 4. Commercial Districts C-1

- Sec. 3.40. Scope.
- Sec. 3.41. Purpose.
- Sec. 3.42. Uses.
- Sec. 3.43. Setbacks and yards.

Division 5. Forest and Recreation Districts F-R

- Sec. 3.50. Scope.
- Sec. 3.51. Purpose.
- Sec. 3.52. Uses.
- Sec. 3.53. Minimum lot size.
- Sec. 3.54. Minimum floor area.
- Sec. 3.55. Setbacks and yards.
- Sec. 3.56. Greenbelt areas.

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Division 6. Industrial Districts I

Sec. 3.60. Scope.

Sec. 3.61. Purpose.

CLAYTON ZONING ORDINANCE

Sec. 3.62. Standards of performance.

Sec. 3.63. Supplemental requirements in applying for a Land Use Permit.

FACTORY WORKING CONDITIONS

1. The factory working conditions are very important for the health and safety of the workers. The factory working conditions should be improved to reduce the risk of accidents and injuries. The factory working conditions should be improved to reduce the risk of accidents and injuries.

DIVISION 1. GENERALLY**Section 3.01. Kinds of districts.**

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

- A. Agricultural A.
- B. Residential R-1.
- C. Commercial C-1.
- D. Forest and Recreation F-R.
- E. Industrial I.

Section 3.02. Location of districts.

A. Agricultural A: Section 1 (fractional), entire fraction; Section 2 (fractional), entire fraction; Section 4, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ except a parcel commencing at the NE corner, then W 330', S 196', E 333', N 396' to P.O.B. and except a parcel commencing 948' N of the SW corner then E 666', N 621', W 666', S 621' to P.O.B.; Section 7, that portion of the SW $\frac{1}{4}$ East of the Rifle River; Section 9, all except the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and except for a parcel commencing at the SW corner then E 835', N 835', W 835', and S 835' to point of beginning; Section 10, all except the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; Section 11, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ except the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Section 12, all except a parcel commencing 33' east and 132' south of center of road, in the SW corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, then E 528', N 528', W 528', S 528' to P.O.B. and except a parcel commencing at the SE corner, then N 1800', W 150', S 1800', E 150' to P.O.B.; Section 13, all except the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and except a parcel commencing at the NE corner, W 660', S 160', E 452', S 500', E 208', N 660' to P.O.B.; Section 14, all except the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and a parcel commencing at the NE corner of the SE $\frac{1}{4}$, then W 300', S 200', E 300', N 200' to P.O.B.; Section 15, all except a parcel commencing 330' S of the NE corner, then W 1056', S 330', E 792', N 165', E 264', N 165' to P.O.B.; Section 16, entire section; Section 17, all of the E $\frac{1}{2}$; except for the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; Section 18, the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; Section 19, all of the S $\frac{1}{2}$ lying E. of the Rifle River; Section 20, the S $\frac{1}{2}$ and the NE $\frac{1}{4}$; Section 21, all except a parcel commencing at the SW corner, then E 198', N 165', W 198', S 165' to P.O.B.; Section 22, entire section; Section 23, all except a parcel commencing at the NW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, then E 904', S 544.50', W 904', N 544.50' to P.O.B. and except a parcel commencing at the SE corner, then W 551', N 392', E 551', S 392' to P.O.B.; Section 24, entire

section; Section 25, the N $\frac{1}{2}$ except the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$; Section 26, entire section; Section 27, all except the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; Section 28, entire section; Section 29, all except a parcel commencing 903' N of the SE corner, then N 935', W 208', S 935', E 208' to P.O.B., and except the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and also except the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$; Section 30, the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and all of the SE $\frac{1}{4}$ except its NW $\frac{1}{4}$; Section 31, the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ except its W $\frac{1}{2}$ of the NW $\frac{1}{4}$; Section 32, all except the N $\frac{1}{2}$ of the SW $\frac{1}{4}$; Section 33, entire section; Section 34, all except the SE $\frac{1}{4}$; Section 35, all except the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$; Section 36, the N $\frac{1}{2}$ of the NW $\frac{1}{4}$.

B. Residential R-1: Section 4 (fractional), a parcel commencing at the SW corner, then N 660', E 264', S 660', and W 264' to P.O.B.; Section 7, all that portion of the SW $\frac{1}{4}$ lying W of the Rifle River and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and also the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; Section 8, the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ except for a parcel commencing at the SE corner, then N 469.01', W 201.53', S 469.02', E 201.53' to P.O.B.; Section 11, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Section 12, a parcel commencing at the SE corner, then N 1800', W 150', S 1800', E 150' to P.O.B., known as a portion of the unincorporated village of "Maple Ridge"; Section 13, a parcel commencing 183' W of the NE corner, then W 477', S 160', E 452', S 500', E 208', N 502', W 183', N 158' to P.O.B., known as a portion of "Maple Ridge," also the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; Section 14, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; Section 15, a parcel commencing 330' S of the NE corner, then W 1056', S 330', E 792', N 165', E 264', N 165' to P.O.B.; Section 18, that portion W of the Rifle River; Section 19, that portion W of the Rifle River; Section 23, a parcel commencing at the SE corner, then W 551', N 392', E 551', S 392' to P.O.B.; Section 29, a parcel commencing 903' N of the SE corner, then N 935', W 208', S 935', E 208' to P.O.B. except a parcel commencing 104' N of the SE corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, then W 208', N 208', E 208', S 208' to P.O.B.; Section 36, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

C. Commercial C-1: Section 8, a parcel commencing at the SE corner, then N. 469.01', W 201.53', S 469.02', E 201.53' to P.O.B.; Section 9 a parcel commencing at the SW corner then E 835', N 835', W 835', and S 835' to point of beginning; Section 13, a parcel commencing at the NE corner, then S 158', W 183', N 158', E 183' to P.O.B.; Section 14, a parcel commencing at the NE corner of the SE $\frac{1}{4}$, then W 300', S 200', E 300', N 200' to P.O.B.; Section 17 the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; Section 21, a parcel commencing at the SW corner, then E 198', N 165', W 198', S 165' to P.O.B.; Section 29, a parcel commencing 104' N of the SE corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, then W 208' N 208', E 208', S 208' to P.O.B.

D. Forests and Recreation F-R: Section 3 (fractional), entire fraction; Section 4 (fractional), the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and also a parcel commencing at the NE corner of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, then S 396', W 330', N

396', W 330', N 396', W 330' to P.O.B.; Section 5 (fractional), entire fraction; Section 6 (fractional), entire fraction; Section 7, all except the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and except the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and except the SW $\frac{1}{4}$; Section 8, all except the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; Section 9, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; Section 11, the W $\frac{1}{2}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Section 12, a parcel of land commencing 33' east and 132' south of center of road in the SW corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, then E 528', N 528', W 528', S 528' to POB; Section 17, all of the W $\frac{1}{2}$; Section 18, that portion E of the Rifle River except the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying E of the Rifle River; Section 19, that portion of the N $\frac{1}{2}$ E of the Rifle River; Section 20, the NW $\frac{1}{4}$; Section 25, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$; Section 27, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; Section 29, all of the NW $\frac{1}{4}$ except its N $\frac{1}{4}$; Section 30, all of the NW $\frac{1}{4}$ except its SE $\frac{1}{4}$, all of the SW $\frac{1}{4}$ except its NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; Section 31, all of the W $\frac{1}{2}$ and the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; Section 32, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$; Section 34, all of the SE $\frac{1}{4}$; Section 35, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$; Section 36, all except the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

E. Industrial I: Section 10, the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; Section 23, a parcel commencing at the SE corner, then W 551', N 392', E 551', S 392' to P.O.B. and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

Section 3.03. Greenbelts.

In all zoning districts listed in Section 3.02, located in the Township of Clayton in the County of Arenac in the State of Michigan, all natural flowing waterways shall be zoned as Greenbelt with the exception of those waterways covered by Part 305 of Public Act 451 of 1994 (MCL 324.30501 et seq.), as amended, concerning natural rivers that applies to the Rifle River.

DIVISION 2. AGRICULTURAL DISTRICTS A

Section 3.20. Scope.

The following provisions in this division shall apply to all Agricultural Districts A.

Section 3.21. Purpose.

While land use in Agricultural Districts A is intended to be primarily agricultural in character the provisions recognize the desirability of including residential uses similar to those permitted in Residential Districts R-1 and, under Special Permit, the use of land for other purposes when generally compatible with the agricultural use of land.

Section 3.22. Uses.

No building or structure, or part thereof, shall hereafter be erected, used or occupied on land or premises used or occupied, in whole or in part, for other than one (1) or more of the following specified uses:

A. Primary uses.

- (1) Farms, general farming, fur farms, including truck gardens, tree, livestock, dairy and recreational farms.
- (2) Farm buildings, farm structures and roadside stands as defined in Section 1.03.
- (3) Home occupations as defined in Section 1.03.
- (4) Portable sawmills.
- (5) Farm and non-farm dwellings.
- (6) Single-family dwellings or two-family dwellings.
- (7) State licensed residential facilities and family day care.
- (8) Biofuel production facility producing not more than one hundred thousand (100,000) gallons of biofuel or as allowed by P.A. 2011 97.

B. Uses by Special Permit, as provided by Section 4.08.

- (1) Motels and overnight cabins.
- (2) Private clubs and other fraternal organizations.
- (3) Funeral homes.
- (4) Institutions of a philanthropic and charitable nature.
- (5) All uses listed in Section 3.32, subsections B(1) through B(8).
- (6) Animal hospitals and boarding kennels.
- (7) Group child care home per Section 206 of P.A. 2006 110.

- (8) Biofuel production facility producing more than one hundred thousand (100,000) gallons of biofuel or as allowed by P.A. 2011 97.
- (9) Natural resources extraction operations and temporary asphalt mixing plants in accordance with P.A. 2011 113.
- (10) Lodges, resort, and recreational camps and clubs.

C. *Accessory uses.* Accessory uses, buildings and structures customarily and clearly incidental to any primary uses, or use by Special Permit as the case may be, subject to the same conditions provided by Section 3.32C. (Ord. of 10-13-2014)

Section 3.23. Size of premises.

A. *Dwellings.* Every parcel of land on which a dwelling is hereafter erected shall contain not less than one (1) acre with at least one hundred fifty (150) feet of road frontage, except that those parcels serviced by a recorded easement must be at least one hundred fifty (150) feet wide.

B. *Farm buildings and structures.* All buildings and structures customarily erected and used on farms in the Township shall comply with the provisions of this Ordinance. No such building or structure shall hereafter be erected less than forty (40) feet from the highway right-of-way line, or less than twenty-five (25) feet from any side of the premises.

C. *[Cabins and vacation homes.]* All dwellings, cabins and vacation homes hereafter erected shall contain not less than seven hundred eighty (780) square feet of floor area, exclusive of any attached structure. (Ord. of 10-13-2014)

Section 3.24. Minimum floor area for dwellings.

A. *Single-family dwellings.* Every single-family dwelling hereafter erected shall contain not less than seven hundred eighty (780) square feet of floor area exclusive of any attached garage, porch, or other attached structure.

B. *Two-family dwellings.* Every two-family dwelling hereafter erected shall contain not less than seven hundred eighty (780) square feet of floor area for each family unit exclusive of any attached garage, porch, or other attached structure. (Ord. of 10-13-2014)

Section 3.25. Setbacks and yards.

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

B. *Side yards.* There shall be a side yard of not less than twenty (20) feet in width on each side of every principal building hereafter erected, and no accessory building shall be erected or moved within such side yard setback. (Ord. of 10-13-2014)

DIVISION 3. RESIDENTIAL DISTRICTS R-1

Section 3.30. Scope.

The following provisions in this division shall apply to all Residential Districts R-1.

Section 3.31. Purpose.

A. The purpose of creating Residential Districts R-1 is to provide areas primarily designed for residential use consisting of dwellings for only one-family, two-family or similar household groups, each located on an individual lot or premises which is adequate in size to provide for safe water supplies and sewage disposal, reasonably spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe entrance to and exit from the premises.

B. The requirements are furthermore intended to protect and stabilize the basic qualities of each district, and provide suitable and safe conditions for family living.

C. Since certain other uses of land are generally accepted as compatible with residential developments if properly integrated, the inclusion and/or variance of such uses is accorded by Special Permit as hereinafter provided.

Section 3.32. Uses.

No building or structure, or part thereof, shall hereafter be erected, used or occupied on land or premises used or occupied, in whole or in part, for other than one (1) or more of the following specified uses:

A. *Primary uses.*

- (1) Single-family or two-family dwellings, including a private passenger automobile garage not exceeding a three (3) car capacity for each unit dwelling.

- (2) Publicly owned parks and playgrounds.
- (3) Home occupations as defined in Section 1.03.

B. Uses by Special Permit, as provided by Section 4.08.

- (1) Churches and similar buildings for religious worship, including parish houses and associated religious buildings.
- (2) Schools and educational buildings, including dormitories.
- (3) Libraries.
- (4) Parks and playgrounds, with or without customarily associated buildings.
- (5) Hospitals and clinics for human service.
- (6) Community-center buildings.
- (7) Publicly owned buildings.
- (8) Truck gardens, nurseries and similar enterprises.

C. Accessory uses. Accessory uses, buildings and structures customarily and clearly incidental to any primary use, or use by Special Permit as the case may be; provided that no accessory building shall be located less than forty (40) feet from the front lot line or highway right-of-way line; and provided, further, that all accessory buildings attached to the main building shall be deemed a part thereof and as such shall conform to all setback and yard requirements.

Section 3.33. Size of premises.

A. Dwellings. Every parcel of land upon which a dwelling is hereafter erected shall contain not less than one acre with at least one hundred fifty (150) feet of road frontage, except that those parcels serviced by a recorded easement must be at least one hundred fifty (150) feet wide.

B. Other buildings. The minimum size parcel required for other permitted or approved uses, including those accessory thereto, shall be determined by the Clayton Township Board of Appeals as may be reasonable for such use and determination shall be filed with the Zoning Administrator.

Section 3.34. Minimum floor areas.

A. *Single-family dwellings.* Every single-family dwelling hereafter erected shall contain not less than seven hundred eighty (780) square feet of floor area at the first level, exclusive of any attached garage, porch, or other attached structure.

B. *Two-family dwellings.* Every two-family dwelling hereafter erected shall contain not less than one thousand five hundred sixty (1,560) square feet of floor area for each family unit exclusive of any attached garage, porch, or other attached structure.

Section 3.35. Setback and yards.

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

B. *Side yards.* There shall be a side yard of not less than twenty (20) feet in width on each side of every principal building hereafter erected, and no accessory building shall be erected or moved within such side yard.

DIVISION 4. COMMERCIAL DISTRICTS C-1**Section 3.40. Scope.**

The following provisions in this division shall apply to all Commercial Districts C-1.

Section 3.41. Purpose.

The primary purpose of Commercial Districts C-1 is to provide accommodations for retail and wholesale business activities generally compatible with each other, and for services generally associated with commercial districts. As in other districts, provision is also made by Special Permit for the inclusion of enterprises and activities having special problems or conditions.

Section 3.42. Uses.

No land shall hereafter be used, and no building or structure or part thereof erected, used or occupied, in whole or in part, for other than one (1) or more of the following specified uses:

A. Primary uses.

- (1) Retail and wholesale establishments offering chiefly new merchandise.
- (2) Business and personal service, including barbershops, beauty parlors, shoe repair shops, dry cleaning agencies, self-service laundries, dressmaking, tailoring, florist shops, gift shops, photographic shops, print shops, radio and television sale and servicing, restaurants, bakeries.
- (3) Food service establishments, but not including drive-ins, taverns or nightclubs.
- (4) Offices, banks, public buildings, studios, theaters.
- (5) Motels and overnight cabins.
- (6) Automobile sales and salvage parts or services, including garages and gas stations.
- (7) Hospitals and clinics for human service.
- (8) Publicly owned buildings and public utility buildings.
- (9) Machine repair shops.
- (10) Recreation buildings but not including taverns, nightclubs and similar establishments.
- (11) Canoe liveries, including camping grounds and party stores.
- (12) Collocated wireless communication equipment per requirements of P.A. 2012 143.

B. Uses by Special Permit as provided by Section 4.08.

- (1) Assembly halls, including dancehalls.
- (2) Mortuaries.
- (3) Animal hospitals.
- (4) Dry cleaning.
- (5) Mobile home parks and recreational vehicle parks.
- (6) Used car lots having four (4) or more vehicles.

- (7) Parking lots.
- (8) Manufacturing establishments, but also subject to the provisions of Article III, Division 6, Industrial Districts I.
- (9) Drive-ins, taverns, nightclubs and similar establishments.
- (10) Sanitary landfills.

C. *Accessory uses.* Accessory uses, buildings and structures customarily and clearly incidental to any primary use, or use by Special Permit, as the case may be.

(Ord. of 10-13-2014)

Section 3.43. Setbacks and yards.

A. *Setbacks.* The front line of every building hereafter erected shall be set back not less than forty (40) feet from the front lot line or highway right-of-way line; provided that no building located at an intersection of any road with a state or county highway shall be located less than forty (40) feet from any lot line or highway right-of-way line abutting such road or highway.

B. *Side yards.* Every building hereafter erected on land adjacent to a Residential District R-1 or an Agricultural District A shall provide an unoccupied side yard not less than twenty-five (25) feet in width abutting such district, and a rear yard not less than twenty-five (25) feet in depth.

DIVISION 5. FOREST AND RECREATION DISTRICTS F-R

Section 3.50. Scope.

The following provisions in this division shall apply to all Forest and Recreational Districts F-R.

Section 3.51. Purpose.

The primary purpose of Forest and Recreation Districts F-R is to promote the proper use and conservation of natural forest lands, and the proper use, enjoyment and conservation of the water, land, topographic, animal and vegetative resources particularly adapted to recreational use, including such uses as are compatible with these purposes under Special Permit.

Section 3.52. Uses.

No land shall hereafter be used, and no building or structure, or part thereof, erected, used or occupied in whole or in part, for other than one (1) or more of the following specified uses:

A. Primary uses.

- (1) Production of forest products, forest industries, nurseries.
- (2) Fire control structures, fire lanes, fire-truck trails.
- (3) Parks, play areas, picnic areas and similar open grounds for outdoor recreation.
- (4) Hunting, fishing, trapping.
- (5) Single-family dwellings and cabins when completely encircled with a driveway no less than twelve (12) feet in width or a properly maintained cleared area acting as a firebreak of like width.
- (6) An ingress and egress road to landlocked property.

B. Uses by Special Permit as provided by Section 4.08.

- (1) Recreational camps, resorts, clubs, and other recreational facilities.
- (2) Development of mineral resources.
- (3) Retail stores and shops.
- (4) Reserved.
- (5) Public and private beach developments.
- (6) Recreational vehicle parks.

C. Accessory uses. Accessory uses, buildings and structures customarily and clearly incidental to any primary use, or use by Special Permit, as the case may be.

(Ord. of 10-13-2014)

Section 3.53. Minimum lot size.

Dwellings. Every parcel of land upon which a dwelling is hereafter erected shall contain not less than one (1) acre with at least one hundred fifty (150) feet or [of] road frontage, except that those parcels serviced by a recorded easement must be at least one hundred fifty (150) [feet] wide.

(Ord. of 10-13-2014)

Section 3.54. Minimum floor area.

Single-family cabins and vacation homes. Every single-family home, cabin, and vacation home hereafter erected shall contain not less than seven hundred eighty (780) square feet of floor area, exclusive of any attached structure.

(Ord. of 10-13-2014)

Section 3.55. Setbacks and yards.

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

B. *Side yards.* There shall be a side yard of not less than twenty (20) feet in width on each side of every principal building hereafter erected, and no accessory building shall be erected or moved within such side yard.

C. *Recreational vehicles.* Recreational vehicles also must comply with these restrictions.

(Ord. of 10-13-2014)

Section 3.56. Greenbelt areas.

Dwellings and buildings on property abutting rivers shall conform to all Michigan Department of Environmental Quality requirements.

(Ord. of 10-13-2014)

DIVISION 6. INDUSTRIAL DISTRICTS I**Section 3.60. Scope.**

The following provisions in this division shall apply to all Industrial Districts I.

Section 3.61. Purpose.

The primary purpose of these provisions is to encourage the establishment of industries for processing raw and semifinished materials, for storage of industrial products, and for wholesale commercial establishments, including office facilities and employee facilities customarily associated with any permitted use, under good standards of performance and compatible with neighboring surroundings.

Section 3.62. Standards of performance.

All permitted and approved uses shall be subject to the following conditions:

- A. *Buildings and structures.* All activities shall be conducted within completely enclosed buildings. Exterior yard storage shall be permitted when located no less than twenty-five (25) feet from any boundary line of the premises, provided that the yard is entirely screened by a solid uniformly finished wall or fence, or an adequately maintained evergreen hedge, the height of which screening shall be no less than eight (8) feet, and in no case less than that of the enclosed storage.
- B. *Offensive and hazardous emissions.* No use shall discharge any produced dust, smoke, odorous matter or noxious, corrosive or toxic fumes or physical vibration; or heat or glare beyond the boundaries of the premises on which located. No noise created from any use shall exceed the level of ordinary conversation at the boundaries of the premises in which the use is located.
- C. *Setbacks and yards.* Every building or structure shall be set back no less than forty (40) feet from the front line or highway right-of-way line fronting the premises, shall have side yards on each side no less than twenty-five (25) feet in width, and a rear yard no less than twenty-five (25) feet in depth. Except the walks and driveways, no front yard shall be utilized for parking, storage, or loading of vehicles or by accessory buildings or structures. No side yard shall be utilized for parking or accessory buildings, or structures within twenty-five (25) feet of the sidelines of the premises.
- D. *Parking.* On-premises parking space shall be provided for all vehicles owned or leased by the enterprise. Parking space shall be provided at the rate of fifty (50) square feet of commercial building space for each vehicle, including vehicles of employees, etc.

Section 3.63. Supplemental requirements in applying for a Land Use Permit.

A. *Drawings.* In addition to the requirements of Section 2.02B, the drawings accompanying the application for a Land Use Permit shall include the location of all parking lots and loading facilities; all waste disposal areas; all barriers; all special construction on the premises.

B. *Statement of operating conditions.* The application for a Land Use Permit shall include a statement of the effects of operation on traffic; on water and air pollution; on noise and glare conditions, if any; on fire and safety hazards; on emission of dangerous or obnoxious matter (especially no toxic material will be permitted or allowed) and on such conditions to maintain the same within the limitations of this Ordinance. It shall show the plans for the disposal of sewage and all industrial waste. It shall specify the fuels to be used including plans for smoke control.

C. *Determination.* All applications for uses of land, buildings and structures in this district shall be filed with the Zoning Administrator, who shall submit his/her recommendations to the Clayton Township Planning Commission. Approval or rejection of such applications shall rest with the Clayton Township Board, which may, in its discretion, hold a public hearing upon the proposals.

Article IV

SUPPLEMENTAL REGULATIONS

- Sec. 4.01. Scope of ordinance.
- Sec. 4.02. Nonconforming uses and buildings.
- Sec. 4.03. General lot and yard limitations.
- Sec. 4.04. Water supply and sewage disposal facilities.
- Sec. 4.05. Grading.
- Sec. 4.06. Public and utility buildings and structures.
- Sec. 4.07. Farm buildings and structures.
- Sec. 4.08. Uses by Special Permit.
- Sec. 4.09. Recreational vehicle sites.
- Sec. 4.10. Single-family dwellings.
- Sec. 4.10.A. Single-family mobile homes.
- Sec. 4.10.B. Single-family manufactured homes.
- Sec. 4.11. Unlicensed buses.
- Sec. 4.12. Sanitary landfills.
- Sec. 4.13. Junk, trash, rubbish, abandoned, wrecked, dismantled, and unusable vehicles.
- Sec. 4.14. Noise.
- Sec. 4.15. Keeping animals.
- Sec. 4.16. Detached accessory structures.
- Sec. 4.17. Easement for access.
- Sec. 4.18. State-licensed residential facilities.
- Sec. 4.19. Day care homes.
- Sec. 4.20. Roads.
- Sec. 4.21. Burned-out and deteriorating buildings.
- Sec. 4.22. Natural rivers.
- Sec. 4.23. Communication towers
- Sec. 4.24. Drainage.
- Sec. 4.25. Fences, walls and screens.
- Sec. 4.26. Public notices.
- Sec. 4.27. Registration to receive notification by mail.

Alphabet

SUPPLEMENTAL READING LIST

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Section 4.01. Scope of ordinance.

Except as otherwise provided, no land or existing building and no new building or structure or part thereof shall hereafter be located, erected, used or altered other than in conformity with the provisions of this Ordinance.

Section 4.02. Nonconforming uses and buildings.

A. *Expansion of uses.* Expansion of any nonconforming use throughout a building or additions to any aforesaid building for the purpose of extending a nonconforming use, or the extension of any nonconforming use into or throughout a parcel of land not fully occupied by such nonconforming use may be granted by Zoning Board of Appeals of Clayton Township on written application filed with the Zoning Secretary. Said Board may hold a public hearing upon such application. If it shall appear that the proposed expansion will not be in accord with any provision of Section 1.02 then such application shall be denied.

B. *Discontinuance of nonconforming uses.* If the nonconforming use of any parcel of land, building or structure is discontinued or abandoned through vacancy, lack of operations or otherwise for a continuous period of twelve (12) or more months, then any further use thereof shall conform to the provisions of this Ordinance.

C. *Change of nonconforming uses.* The nonconforming use of any parcel of land, building or structure shall not be changed to any other nonconforming use, nor shall any use be reverted to the former nonconforming use after such use has been changed to a conforming use.

D. *Repair and improvement of nonconforming buildings and structures.* Nothing in this Ordinance shall prevent such repairs or improvements of a nonconforming building or structure existing on the date of enactment of this Ordinance as may be necessary to secure continued advantageous use thereof during its natural life; provided such repair or improvement includes no enlargement or change of use thereof; and provided, further, that the owner first obtain a Land Use Permit.

E. *Continued use of nonconforming uses and buildings.* The lawful use of any land, building or structure existing on the date of enactment of this Ordinance, although such use does not conform with the provisions of this Ordinance as of the date of the enactment of this Ordinance may be continued at the discretion of the owner or his heirs or assigns.

(Ord. of 10-13-2014)

State law reference—Nonconforming uses or structures, MCL 125.3208.

Section 4.03. General lot and yard limitations.

A. *Nonduplication.* In determining lot, parcel, and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building or use and no area necessary for compliance with the open-space requirements for one (1) building or use shall be counted in the calculation of requirements for any other building or use.

B. *Dwellings per lot.* No more than one (1) dwelling shall be erected on any lot.

C. *Lot of record.* Every main building shall hereafter be erected on a lot or parcel the description of which is on record at the Register of Deeds office of the county, or, in case of a land contract, the description of such parcel is on record with and satisfactory to, the Zoning Administrator of Clayton Township.

(Ord. of 10-13-2014)

Section 4.04. Water supply and sewage disposal facilities.

Every building hereafter erected or moved upon any premises and used in whole or in part for dwelling, recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means of collecting and disposal of all human excreta and of all water-carried domestic, commercial, industrial and other wastes that may adversely affect the public health. Such wastes shall be treated and disposed of according to applicable standards of the Michigan Department of Environmental Quality.

Section 4.05. Grading.

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.

(Ord. of 10-13-2014)

Section 4.06. Public and utility buildings and structures.

The erection, alteration and maintenance of public utility buildings and structures, and of power, communication, supply, disposal, distribution, and similar public utility facilities, including, accessories essential therewith, as authorized and regulated by law shall be permitted in every zoning district, it being the intent hereof to except such buildings, structures and systems from the application of this Ordinance when not in conflict with the provisions of Section 1.02. When in conflict, the Board of Appeals of Clayton Township shall have the power to determine reasonable conditions under which such facilities shall be erected.

Section 4.07. Farm buildings and structures.

All buildings and structures customarily erected and used on farms in the Township, including dwellings, shall comply with the provisions of this Ordinance. No such building or structure shall hereafter be erected less than forty (40) feet from the highway right-of-way line, or less than twenty-five (25) feet from any side of the premises.

State law reference—Michigan right to farm act, MCL 286.471 et seq.

Section 4.08. Uses by Special Permit.

A. *General requirements.* Uses by Special Permit, where provided, shall be subject to the requirements of this section in addition to the requirements and standards as set forth in this Ordinance to prevent conflict with or impairment of the principal uses thereof. Such uses shall be deemed to possess characteristics of such unique form to the district that each shall be considered as an individual case.

B. *Specific requirements.*

(1) Written application shall be made to the Clayton Township Planning Commission through the office of the Zoning Administrator as provided by Section 2.02 and shall show the following:

a. Name of applicant and owner of the premises.

- b. Legal recorded description of the premises.
 - c. Location of proposed building and/or use.
 - d. Location of existing roads and highways providing access thereto.
 - e. Sewage disposal facilities, existent or proposed, on the premises.
 - f. Parking area, if required.
 - g. Description of proposed use.
 - h. Uses of properties on each adjacent premises.
- (2) The Planning Commission shall hold a public hearing on the application if one is requested under MCL 125.3502. In reaching its determination on the application, it shall consider the following:
- a. Whether the location, the use, and the nature and intensity of operation will be in conflict with the principal permitted use of the district.
 - b. Whether the sewage disposal facilities will be adequate and safe.
 - c. Whether the setback and yard conditions will be in harmony with the orderly and proper development of the district.
 - d. Whether the adequate access to the building and/or use will be provided by either existing or public roads to be erected.
 - e. Whether the building or use will be more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, fire hazard, flashing lights, or disposal of waste or sewage than the operation of any permitted use.
 - f. Whether the building and/or use will discourage or hinder the appropriate development and use of adjacent land and buildings.

C. *Fees.* A fee of twenty-five dollars (\$25.00) shall accompany each application. All fees collected shall be deposited with the Clayton Township Treasurer and be included in the general fund of the township or separate zoning fund.

(Ord. of 10-13-2014)

State law reference—Special land uses, MCL 125.3502.

Section 4.09. Recreational vehicle sites.

Occupancy of recreational vehicles outside of recreational vehicle parks under the jurisdiction of the appropriate state agency shall be subject to the following provisions except as hereinafter provided:

- A. *Temporary farm labor exception.* A Land Use Permit shall be required for the parking of a recreational vehicle maintained by any person on his/her own farm and used even for his/her own farm labor. The permit will be valid only for temporary use; void for year-round housing.
- B. *Homebuilder's exception.* A six (6) months' temporary permit on an owner's premises may be obtained for parking a recreational vehicle thereon while erecting his home on the premises, following issuance of a Land Use Permit for such construction and shall be subject to the provisions of Section 3.35.A., and B. No building or structure [is] to be erected or placed in the right-of-way in any district in Clayton Township.
- C. *Hunting and camping.* Trailers, campers, and other recreational vehicles placed on vacant lots shall comply with all applicable setbacks and other regulations. All recreational vehicles placed and occupied under the provisions of this Section shall comply with all Health Department regulations that apply to the use and occupancy of trailers, campers, and other recreational vehicles outside of licensed campgrounds. All recreational vehicles placed under the provisions of this Section shall be legally operable on the highways of the State of Michigan and shall have a current and valid registration and license plate as required by the Michigan Vehicle Code.

(Amend. of 7-5-2011; Amend. of 7-7-2014; Ord. of 10-13-2014; Amend. of 7-5-2015)

Section 4.10. Single-family dwellings.

Any single-family dwelling erected on site, a mobile home, or a premanufactured or precut structure shall be permitted in the appropriate zoned districts only if in conformance with all of the following requirements:

- A. A mobile home must either be:
 - (1) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety

Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

- (2) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection A(1) of this section and found, on inspection by the Township Zoning Administrator, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling shall comply with all township building, electrical, plumbing, fire, energy and other applicable codes. However, where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by Township codes, in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Township Zoning Administrator.
 - C. The dwelling shall comply with all restrictions and requirements of this Ordinance, including without limitation floor area, yard requirements and lot area for the zoned district within which it is located.
 - D. If the dwelling is a mobile home, the mobile home shall be installed with the wheels removed.
 - E. The dwelling shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling and to be constructed of such materials and type as required by the Township building code for on-site-constructed single-family dwellings. If the dwelling is a mobile home that has a permanent foundation, it shall have either a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling and to be constructed of such materials and type as required by the Township building code for on-site-constructed single-family dwellings, or it shall have a foundation that meets the requirements of the Arenac County Building Department for mobile

homes. If the dwelling is a mobile home without a permanent foundation, it shall have factory-built skirting that will hide the chassis, undercarriage and towing mechanism.

F. If the dwelling is a mobile home, the mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the appropriate state agency or any similar or successor agency having regulatory responsibility for mobile home parks.

G. The dwelling shall have a minimum width across any front, side or rear elevation of twelve (12) feet.

H. Storage areas totaling no less than eighty (80) square feet shall be provided. These storage areas may consist of a basement and/or a separate accessory building whose construction is of equal or better quality to that of the dwelling and which is in compliance with all other applicable sections of this Ordinance pertaining to accessory buildings.

I. The dwelling shall be constructed with construction materials of consistent quality. The dwelling shall contain no additions, rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required by this section.

J. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation differential greater than eight (8) inches between the dwelling first floor and ground level.

K. Private garages or carports are permitted, provided their construction is of equal or better quality to that of the dwelling, architecturally compatible with the dwelling, and in conformance with all other requirements of this Ordinance.

L. The pitch of the main roof of the dwelling shall not be less than two and one-half (2½) feet of rise for each twelve (12) feet of horizontal run. There shall be a roof overhang of not less than eight (8) inches, excluding its gable ends.

- M. The exterior finish of the dwelling shall not cause a reflection that is greater than that from siding coated with clean, white, gloss, exterior enamel.
 - N. The dwelling shall be so located on the lot or parcel on which it is placed that the portions nearest the principal street frontage are at least thirty-four (34) feet in total dimension parallel to the street.
 - O. The dwelling shall have no less than two (2) exterior doors, with the second one being in either the rear or the side of the dwelling.
- (Amend. of 4-1-2013; Ord. of 10-13-2014)

Section 4.10.A. Single-family mobile homes.

Any single-family mobile home (titled) shall be permitted in the appropriate zoned districts only if in conformance with all of the following requirements:

- A. A mobile home must be:
 - 1. Certified by the manufacture and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
 - 2. Used mobile homes (titled) erected in Clayton Township shall be in excellent condition and safe and fit for residential occupancy and will be visually inspected by the Township Zoning Administrator and one (1) or more Zoning Board members. This will be a visual inspection only and will not guarantee the fitness of the unit.
 - 3. The mobile home shall be installed with the wheels removed, and shall have quality skirting equal to that of the unit that will hide the chassis, undercarriage and towing mechanism.
- B. The mobile home shall comply with all State, County and Township codes, such as building, electrical, plumbing, fire, energy, and other applicable codes. However, where a mobile home is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by County and/or Township Codes, in such event such Federal or State standard or regulation shall apply.

- C. The mobile home shall comply with all restrictions and requirements of this Ordinance, including, without limitation, floor area, yard requirements, and lot area for the zoned district within which it is located.
 - D. The mobile home shall be constructed with construction materials of consistent quality. The mobile [home] shall contain no additions, rooms or other areas which are not constructed with similar quality or better workmanship as the original structure.
 - E. Private garages or carports are permitted, provided their construction is of equal or better quality to that of the mobile home, and in conformance with all other requirements of this Ordinance.
- (Amend. of 4-1-2013)

Section 4.10.B. Single-family manufactured homes.

Any single-family manufactured home erected on-site shall be permitted in the appropriate zoned district only if in conformance with all of the following requirements:

- A. The manufactured home shall comply with all State, County and Township building codes, such as electrical, plumbing, fire, energy, and other applicable codes. However, where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by County and/or Township codes, in such event such Federal or State standard or regulation shall apply.
- B. The manufactured home shall comply with all restrictions and requirements of this Ordinance, including, without limitation, floor area, yard requirements, and lot area for the zoned district within which it is located.
- C. The manufactured home shall be constructed with construction materials of consistent quality. The manufactured home shall contain no additions, rooms or other areas which are not constructed with similar quality or better workmanship as the original structure.
- D. Private garages or carports are permitted, provided their construction is of equal or better quality to that of the manufactured home, and in conformance with all other requirements of this Ordinance.

(Amend. of 4-1-2013)

Section 4.11. Unlicensed buses.

Unlicensed buses may not be kept in the Township without a Special Permit from the Planning Commission. Buses may not be used for storage facilities without a Special Permit.

Section 4.12. Sanitary landfills.

In order to provide for the health, safety, and welfare of our citizens, the following provisions concerning sanitary landfills must be met:

- A. The area in question must be zoned Industrial I.
- B. A Special Permit must be issued by the Planning Commission.
- C. The landfill is to be located on a parcel of land of not less than two hundred (200) acres.
- D. All buildings and structures are to be removed upon the completion of the landfill operation.
- E. The parcel is to be enclosed by a fence six (6) feet high that is of such a construction that it will contain all windblown debris.
- F. No burning of waste material will be allowed without a permit from the Michigan Department of Environmental Quality.
- G. If the landfill borders on a public right-of-way or abuts a residential district, there shall be a two hundred-foot setback of operations with a fifty-foot landscaped buffer consisting of deciduous or evergreen trees which reach a minimum of five (5) feet in height in one (1) growing season.
- H. The landfill must meet the requirements of Parts 115 and 119 of Public Act No. 451 of 1994 (MCL 324.11501 et seq., 324.11901 et seq.), as amended, and other state, county, and local requirements as are applicable.
- I. Once the landfill operation is completed, the land is to be graded to smooth contours suitable for other uses.
- J. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of the Township and will have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public

interest and such that the property may be developed in a reasonable manner, but, in so doing, complying with other applicable provisions of this Ordinance.

- K. The Planning Commission may require such bond as is deemed necessary to ensure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained. The landfill operations shall file an annual report of current and future proposed operations of the facility with the Township Planning Commission.

(Ord. of 10-13-2014)

Section 4.13. Junk, trash, rubbish, abandoned, wrecked, dismantled, and unusable vehicles.

A. Definitions.

1. The term "junk, trash, and rubbish" shall include broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal, glass, bottles, cans, paper products, or any other castoff material of any kind.
2. The term "abandoned, wrecked, dismantled, or unusable vehicles" shall include any vehicle which is inoperative or not licensed or not insured for any reason for a period in excess of thirty (30) days.

B. Junk, trash, or rubbish. It shall be unlawful for any person to store or to permit the storage or accumulation of junk, trash, or rubbish in the front yard on any private property in the Township.

C. Notification of violation. If, upon inspection, the Township Zoning Administrator shall find that any property within the Township is being used in violation of the above sections of this Ordinance, the owner and/or occupant shall be notified of such violation.

D. Provision of noncompliance. If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed within thirty (30) days after notice or within thirty (30) days after the decision of the Township Board is rendered in case of appeal, the Township Supervisor shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such

materials to be eliminated or removed, the total expense incurred by the Township shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the tax roll and collected the same as other taxes.

(Ord. of 10-13-2014)

Section 4.14. Noise.

No noise from any use shall exceed the level of ordinary conversation at the boundary lines of the premises in which the use is located between the posted legal times of sunset to sunrise, which becomes a public disturbance to surrounding residents.

Section 4.15. Keeping animals.

A. *Purpose.* The intent of this section is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations on parcels of two (2) acres or less which are applicable to all zoning districts unless otherwise indicated.

B. *Wild animals.* No wild animals, defined as not a domestic animal or not a usual pet, shall be kept permanently or temporarily in any district in the Township except in an AZA (American Zoo and Aquarium Association) accredited facility.

C. *Livestock.* The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "wild animals", defined as not a domestic animal or not a usual pet, may be conducted as accessory to the principal residential use of a lot, but shall not be permitted in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises and the following additional conditions shall be met:

- (1) Animals shall be owned and managed by the occupants of the premises.

- (2) The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
- (3) No storage of manure, odor or dust-producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
- (4) The minimum lot area and maximum animal density shall be as follows:
 - a. A minimum lot area of one-half ($\frac{1}{2}$) acre is necessary for the keeping of small livestock, including rabbits and fowl but excluding swine, and the maximum animal density shall not exceed six (6) animals per one-quarter ($\frac{1}{4}$) acre.
 - b. A minimum lot area of two (2) acres is necessary for the keeping of large livestock, including sheep, goats, llamas, ostriches, swine, steers, cows, and miniature horses meeting the physical standards of the American Miniature Horse Association, Inc., and the maximum animal density shall not exceed one (1) animal per one (1) acre of lot area.
 - c. A minimum lot area of two (2) acres is necessary for the keeping of non-miniature horses, and the maximum horse density shall not exceed one (1) horse per one (1) acre of lot area.
- (5) Newly born horses, cows, donkeys, mules and similar large animals may be maintained on said parcel for up to one (1) year provided the maintenance of such animals on the premises shall not increase the permitted number of animals beyond the limitations of subsection (4) above by more than twenty-five percent (25%). Smaller newly born animals, such as pigs, sheep, and fowl, shall not be kept on said parcel for more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (4).

D. *Household pets.* The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets, is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

State law references—Dogs, MCL 287.261 et seq.; wildlife conservation, MCL 324.40101 et. seq.

Section 4.16. Detached accessory structures.

Any detached accessory structure that had an original purpose/use other than use as a stationary storage structure, such as but not limited to semi-trailers, truck-to-rail cargo containers, etc., shall have a setback of not less than six hundred (600) feet from the side walls and/or rear walls of the principal dwelling on the property parcel. In the event that said parcel contains no principal dwelling, then in that event, said detached accessory structure shall have a setback from the front, rear and side lot lines of six hundred (600) feet.

Section 4.17. Easement for access.

Where an easement for access would be required, the following conditions for the easement must be met before a Land Use Permit will be issued: The easement must be part of the recorded description and at least sixty-six (66) feet wide to accommodate emergency vehicles.

Section 4.18. State-licensed residential facilities.

Notwithstanding any other section in this Ordinance, a state-licensed residential facility, which includes a foster family home, a foster family group home, and an adult foster care family home, shall be considered a residential use of property and a permitted use in all residential zones, including those zoned for single-family dwellings, when required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

State law references—Adult foster care facility licensing act, MCL 400.701 et seq.; child care organizations, MCL 722.111 et seq.

Section 4.19. Day care homes.

A. Notwithstanding any other section in this Ordinance, a family day care home shall be considered a residential use in all residential zones, including those zoned for single-family dwellings, when required by Section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

B. Notwithstanding any other section in this Ordinance, a group day care home shall be issued a Special Permit if it meets the standards of Section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

State law reference—Adult foster care facility licensing act, MCL 400.701 et seq.

Section 4.20. Roads.

A. Any private road which serves more than one (1) separately held parcel, or more than one (1) dwelling unit, or more than one (1) commercial or industrial activity shall be constructed by the developer to present or any future Arenac County Road Commission standards, provided that while such road remains private hard surfacing will not be required.

B. Any proposed road, one quarter ($1/4$) mile or more in length that will service more than one (1) household, is to be built to county specifications.

Section 4.21. Burned-out and deteriorating buildings.

A. *Definition.* The term "burned-out and deteriorating buildings" shall include any dwelling, garage, outbuilding, factory, shop, store, office building, warehouse, barn, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or because of physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

B. *Razing or repairing of buildings.*

- (1) A burned-out building is to be razed and the resulting materials to be completely disposed of in a manner acceptable to the Township Zoning Administrator or other Township official designated by the Supervisor.
- (2) A deteriorating building is to be repaired and returned to a condition of usability for which it was originally intended; or it is to be razed and the resulting materials to be completely disposed of. Determination of any or all of the above is to be made by the Township Zoning Administrator or other Township official designated by the Supervisor.

C. *Notification of violation.* If, upon inspection, the Township Zoning Administrator or other Township official designated by the Supervisor shall find that any property within the Township is being used in violation of the above sections of this Ordinance, the owner and/or occupant shall be notified of such violation.

D. *Provision for noncompliance.* If the owner and/or occupant of such premises shall not cause such material in violation of this Ordinance, as described above, to be eliminated or removed, or to cause buildings which are burned-out or in a deteriorating condition to be razed or repaired within thirty (30) days after notice or within thirty (30) days after the decision of the

Township Board is rendered in case of appeal, the Township Supervisor shall direct some person, or persons, to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing such materials to be eliminated or removed, the total expense incurred by the Township shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the tax roll and collected the same as other taxes.

State law reference—Dangerous buildings, MCL 125.538 et seq.

Section 4.22. Natural rivers.

Portions of the Rifle River in Clayton Township have been designated as a wild scenic river by the Department of Natural Resources (DNR) under Michigan Natural River Act (P.A. 231 or 1970). Regulations promulgated by the DNR or the Natural Resources Commission governing these designated lands shall be followed.

(Amend. of 6-3-2013)

Section 4.23. Communication towers.

All communication towers erected must conform to State requirements. Erection of such towers will require a Land Use Permit issued by the Planning Commission and approved by the Township Board in accordance with P.A. 2012 143 and other applicable State and Federal laws.

(Ord. of 10-13-2014)

Section 4.24. Drainage.

Attention shall be given to proper site surface drainage so that removal of surface waters shall not adversely affect neighboring properties.

(Amend. of 6-3-2013)

Section 4.25. Fences, walls and screens.

Fences, walls, or screens are permitted in all yards, but shall be subject to sight distance requirements at drives and roadways and subject to height, materials, and other regulations as prescribed in the various districts. Fences in front yards shall not be opaque but shall be "see through."

(Ord. of 10-13-2014)

Editor's note—An ordinance adopted Oct. 13, 2014, enacted provisions to be designated as §§ 4.24—4.26. Inasmuch as there already exist a § 4.24, said new provisions have been redesignated as §§ 4.25—4.27.

Section 4.26. Public notices.

All applications requiring a public hearing shall comply with the following provisions:

- A. When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Clerk shall prepare the content of the notice and have it published in a newspaper of general circulation in the Township of Clayton and mailed or delivered as provided in this Section.
- B. All mail, personal and newspaper notices for public hearing shall:
 1. Describe the nature of the request: Identify whether the request is for rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
 2. Identify the location: Indicate the property or properties that are the subject of the request. The notice shall include a listing of all existing street addresses of the subject property. Street addresses need not be created and listed if no such addresses currently exist for the property. Other means of identification may be used such as tax parcel identification numbers, identifying the nearest cross streets, or by including a map showing the location of the property or properties.
 3. Indicate the date, time, and place of the public hearing(s).
 4. Include a statement describing when and where written comments will be received concerning the request and where written text, maps or other materials pertinent to the hearing may be viewed or obtained.
- C. When the provisions of this Ordinance or State law require that a personal or mailed notice be given:
 1. Notice shall be provided:
 - a. To the owner of property which approval is being considered, and the applicant, if different than the owner of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed to the occupants of all

structures within three hundred (300) feet [feet] of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within the boundaries of the Township of Clayton. In structures containing four (4) or fewer dwelling units, one (1) occupant of each unit must be given notice. In structures containing more than four (4) dwelling units, a single notice may be given to the owner or the manager to be posted at the primary entrance to the structure. If the name of the occupant of the property is not known, the term "occupant" may be used in making notification.

D. The above notices shall be given not less than fifteen (15) days before the date the application will be considered for approval.

(Amend. of 7-7-2014; Ord. of 10-13-2014)

Editor's note—See editor's note following § 4.25.

Section 4.27. Registration to receive notification by mail.

A. Any neighborhood organization, public utility company, railroad, or any other person or organization may register with the Clerk to receive written notice of hearing of applications for approval pursuant to Section 10.10.C.c. [Section 4.26.C.]. Fees may be assessed for the provision of this notice.

B. All registered entities or persons must re-register bi-annually to continue to receive notification pursuant to this Section.

(Amend. of 7-7-2014; Ord. of 10-13-2014)

Editor's note—See editor's note following § 4.25.

COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Zoning Ordinance of those ordinances which are included herein.

Date	Section	Section this Zoning Ordinance
7- 5-2011(Amd.)		1.03, 2.02.A., 4.09.B.
4- 1-2013(Amd.)	Added	4.10.B., 4.10.B.
6- 3-2013(Amd.)	Added	1.02(8)
		1.03
	Added	2.02.I., 4.24
		4.22
7- 7-2014(Amd.)		2.04, 2.22, 4.08.C, 4.25.A, 4.26.A
10-13-2014(Ord.)		1.03, 2.02.B., G.
	Added	4.25
		2.04
	Added	3.22.A(7), (8), B(7)— (10)
		3.23—3.25
	Added	3.42.A(12)
		3.52.B(1)
	Dltd	3.52.B(4)
		3.53.A.
	Added	3.54
	Rnbd	3.54, 3.55
	as	3.55, 3.56
		4.02, 4.03, 4.05, 4.08.B(2), C.
	Added	4.09.C.
		4.10.G., 4.12.A., G., K., 4.13.D.
	Added	4.26, 4.27
	Dltd	2.20, 2.21
	Added	2.20—2.25

COMPARATIVE TABLE

ORDINANCES

The following table shows the location within this County of the various sections which are included herein.

Section	Location	Section	Location
100	Section 100, Township 100N, Range 100E	101	Section 101, Township 100N, Range 100E
102	Section 102, Township 100N, Range 100E	103	Section 103, Township 100N, Range 100E
104	Section 104, Township 100N, Range 100E	105	Section 105, Township 100N, Range 100E
106	Section 106, Township 100N, Range 100E	107	Section 107, Township 100N, Range 100E
108	Section 108, Township 100N, Range 100E	109	Section 109, Township 100N, Range 100E
110	Section 110, Township 100N, Range 100E	111	Section 111, Township 100N, Range 100E
112	Section 112, Township 100N, Range 100E	113	Section 113, Township 100N, Range 100E
114	Section 114, Township 100N, Range 100E	115	Section 115, Township 100N, Range 100E
116	Section 116, Township 100N, Range 100E	117	Section 117, Township 100N, Range 100E
118	Section 118, Township 100N, Range 100E	119	Section 119, Township 100N, Range 100E
120	Section 120, Township 100N, Range 100E	121	Section 121, Township 100N, Range 100E
122	Section 122, Township 100N, Range 100E	123	Section 123, Township 100N, Range 100E
124	Section 124, Township 100N, Range 100E	125	Section 125, Township 100N, Range 100E
126	Section 126, Township 100N, Range 100E	127	Section 127, Township 100N, Range 100E
128	Section 128, Township 100N, Range 100E	129	Section 129, Township 100N, Range 100E
130	Section 130, Township 100N, Range 100E	131	Section 131, Township 100N, Range 100E
132	Section 132, Township 100N, Range 100E	133	Section 133, Township 100N, Range 100E
134	Section 134, Township 100N, Range 100E	135	Section 135, Township 100N, Range 100E
136	Section 136, Township 100N, Range 100E	137	Section 137, Township 100N, Range 100E
138	Section 138, Township 100N, Range 100E	139	Section 139, Township 100N, Range 100E
140	Section 140, Township 100N, Range 100E	141	Section 141, Township 100N, Range 100E
142	Section 142, Township 100N, Range 100E	143	Section 143, Township 100N, Range 100E
144	Section 144, Township 100N, Range 100E	145	Section 145, Township 100N, Range 100E
146	Section 146, Township 100N, Range 100E	147	Section 147, Township 100N, Range 100E
148	Section 148, Township 100N, Range 100E	149	Section 149, Township 100N, Range 100E
150	Section 150, Township 100N, Range 100E	151	Section 151, Township 100N, Range 100E
152	Section 152, Township 100N, Range 100E	153	Section 153, Township 100N, Range 100E
154	Section 154, Township 100N, Range 100E	155	Section 155, Township 100N, Range 100E
156	Section 156, Township 100N, Range 100E	157	Section 157, Township 100N, Range 100E
158	Section 158, Township 100N, Range 100E	159	Section 159, Township 100N, Range 100E
160	Section 160, Township 100N, Range 100E	161	Section 161, Township 100N, Range 100E
162	Section 162, Township 100N, Range 100E	163	Section 163, Township 100N, Range 100E
164	Section 164, Township 100N, Range 100E	165	Section 165, Township 100N, Range 100E
166	Section 166, Township 100N, Range 100E	167	Section 167, Township 100N, Range 100E
168	Section 168, Township 100N, Range 100E	169	Section 169, Township 100N, Range 100E
170	Section 170, Township 100N, Range 100E	171	Section 171, Township 100N, Range 100E
172	Section 172, Township 100N, Range 100E	173	Section 173, Township 100N, Range 100E
174	Section 174, Township 100N, Range 100E	175	Section 175, Township 100N, Range 100E
176	Section 176, Township 100N, Range 100E	177	Section 177, Township 100N, Range 100E
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180	Section 180, Township 100N, Range 100E	181	Section 181, Township 100N, Range 100E
182	Section 182, Township 100N, Range 100E	183	Section 183, Township 100N, Range 100E
184	Section 184, Township 100N, Range 100E	185	Section 185, Township 100N, Range 100E
186	Section 186, Township 100N, Range 100E	187	Section 187, Township 100N, Range 100E
188	Section 188, Township 100N, Range 100E	189	Section 189, Township 100N, Range 100E
190	Section 190, Township 100N, Range 100E	191	Section 191, Township 100N, Range 100E
192	Section 192, Township 100N, Range 100E	193	Section 193, Township 100N, Range 100E
194	Section 194, Township 100N, Range 100E	195	Section 195, Township 100N, Range 100E
196	Section 196, Township 100N, Range 100E	197	Section 197, Township 100N, Range 100E
198	Section 198, Township 100N, Range 100E	199	Section 199, Township 100N, Range 100E
200	Section 200, Township 100N, Range 100E	201	Section 201, Township 100N, Range 100E

STATE LAW REFERENCE TABLE

This table shows the location within this Zoning Ordinance, either in the text or notes following the text, of references to the Michigan Compiled Laws.

MCL	Section this Zoning Ordinance
125.538 et seq.	4.21
125.2302(g)	1.03
125.2302(l)	1.03
125.3204	1.03
125.3206	4.18
	4.19
125.3208	4.02
125.3403	2.04
125.3502	4.08
125.3601 et seq.	Div. 2
125.3601	2.21
286.471 et seq.	1.03
	4.07
287.261 et seq.	4.15
324.11501 et seq.	4.12
324.11901 et seq.	4.12
324.30501 et seq.	3.03
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324.40101	4.15
331.681—	
331.694	1.03
400.701 et seq.	4.18
	4.19
722.111 et seq.	4.18
722.111—	
722.128	1.03

STATE LAW REVISIONS

The following table shows the changes made to the laws of the State of Michigan in the year 1964. The laws are listed in the order in which they were enacted. The table is divided into two columns: the first column contains the public act number and the second column contains the description of the law.

Public Act	Description
1964-1	Amends the laws relating to the State Bar of Michigan.
1964-2	Amends the laws relating to the State Bar of Michigan.
1964-3	Amends the laws relating to the State Bar of Michigan.
1964-4	Amends the laws relating to the State Bar of Michigan.
1964-5	Amends the laws relating to the State Bar of Michigan.
1964-6	Amends the laws relating to the State Bar of Michigan.
1964-7	Amends the laws relating to the State Bar of Michigan.
1964-8	Amends the laws relating to the State Bar of Michigan.
1964-9	Amends the laws relating to the State Bar of Michigan.
1964-10	Amends the laws relating to the State Bar of Michigan.
1964-11	Amends the laws relating to the State Bar of Michigan.
1964-12	Amends the laws relating to the State Bar of Michigan.
1964-13	Amends the laws relating to the State Bar of Michigan.
1964-14	Amends the laws relating to the State Bar of Michigan.
1964-15	Amends the laws relating to the State Bar of Michigan.
1964-16	Amends the laws relating to the State Bar of Michigan.
1964-17	Amends the laws relating to the State Bar of Michigan.
1964-18	Amends the laws relating to the State Bar of Michigan.
1964-19	Amends the laws relating to the State Bar of Michigan.
1964-20	Amends the laws relating to the State Bar of Michigan.

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