

**ZONING ORDINANCE
COVINGTON TOWNSHIP
BARAGA COUNTY, MICHIGAN**

2nd PUBLICATION

ADOPTED

BY THE TOWNSHIP BOARD

EFFECTIVE DATE:

READERS NOTE

THE READER IS CAUTIONED THAT THE PROVISIONS AND MAP OF THE COVINGTON TOWNSHIP ZONING ORDINANCE ARE SUBJECT TO AMENDMENT AND MAY, THEREFORE, CHANGE FROM TIME TO TIME AS PROVIDED BY LAW. ANYONE HAVING QUESTIONS ON FINAL OR PENDING ZONING AMENDMENTS ARE HEREBY ADVISED TO CHECK WITH THE COVINGTON TOWNSHIP ZONING BOARD. (PHONE 1-906-355-2210)

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ZONING ORDINANCE
COVINGTON TOWNSHIP
BARAGA COUNTY, MICHIGAN

TITLE

AN ORDINANCE enacted under act 184, Public Acts of 1943, as amended, to encourage the most reasonable locations and uses of structures and land for trade, industry, agriculture, forestry, residence and public and semi-public or other uses; and further to establish standards for yards, open spaces, off-street parking, off-street loading, density of development, building height and resource protection; and for said purposes divide the portions of Covington Township into districts and establish the boundaries thereof; to provide for enforcement; and to establish a Board of Appeals.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population, providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore

ENACTING CLAUSE

The Township of Covington ordains:

ARTICLE I - SHORT TITLE

SECTION 100. SHORT TITLE:

This Ordinance shall be known and may be cited as the Covington Township Zoning Ordinance.

ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number

include the plural number and all words in the plural number include the singular number; and the word “building” includes the word “structure” and the word “dwelling” includes “residence”; the word “person” includes “corporation”, “copartnership”, “association”, as well as an “individual”; the word “shall” is mandatory and the word “may” is permissive; the word “lot” includes the words “plot” or “parcel”; the words “used” or “occupied” includes the words “intended, “designed” or “arranged” to be used or “occupied”.

Terms not herein defined shall have the meaning customarily assigned to them.

Accessory Use, or Accessory: A use (and/or building) which is clearly incidental to, customarily found in connection with one located on the same zoning lot as the principal use to which it is related.

Alley: Any dedicated public way affording a secondary or service means of access to abutting property, and not intended for general traffic circulation.

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

Apartment: A dwelling in a multiple dwelling building or mixed use building intended for residence by one family or a group of individuals living together as a single housekeeping unit.

Auto Repair Garage: A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Basement: That portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Billboard: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of the premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Building: Any structure having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (Includes tents, awnings, or vehicles used for such purposes.)

Building Height: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average heights between eaves and ridge for gable, hip, and

gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line: Is a line formed by the face of the building, and for the purposes of this Ordinance, is the same as a front setback line.

Club: A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like.

Drive-In: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle.

Dwelling Unit: A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for and occupied exclusively by two (2) families.

Dwelling, Multiple-Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction, reconstruction, alteration, excavation, fill, drainage, installation of utilities and the like.

Essential Services: The erection, construction, alteration or maintenance of public utilities or municipal department or underground, surface or over-head gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, ~~and police call boxes~~, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare.

Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together as a single housekeeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

Farm: Structures, facilities and lands for carrying on of any agricultural activity or the raising of livestock or small animals as a source of income. Farms include the general as well as the specialized (furs, fowl, dairy, fruits, vegetables, and livestock on sites of 10 acres or more), but excludes kennels and /or reptiles.

Floor Area, usable (For the purposes of computing parking): All floor area used for the sale of merchandise or services or for use to serve patrons, clients or customers. Floor area used principally for the storage or processing merchandise, hallways or for utilities, shall be excluded for the computation of "Usable Floor Area". For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and servicing.

Garage, Vehicle Repair: A place where the following vehicle repair activities may be carried out: body repair, engine rebuilding, undercoating, painting, tire recapping, upholstery work and related.

Grade: To regulate the height of structures, grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground along each wall.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes, and in no way operates in conflict with adjacent premises in terms of noise, traffic, displays, signs and the like.

Hotel: A building (or part) with a common entrance(s) in which the dwelling or rooming units are used primarily for transient occupancy, and is distinguished from a motel in that it is more than two stories above the surface of the ground.

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. (A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet

for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.)

Kennel, Commercial: Any lot or premises on which three (3) or more dogs or cats **above 6 months of age** are either permanently or temporarily boarded, and/or bred or sold.

Loading Space: An off-street space for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, used or intended to be used. A lot may or may not be specifically designated as such on public records.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Corner: A lot where the interior angle of the two adjacent sides at the intersection of the two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extend, form an interior angle of less than one hundred thirty-five (135) degrees.

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

Lot Lines: The lines bounding a lot as defined herein.

- (1) Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on streets shall be treated as front lot lines.
- (2) Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long and lying within the side lot lines.
- (3) Side Lot Line: Any lot lines other than the front lot line or rear lot line.

Lot Coverage: The part or percent of the lot occupied by main and/or accessory buildings.

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

Lot, Double Frontage: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required (also termed a through lot).

Lot Width: The horizontal distance between the side lot lines measured at the two points where the building line, or setback intersects the side lot lines.

Master Plan: That portion of the Covington Township Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mobile Home: A structure transportable in one or more sections which is built on a chassis and designed to be used as 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. Mobile Home does not include a recreational vehicle.

Mobile Home - Permanent: Mobile homes shall be considered “permanent” dwellings when the unit is mounted on a continuous masonry foundation or on a foundation of solid masonry pilings spaced to meet at least the minimum manufacturer’s specifications. Further, the permanent mobile home shall meet the requirements for one-family dwellings, be securely anchored to the ground pursuant to Mobile Home Commission rules 605-608, and be taxable as real estate on the local assessment roll. When masonry piling supports are used, the mobile home shall be skirted with durable weather resistant materials as recommended by mobile home builders or as specifically manufactured for use as mobile home skirting, and all such skirting maintained in place as designed.

Skirting is required around permanent mobile homes not in mobile home parks, said skirting shall be of an all-weather durable material and shall be vented. Louvered or similar vents shall be at a minimum of 600 square inches per 1,000 square feet of living space. A minimum of 1 vent shall be placed at the front and rear of the mobile home and 2 to each exposed side. An access panel of sufficient size to allow full access to utility hook-ups located beneath the mobile home shall be installed. All skirting shall be manufactured of fire-resistant material and be certified as such by the manufacturer.

Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow and rain.

Mobile Home - Temporary: Any unit other than a travel trailer or permanent mobile home having no foundation; but which may be equipped with wheels or other devices for transporting from place to place.

Mobile Home or Travel Trailer Park: A parcel or tract of land under the control of a person

upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as a temporary trailer park.

Motel: A series of attached, semi-detached or detached rental units, not over two stories, to provide for temporary overnight lodging.

Motor Inn or Hotel: A building (or part) with a common entrance(s) in which the dwelling or rooming units are used primarily for transient occupancy, and is distinguished from a motel in that it is more than two stories above the surface of the ground.

Nonconforming Building: A building (or part) existing at the effective date of the Ordinance or amendments thereto, that does not conform to the use provisions of the Ordinance nor to the use regulations of the district in which it is located.

Nonconforming Lot: Means a lot, the boundaries of which are recorded in a Plat, deed or land contract executed and delivered prior to the effective date of this ordinance and the width, depth and/or area of which does not meet the minimum dimensional requirements of the district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the time of this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located.

Off-Street Parking Lot: A parking area off the street for the required parking of three (3) or more vehicles, and which lot may require maneuvering aisles.

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

Public Service: Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, and temporary quarters for welfare agencies, public health activities and similar uses including essential services.

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

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, park trains, bike trails, boating and related. A resort has a minimum site of ten (10) acres.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products raised or produced on the same farm premises.

Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to users or activities conducted on the premises where located.

Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Street: A public thoroughfare which affords the principal means of access to abutting property, but not an alley.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

Temporary Building or Use: Is a structure or use permitted by the Township Planning Commission or Zoning Administrator to exist during periods of construction of the main building or use, or for special events.

Thoroughfares: _____ Major: An arterial road or street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfares: _____ Secondary: An arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.

Tourist Home: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and occupied as a dwelling unit are rented to the transient public for compensation.

Travel Trailer and Camper: Any trailer coach, motor home, tent camper, truck mountable camper or other unit designed as a vacation unit for short term occupancy, and which unit is legally licensed for towing or travel over public highways.

Use: The purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

(1) Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

(2) Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a corner lot the rear yard may be opposite either street frontage.

(3) Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Zoning Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances, applies to property. A variance is not justified unless all of these elements are present in the case.

Special Land Use: A use subject to special conditions as prescribed in this ordinance and authorized according to the procedures and requirements of P.A. 184 of 1943, as amended.

ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS:

For the purpose of this Ordinance, the township of Covington is hereby divided into the following districts:

R - 1A	One-Family Residential
R - 1B	General Residential
R - 1C	General Residential
RR	Recreation Residential
SR	Scenic Resource
FR	Forest Resource
FF	Farm and Forest
B - 1	Business
I - 1	Industrial

SECTION 301. BOUNDARIES:

The boundaries of those districts are hereby established as shown on the Township Zoning

Map, which accompanies this Ordinance, and which map with all notations, reference, and other information shown thereon shall be as much a part of this Ordinance as is fully described herein. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall determine same.

SECTION 302. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of General Provisions and General Exceptions.

SECTION 303. AREA AND BULK REQUIREMENTS FOR ALL DISTRICTS:

For each district in this Ordinance, see also ARTICLE XIII, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

SECTION 304. ACCESSORY USES ASSUMED:

For each district established in the Ordinance it shall be assumed that customary accessory buildings and uses which are incidental to any Principal Uses or Principal Uses Permitted Subject to Special Conditions, are permissible as part of the main use.

ARTICLE IV - R-1A ONE-FAMILY RESIDENTIAL DISTRICT

PREAMBLE:

The R-1A One-Family District is designed to provide for one-family dwelling sites and the residentially related uses. The uses permitted by right and on special approval are intended to promote a compatible arrangement of land uses for home, keeping neighborhood relatively quiet and free of unrelated traffic influences.

SECTION 400. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. One-family detached dwellings.
2. Permanent mobile homes.
3. Publicly owned and operated parks, parkways and recreational facilities including public marina facilities.
4. Existing farms and agricultural uses.

SECTION 401. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions herein imposed for each use, the Conditional Review Standards of Article XIV, and only after the review and approval of the site plan by the Zoning Board.

1. Utility and public service facilities and uses when operating requirements necessitates the locating of said facilities within the district in order to serve the immediate vicinity (storage yards excluded).
2. Churches, public libraries, public buildings (excluding Public works garages and storage yards) and uses normally incidental thereto, provided that ingress and egress from said site shall be directly onto a thoroughfare other than one intended or designed for local neighborhood traffic.
3. Public, parochial, and other private elementary, middle, and/or secondary schools; and all accessory school bus parking lots, provided the uses are not sited on interior parcels or lots served by streets planned or intended for local neighborhood traffic.
4. Colleges, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least five (5) acres in area.
 - b. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
 - c. No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line.
5. Non-Public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents and/or neighborhood associations.
6. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following:
 - a. Accessory restaurant and bar uses shall be housed in a single building with the clubhouse. Uses strictly related to the operation of the golf course itself, such as a maintenance garage, pro shop or golf shop may be located in separate structures. No structure, except minor rain shelters, shall be located closer than seventy (70) feet from the lot line of any adjacent residential land and from any public right-of-way.
 - b. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.

c. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

SECTION 402. ADDITIONAL REQUIREMENTS FOR DWELLING UNITS:

The following performance standards shall apply to housing constructed in or placed in the R-1A One-Family Residential District, and shall be in addition to the requirements of other codes, ordinances, or provisions of the Ordinance. These requirements are to assure a degree of structural comparability between site built dwellings and preconstructed or factory built housing, intended for one (1) family occupancy. On-site construction modifications may be necessary and shall be permitted to attain the standards of comparability.

1. The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building line with the exception of mobile homes, which shall be restricted to a fourteen (14) feet by seventy (70) feet and larger, and excluding garages and accessory buildings.
2. Every detached dwelling unit shall provide useable accessory storage space in the amount of ten percent (10%) of gross floor area, but not less than 100 sq. ft. of storage space. Basements, attics, closets, or separate accessory structures shall count as storage space.
3. Foundation supports shall extend below the prevailing frost line.
4. All roofs shall be designed, rated, constructed or overbuilt to achieve a live snow load of seventy (70) lbs per square foot, with the exception of mobile homes.
5. Housing units moved onto any lot in the District shall have its wheels removed. Towing devices or hitches shall be removed or be totally obscured from view.
6. Modular or mobile home units shall not be structurally attached to one another or placed together unless specifically designed and engineered at the site of manufacture to be attached.
7. All factory assembled dwelling units constructed prior to June 15, 1976 shall not be placed on or moved upon a lot or parcel unless all minimum code requirements for site built housing are in compliance.

The requirements of paragraphs 1 thru 7 of this Ordinance Section shall not apply to factory built housing or mobile homes sited within legally established mobile home parks.

ARTICLE V - R-1B GENERAL RESIDENTIAL DISTRICT

PREAMBLE:

To provide for one and two family dwelling sites and uses that serve residential areas in keeping with the character of residential areas in the Township. Higher density residential may be allowed upon special approval.

SECTION 500. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal uses permitted in the R-1A District, and all principal uses permitted subject to special conditions subject to the requirements of the R-1B District.
2. One and two family homes.
3. Churches and related religious or welfare services on church used properties.
4. Public and private schools, including colleges and vocational schools, when not operated for profit.
5. Day nursery schools and child care centers.
6. Public libraries.

SECTION 501. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions herein imposed for each use, approval of the site plan by the Conditional Review Standards of Article XIV, and only after the review of the Zoning Board.

1. Community building, youth centers, and other community assembly or public buildings (excluding public works garages and storage yards) and any uses normally incidental thereto. Also, nonprofit institutional recreation and/or assembly uses.
2. Multiple-family residences involving three or more apartments or dwelling units, and public housing facilities for senior citizens, provided an established residential area of one-family homes is not being disrupted, and access is deemed adequate for the higher density traffic.
3. Cemeteries when on sites of ten (10) acres or more.

SECTION 502. REQUIRED CONDITIONS:

Wherever any property in the R-1B District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on this official Covington Township Map, shall require a minimum waterside set back of 40 feet from the ordinary high water line, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

If the land area has been designated as a high risk area by the Division of Land Resource pursuant to Section 5 of Public Act 245 of 1970, as amended, the setback shall be no less than the greater set back required of either the State of Michigan or Covington Township.

The effect of high risk erosion area designation is to require a minimum building setback for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required set back from the bluff line is determined to prevent damage from erosion for a period of at least 30 years. A recommended set back is also indicated to provide additional protection from erosion.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE VI - R-1C GENERAL RESIDENTIAL DISTRICT

PREAMBLE:

The R-1C General Districts are designed to provide residential areas that include a broader range and more intensive use of land than in the R-1A and R-1B Districts. Local business and personal service uses are included on a special approval basis.

SECTION 600. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All uses permitted and as regulated in the R-1A and R-1B Districts.
2. Boarding homes, rooming houses, tourist homes and similar group living quarters.
3. Public and/or semi-public hospitals, convalescent homes, nursing homes and similar medical service facilities.

SECTION 601. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to conditions herein for each use, the conditional review standards of Article XIV, and only after the review and approval of the site plan by the Zoning Board.

1. Motels, motor inns, and cabin courts; including accessory convention-type services, such as a bar, supper club, or meeting hall.
2. Funeral homes and mortuaries when located at least one hundred and fifty (150) feet from any off premises residence, and when the service entrance is effectively screened from the view of residential uses.
3. Fraternal lodge halls, sportsmen's clubs and similar uses when developed on sites of at least five (5) acres.
4. Convenience retail uses such as, food stores, clothing stores, gift shops, beauty parlors, laundromats and related uses, when in an enclosed building.
5. Professional offices and private medical clinics for human care.

SECTION 602. REQUIRED CONDITIONS:

Wherever any property in the R-1C District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on the official Covington Township Map, shall require a minimum water side set back of 40 feet from the ordinary high water line, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

If the land area has been designated as a high risk area by the Division of Land Resource pursuant to Section 5 of Public Act 245 of 1970, as amended, the setback shall be no less than the greater set back required of either the State of Michigan or Covington Township.

The effect of high risk erosion area designation is to require a minimum building setback for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required set back from the bluff line is determined to prevent damage from erosion for a period of at least 30 years. A recommended set back is also indicated to provide additional protection from erosion.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE VII - R R RECREATION RESIDENTIAL

PREAMBLE:

The recreation Residential Districts are designed to accommodate cottage and seasonal home developments in suitable land areas. It is intended that the seasonal home areas discourage the mixing of recreation home areas with commercial resorts, business services and major institutional or community services.

SECTION 700. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Cottages, seasonal homes, and temporary residences for recreational purposes.
2. Parks, parkways, scenic trails, playgrounds, recreation lands, wild-life sanctuaries, and forest, including accessory shelters and apparatus.
3. Permanent one-family detached dwellings may be permitted where the lot and soil characteristics are deemed capable of supporting year-round occupancy, or where there are community water and sewer utilities to serve the area. Any dwelling so permitted, shall also have access to public roads, maintained passable by ordinary vehicles twelve (12) months of the year.
4. One-family detached dwellings. Permanent mobile homes may be used for dwelling purposes.
5. Existing farms and farm lands so used.

SECTION 701. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the condition herein imposed for each use, the Conditional Review Standards of Article XIV, and only after the review and approval of the site plan by the Zoning Board.

1. Boat launching pads, and minor accessory facilities other than marinas and enclosed storage buildings.
2. Golf courses and country clubs as regulated in the R-1A District.

SECTION 702. REQUIRED CONDITIONS:

Wherever any property in the RR District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the setback area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on this official Covington Township Map, shall require a minimum waterside set back of 40 feet from the ordinary high water line, and the setback area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

If the land area has been designated as a high risk area by the Division of Land Resource pursuant to Section 5 of Public Act 245 of 1970, as amended, the setback shall be no less than the greater set back required of either the State of Michigan or Covington Township.

The effect of high risk erosion area designation is to require a minimum building setback for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required set back from the bluff line is determined to prevent damage from erosion for a period of at least 30 years. A recommended set back is also indicated to provide additional protection from erosion.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE VIII - SR SCENIC RESOURCE DISTRICT

PREAMBLE:

Because there exists in Covington Township certain natural and scenic resources that should be protected and conserved to promote environmental quality and community character, this District is intended to apply to stream and river corridors, lake shores, impoundment waters, and/or scenic highways, as deemed appropriate.

SECTION 800. SR DISTRICT BOUNDARIES:

Unless otherwise illustrated on the Zoning Map, the SR District boundaries shall be deemed to extend landward radially or at right angles from the ordinary high water line of rivers, streams, lakes, or impoundment waters, to a depth of four hundred (400) feet and to a depth of four hundred (400) feet from the right-of-way line of any scenic highway or scenic trail, path or road as mapped.

Upon receipt of a request for interpretation of the boundary of the SR District, the Board of Zoning Appeals shall interpret the zoning map and determine exact boundary to be either four hundred (400) feet in depth, or the property line, section line, survey line, or natural boundary, whichever the facts show to be most logical in a specific case.

SECTION 801. PRINCIPAL USES PERMITTED:

No buildings or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal uses and special approval uses permitted in the RR Recreation Residential Districts.

SECTION 802. REQUIRED CONDITIONS:

Every use in the SR District shall establish and maintain a seventy-five (75) foot wide natural yard area on the water side, or fifty (50) feet on the roadside if a scenic highway. Said yard or strip shall be maintained in its natural tree and shrub condition. Trees and shrubs may be trimmed and/or pruned through the native strip for a view of the fronting waters and for access to a boat dock and/or a driveway entrance.

Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (windrow hazard) or other trees and shrubs that may prevent the native strip area being retained in a healthful growth condition. Similar cutting shall be permissible where necessary for traffic safety reasons (air, rail or Highway). Any excavating, filling, grading or other on-site construction activity shall insure that no silting will impact adjacent waters and that all banks, slopes, and hillsides are stabilized to prevent soil erosion.

Nothing in these requirements shall be interpreted to require the planting of shrubs or trees on agricultural lands or other parcels where a natural tree stand does not exist or cannot be grown.

Wherever any property in the SR District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures. Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE IX - FR FOREST RESOURCE

PREAMBLE:

The Forest Resource District is designed to protect and encourage the reservation of productive forest land resources for forest management, including tree production, harvesting, and reforestation. By intent, small lots and permanent residential occupancy is discouraged.

SECTION 900. PRINCIPAL USES PERMITTED:

No building shall be erected except for one or more of the following specified uses:

1. Hunting and fishing cabins, seasonal homes, vacation homes, and permanent mobile home on sites of ten (10) acres or more.

2. Temporary mobile homes or travel trailers maintained in sound running condition with a current vehicle license, provided occupancy is limited to not more than thirty (30) days in any calendar year.
3. Tree farms, forest production and forest harvesting operations.
4. Public parks, playgrounds, recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves; and sportsmen's clubs and/or associations.
5. Railroad uses, not including switching yards, storage buildings, or freight yards.
6. Gravel, sand, clay, top soil or similar materials, and/or filling.

SECTION 901. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards of Article XIV, and only after the review and approval of the site plan by the Zoning Board.

1. Forest industries, including sawmills, planing mills, veneer mills and related operations, provided:
 - a. The use is an extension or expansion of an existing operation, or is a temporary activity necessary to current logging operations.
 - b. There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
 - c. The site of the proposed use encompasses an area of at least five (5) acres.
2. Facilities necessary for the production and transmission of hydro-electricity, after the review and recommendations of the Zoning Board to insure that the use provides all reasonable protection to natural waterways and other environmental amenities.
3. One-family dwellings may be permitted subject to the ten (10) acres minimum lot size.

SECTION 902. REQUIRED CONDITIONS:

Wherever any property in the FR District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the set back area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on the official Covington

Township Map, shall require a minimum waterside set back of 40 feet from the ordinary high water line, and the set back area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE X - FF FARM FOREST DISTRICTS

PREAMBLE:

The FF Farm Forest Districts are designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large. The maintenance of productive agricultural land should be encouraged and the fragmentation of productive agricultural land discouraged.

SECTION 1000. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All uses permitted in the FR District subject to the conditions of the FF Farm Forest District.
2. One-family dwellings, provided the use has direct access to a public street or thorofare, fully maintained.
3. Farms and agricultural operations of all kinds, but not commercial slaughtering.
4. Golf courses and country clubs.
5. Utility and public service facilities and uses, including public buildings and institutional or educational uses.

SECTION 1001:PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards of Article XIV, and only after the review and approval of the site plan by the Planning Commission.

1. Resorts, resort hotels, vacation lodges, motor inns, motels, and other tourist lodging facilities, provided any use permitted herein shall be developed on sites no less than five (5) acres in area.
2. Travel trailer courts, tenting areas and general camping grounds when the site plan has been reviewed and approval by the Zoning Board of Appeals provided that:
 - a. The minimum State of Michigan health requirements governing travel trailer courts and camping areas for public use are complied with.
 - b. The use is developed on a site of at least five (5) acres.
 - c. No Person shall occupy any trailer, tent or house car unit for more than six (6) months in any one year.
 - d. The use is effectively screened from public streets and thorofares.
3. Airports and landing fields with appurtenant facilities, provided the operating characteristics do not conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).
4. Roadside stands when accessory to a farm use and when properly established with respect to vehicle access in terms of parking off the street or road, and when placed in a safe position in terms of sight distances and related traffic hazards or conditions.

SECTION 1002. REQUIRED CONDITIONS:

Wherever any property in the FF District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the set back area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on the official Covington Township Map shall require a minimum waterside set back of 40 feet from the ordinary high water line, and the set back area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE XI - B-1 BUSINESS DISTRICT

PREAMBLE:

The B-1 Business District is designed to give the Township a General Business District, to

provide for the establishment of shopping areas, personal services, and professional offices, and other retail stores and service facilities.

SECTION 1100. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Office buildings and office uses of all kinds, including financial institutions.
2. Medical and dental offices, or clinics for human care.
3. Restaurants, taverns, and other eating and drinking establishments.
4. Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods, or other foods, hardware, drugs, dry goods, sporting goods, and sundries.
5. Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self service laundries.
6. Churches, private clubs, and lodge halls.
7. Motels, hotels, cabin courts, tourist lodging facilities, gift shops, private museums (operated for profit) and accessory dwellings.
8. Commercial printing.
9. Gasoline or filling station and incidental repair services.
10. Business Schools, dance studios, artist studios, and related.
11. Utility and public service facilities and uses when operating requirements necessitates the locating of said facilities within the District in order to serve the immediate vicinity.
12. Other uses similar to the above permitted uses.

SECTION 1101:PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the standards and in accord with the procedures specified in Article XIV.

1. Wholesale uses and storage uses, when in a completely enclosed building; except, that new industrial vehicle and/or earth moving equipment for sale may occupy a rear yard area.

2. Bottling works and food packaging.
3. Auto laundries when completely enclosed in a building.
4. Automobile, snowmobile, motorcycle, trailer, mobile home, and/or boat sales.
5. Bowling alleys, pool or billiard parlor or club and other commercial recreation facilities.
6. Farm implement dealers, sales and services, except that used machinery shall be displayed in-side and/or rear yards only.
7. Offices and show rooms of plumbers, electricians, decorators or similar trades.
8. Automobile, truck, and/or tractor repair garage, providing that major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building.
9. Lumber yards and building materials sales.
10. Uses similar in character to the above listed uses.

SECTION 1102. REQUIRED CONDITIONS:

Wherever any property in the B-1 District has frontage on any water, there shall be a minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the set back area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on the official Covington Township Map, shall require a minimum waterside set back of 40 feet from the ordinary high water line, and the set back area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

If the land area has been designated as a high risk area by the Division of Land Resource pursuant to Section 5 of Public Act 245 of 1970, as amended, the setback shall be no less than the greater set back required of either the State of Michigan or Covington Township.

The effect of high risk erosion area designation is to require a minimum building set back for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required set back from the bluffline is determined to prevent damage from erosion for a period of at least 30 years. A recommended set back is also indicated to provide additional protection from erosion.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning

Commission.

ARTICLE XII - I-1 INDUSTRIAL DISTRICT

PREAMBLE:

The I-1 Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent nonindustrial districts.

SECTION 1200. PRINCIPAL USES PERMITTED:

1. All generally recognized manufacturing, processing, research and experimental laboratories.
2. Any storage wholesale, transportation and/or terminal facilities.
3. Contractors yards, equipment storage, and materials handling operations.
4. Any repair operations and/or maintenance activities for vehicles of any kinds, including farm implements, conveyors, and other equipment or machinery. Uses related to public buildings and utility services of all kinds (public or private).
5. Gravel extraction, mining, or quarrying.
6. B District uses, provided, the site has access features suitable for offering retail services to the public and does not disrupt the continuity of development in any planned industrial park, so called, or the use is accessory to the industrial activity.
7. **Junk/Salvage Yards**
Junk/Salvage yards may be permitted subject to the following conditions and other applicable requirements of this ordinance:
 - a. The site shall be a minimum of 10 acres.
 - b. A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
 - c. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment be used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside fenced-in area.
 - d. All fenced-in areas shall be placed at least two hundred (200) feet from any street

right of way line or property line. The front yard area shall be planted with trees, grass and shrubs to minimize the appearance of the installation.

e. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building. Storage of batteries, oil, gasoline and any other hazardous liquids or solids shall be stored on a concrete surface within a completely enclosed building.

f. Whenever the installation abuts upon property within a residential or agricultural district, a transition strip at least two hundred (200) feet in width shall be provided between the fenced-in area and the property within a residential or agricultural district. Such strip shall contain plant materials, grass and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.

SECTION 1201. REQUIRED CONDITIONS:

Whenever any use permitted in the Article faces a residential district by sharing a common fronting street, the industrial use shall first be approved by the Board of Appeals; and the use shall provide and maintain a front yard no less than two hundred (200) feet and/or buffer greenbelt or buffer fence, as may be required by the Board of Appeals, depending on the character of the industrial use and specific site conditions. The required front yard shall not be used for employee parking lot purposes but guest and/or visitor parking may be permitted.

Whenever an industrial use permitted in this section requires the use of a storage area or operational activity which is not within the confines of an enclosed building, adequate greenbelts, screening devices, and/or buffer walls may be required by the Board of Appeals, whenever said storage area or operational activity abuts a residential district boundary, or a public street.

The height of industrial structures and uses shall be controlled by the land area. Therefore, the minimum yard setbacks shall be increased by one (1) foot for each foot of building height above twenty (20) feet when adjacent to nonindustrial districts.

Any industrial activity that produces glare, noise, vibration, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, explosiveness, shall require special approval by the Planning Commission after a hearing, and approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent nonindustrial premises.

SECTION 1202. REQUIRED CONDITIONS:

Whenever any property in the I-1 District has frontage on any water, there shall be a

minimum water side set back of 75 feet from the ordinary high water line, for all habitable structures, and the set back area shall be maintained in a greenbelt, so called, or native protection strip, as provided for in the SR District, Section 802.

Habitable structures fronting on any other inland lake illustrated on this official Covington Township Map, shall require a minimum waterside set back of 40 feet from the ordinary high water line, and the set back area shall be maintained in a greenbelt, so called, or native protection strip as provided for in the SR District, Section 802.

If the land area has been designated as a high risk area by the Division of Land Resource pursuant to Section 5 of Public Act 245 of 1970, as amended, the setback shall be no less than the greater set back required of either the State of Michigan or Covington Township.

The effect of high risk erosion area designation is to require a minimum building set back for all permanent (dwelling) structures and their septic systems which may be built in the future and additions or modifications of existing structures. The minimum required set back from the bluffline is determined to prevent damage from erosion for a period of at least 30 years. A recommended set back is also indicated to provide additional protection from erosion.

Small non-habitable structures such as utility buildings may be permitted within the minimum set back upon the approval of the Zoning Administrator and/or the Planning Commission.

ARTICLE XIII - SCHEDULE OF REGULATIONS

SECTION 1300. LIMITING HEIGHTS, BULK, DENSITY AND AREA BY LAND USE:

USE DISTRICTS	Minimum Size of lot for One-Family Dwelling		Maximum Height of Structure		Minimum Yard Setback (per Lot in Feet Sides)				Minimum Ground Floor Area in Square Feet	Maximum Percent of Lot Coverage (Area of all Buildings)	
	Area in Sq. Ft.	Width In Ft.	In Stories	In Feet	Front	Least One	Total of two	Rear			
R-1A One-Family	40,000 (a)	150	2	30	30(f)	15(b)	30	25	1,200	30%	
R-1B General Residential	22,000 (a,c,d,e)	100	2	30	30(f)	10(b)	20	25	600	30%	
R-1C General Residential	22,000 (a,c,d,e)	100	2	30	30(f)	10(b)	20(c)	35	600	35%	
RR Recreation Residential	22,000 (a)	100	2	30	40(f)	10(b)	20	35	600	30%	
SR Scenic Resource	30,000 (a)	150	2	30	40(f)	15(b)	30	35	600	30%	
B-1 General Business	--	--	2	30	30(f,i)	5(g)	10(g)	20(h)	--	--	
I-1 Industrial	--	--		30	30(f,i,j)	10(j)	20(j)	25(j)	--	--	
FR Forest Resource	435,600 (10 ac.)	300	2	--	40(f)	20(b)	40	35	600 (k) 400		
FF Farm and Forest	40,000	150	(a)	2	30	40(f)	20(b)	40	35	600	35%

See NOTES on following pages.

NOTES TO SECTION 1300. SCHEDULE OF REGULATIONS:

a. Unless approved central domestic water and sewerage facilities serve the development, the minimum lot requirements shall be as stated in the “Schedule of Regulations”. If either central water or central sewerage facilities serve the development, the minimum lot requirements may be reduced to 15,000 square feet. If both central water and sewerage services are provided, the minimum residential lot size may be reduced to 9,600 square feet (80 x 120) except in R-1A Districts where lot area may not be less than 22,000 square feet with central utilities (water and/or sewer).

b. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district. Refer to “GENERAL PROVISIONS” accessory buildings, for corner lot exception.

c. Every lot on which a multiple dwelling is erected shall be provided with the minimum side yard on each side such lot. Any court shall have a width equal to not less than thirty (30) feet. The depth of any court shall not be greater than three (3) times the width and completely enclosed courts shall be prohibited. For the purpose of applying yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot. When more than one multiple dwelling building occupies one lot the two structures must be separated by at least 20 feet when end to end and fifty (50) feet when face to face or back to back.

d. Two family, and multiple-family dwellings may be erected on a minimum lot size of ninety-six hundred (9,600) square feet, if approved community water and sewerage facilities serve the development. To compute total lot requirements the following minimum land areas and floor areas shall be added to the minimum lot size for each dwelling beyond first:

<u>Bedroom Unit*</u>	<u>Minimum Lot Area Per Unit with Public Water and Sewerage Facilities**</u>	<u>Minimum Floor Area Per Unit</u>
Efficiency Apartment	2,500 sq. ft.	250 sq. ft. to a maximum of 350 sq. ft.
1 Bedroom	2,500 sq. ft.	450 sq. ft.
2 Bedroom	3,700 sq. ft.	550 sq. ft.
3 Bedroom	4,900 sq. ft.	650 sq. ft.

* A den or extra room shall count the same as a bedroom in multiple dwellings.

**Multiple dwellings dedicated and designed for low income elderly Citizens shall provide a minimum lot area computed on the basis of a ratio requiring that for each bed in the unit there shall be one thousand (1,000) square feet of land covered by buildings.

e. Two-family and multiple-family dwellings on sites without community sewer and water shall have the minimum lot area increased by 4,000 square feet for each bedroom beyond the first four, unless otherwise approved by the local Health Officer.

- f. Where the front yards of two (2) or more principal structures in any block or within 500 feet in existence at the time of the passage of this Ordinance, within the district zoned and on the same side of the road, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the road shall not be less and need not be greater than the average depth of the front yards of said two (2) structures.
- g. Side yards may be omitted if walls abutting a side yard are a fireproof construction and wholly without openings. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential street.
- h. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements.
- i. Parking may be permitted in the front yard, except that a ten (10) foot wide landscaped yard or buffer area must be provided between the street right-of-way and the parking area.
- j. No building shall be closer than forty (40) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- k. Hunting and Fishing Cabins and Seasonal mobile homes shall be a minimum of 400 square feet.

ARTICLE XIV
USES SUBJECT TO SPECIAL CONDITIONS

SECTION 1400. PURPOSE:

Uses subject to special conditions or “special land uses” are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration.

This Article hereby authorizes the Zoning Board to issue special land use permits, provided:

- 1. The proposed use is one listed as a special land use for that district in which said

use is proposed to be located; and

2. The Zoning Board insures before approving a special land use permit request that both (a) the standards of the district in which the special land use is to be located are fulfilled, and (b) the standards and other requirements of this Article are fully complied with.

SECTION 1401. APPLICATION PROCEDURES:

An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:

A. Applicant - Any person owning or having an interest in the subject property may file an application for one or more special land use permits provided for in this Ordinance in the zoning district in which the land is situated.

B. Application - Applications for special land use permits shall be submitted through the Zoning Administrator to the Zoning Board. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.

C. Required Information - Three (3) copies of an application for a special land use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information:

1. A special land use application form supplied by the Zoning Administrator which has been completed in full by the applicant.

2. A site plan, drawn to a readable scale, of the property involved and adjacent property which describes:

a. all property boundaries and dimensions thereof;

b. the location and use of all existing and proposed structures;

c. the location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed as a part of the project;

d. the current zoning classifications on the subject property and all adjacent property; and

e. the location of any water body or flood plain within 500 feet of the subject property.

The site plan shall include the name of the applicant, the scale used, a north arrow, the date prepared and the name and address of the preparer if

other than the applicant.

3. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Section 1402, and other standards imposed by this Ordinance affecting the special land use under consideration.

D. Incomplete Application - An application which is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.

E. Copy of Application to Township - The Zoning Administrator shall forward a copy of the application for the special land use request to the Township Board, or the Commission or Board responsible for zoning matters within the Township, within ten (10) working days of receiving the request. The Township may review the application and make recommendations within thirty-five (35) days after receipt thereof, to the Zoning Board. All comments or recommendations shall be advisory and be submitted in writing to the Zoning Board.

F. Hearing - Upon receipt of an application for a special land use permit, one notice that an application for a special land use permit has been received shall be published in a newspaper which circulates in the county, and shall be sent by mail or personal delivery to the owners of property for which special land use permit approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 and not more than 15 days before the date the application will be considered by the Zoning Board. Where the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that where a structure contains more than one dwelling unit, or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Each notice given under this section shall:

1. describe the nature of the special land use request;
2. indicate the property which is the subject of the special land use request;
3. state when, where and at what time the special land use request shall be considered;
4. indicate when and where written comments shall be received concerning the request; and
5. indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of

the property being considered for a special land use permit.

As a result of the notice given above, a public hearing shall be held before a decision on a request for a special land use is made, with notification as provided in the same manner stated above except for element 5. of the notice, at the initiative of either: the Zoning Board; or upon the request of the applicant for the special land use permit; or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use permit. However, if the applicant at the time of filing the application or the Zoning Board prior to scheduling formal consideration of the application, requests a public hearing, only notification of the public hearing need be made, thereby skipping the publication of notice that an application for special land use has been received.

G. Review and Approval - The review of an application and site plan requesting a special land use permit shall be made by the Zoning Board in accord with the procedures and standards specified in the Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they may not be approved. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes. A site plan and application for a special land use permit shall be approved if they comply in all respects with the requirements of this Ordinance and other applicable county, state or federal laws, rules or regulations. Approval and issuance of a special land use permit shall signify prior approval of the application and site plan, therefore including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the special land use permit and shall be enforceable as such. The decision to approve or deny a request for a special land use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan necessary to insure compliance with the ordinance, and any conditions imposed with approval. Once a special land use permit is issued, all sit development and use of land on the property affected shall be consistent with the approved special land use permit, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner and the Zoning Board and is documented as such.

H. Issuance of a Special Land Use Permit - Upon approval by the Zoning Board, the Zoning Administrator shall issue a special land use permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any special land use permit and take any enforcement action necessary in the event of a violation of the special land use permit.

I. Appeal - Within 15 days following the date of a decision on any special land use permit, an applicant or any aggrieved party, including any governmental body or agency,

may appeal the decision of the Zoning Board to the Board of Appeals. Upon the filing of an appeal, the application, all relevant documents and testimony, and the findings and decision of the Zoning Board shall be transmitted to the Board of Appeals.

J. Decisions - All decisions of the Zoning Board and Board of Appeals relating to special land use applications, including the findings supporting any decision, shall be recorded in written or typed form and retained as permanent records on file with the Zoning Administrator and a copy in the Office of the Township Clerk.

SECTION 1402. BASIS OF DETERMINATIONS:

Prior to approval of a special land use application and required site plan, the Zoning Board shall insure that the standards specified in this section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.

A. General Standards - The Zoning Board shall review the particular circumstances of the special land use request under consideration in terms of the following standards, and shall approve a special land use request only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The special land use shall not inappropriately change the essential character of the surrounding area.
3. The special land use shall not interfere with the general enjoyment of adjacent property.
4. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
5. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.
7. The special land use shall not place demands on public services and facilities in excess of current capacity.

8. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Development Plan.

B. Conditions - The Zoning Board may impose conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this or other applicable county ordinances and regulations. Such conditions shall be considered an integral part of the special land use permit and approved site plan and shall be enforced by the Zoning Administrator

The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

C. Performance Guarantee - In authorizing a special land use permit, the Zoning Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved site plan and the special land use permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the special land use permit. In fixing the amount of such performance guarantee, the Zoning Board shall limit it to a reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety or welfare of the residents of the Township and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 228 of 1967, as amended. The Zoning Board and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses. Said agreement shall be written as an element of the conditions surrounding the approval of the special land use permit.

SECTION 1403. EFFECTIVE DATE:

The special land use permit shall become effective when the application has been approved by the Zoning Board.

A. A building permit shall not be issued until approval of such special land use permit by the Zoning Board.

B. Until a building permit has been granted pursuant to the special land use permit, there shall be no construction or excavation on said land, nor shall use of the land be

made toward the intended purposes of such special land use permit.

SECTION 1404. PERMIT VALIDITY:

A. Approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner.

B. In instances where development authorized by a special land use permit has not commenced within one year from the date of issuance or the last date of review authorized by this subsection, the Zoning Board shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon a finding that there has been a change in conditions on the property or the surrounding area or in provisions of this Ordinance applicable to the special land use permit under review, such that the permit shall become null and void. Where it is determined that such permits are in conditions affecting the validity of the permit, the special land use permit shall remain valid, subject to the periodic review in accord with the provisions of this subsection.

SECTION 1405. REQUIREMENT FOR COMPLIANCE-PENALTIES:

It shall be the duty and obligation of the owner(s) and occupant(s) or Operator(s) of land and uses subject to a special land use permit and approved site plan therefore, that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be violation of this Ordinance and subject to the penalties and remedies provided in Section 1708 and the continuance thereof is declared to be a nuisance per se.

SECTION 1406. ONCE GRANTED A SPECIAL USE PERMIT, THE USE IS PERMITTED USE:

Any use for which a special land use permit has been granted shall be deemed a conforming use permitted in the district in which such use is located, provided: (1) such permit was issued in conformity with the provisions of this Ordinance, and (2) such permit shall be deemed to affect only the lot or portion thereof and uses thereupon for which the special land use permit shall have been explicitly granted, and (3) such permit authorizes a use which is subsequently built, operated and maintained in compliance with the ordinance, the special use permit, and all conditions established with its approval.

SECTION 1407. SPECIFIC REQUIREMENTS:

The foregoing general requirements are basic and apply to all special land uses. The specific requirements in the following section relating to particular uses are in addition to, and shall be required, in all applicable situations.

A. Outdoor Theaters -

Outdoor theaters shall be permitted in B Districts and I Districts, subject to the following:

1. Points of ingress and egress shall be from streets and roads capable of serving the use, but shall not impair the use of abutting properties, especially residential uses.
2. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space.
3. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

B. Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility T.V. Transmitting Towers -

Radio and television towers, microwave and T.V. transmitting towers, shall be permitted in B, I, FF and FR Districts, provided said use shall be located centrally on a continuous parcel of not less than on (1) times the height of the tower measured from the base of said tower to all points on each property line.

Any television-radio reception tower or other transmitting-receiving devices shall be so constructed and placed that there is no danger of structures falling on adjacent properties, public streets, or off premises electric power lines, and further the operation of any facilities shall not interfere with normal radio-television reception in the area.

C. Race Tracks (including midget auto and carting tracks) -

Race tracks shall be permitted only in the I and B Districts subject to the following conditions:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction.
3. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

D. Riding Academies or Stables -

Commercial facilities for horseback riding are allowed in the B, FF and I Districts provided that animal housing facilities are located at least 300 feet from any off

premises residential structure.

Riding facilities in R, RR or SR Districts may also be allowed on farms, or on a temporary permit basis, subject to a finding that there is adequate protection for adjacent residential uses including seasonal home areas.

E. Recreation Camps, Recreation Lodges, and Resorts -

Recreation camps, recreation lodges, and resorts when operated for a profit may be permitted to locate in FF and RR Districts provided the following conditions are met:

1. The use is established on minimum site area of forty (40) acres.
2. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from the property lines. The resulting 100 feet yards shall be maintained as a buffer area wherein all natural tree-shrub cover is retained in a healthful growing condition. Planing greenbelts may be required by the Zoning Board as deemed necessary pursuant to Section 1504.
3. The use does not locate within the confines of a platted subdivision intended for single-family residential occupancy, or parcels which are deemed to be logical extension of such platted area.

F. Railroads -

For the purpose of this Ordinance, railroad right-of-way shall be deemed to be zoned I Industrial; provided, however, that switching yards, terminal buildings, storage facilities, repair stations, and related operational support facilities shall not be located in Districts other than I, FF, or B.

G. Veterinary Hospitals, Kennels, and Other Animals -

Veterinary hospitals, kennels, and other animals are permitted in B-1, and FF Districts provided all facilities for housing, treating, or keeping of animals are located at least two hundred (200) feet from a residential district boundary or off-premises residence. The keeping of other animals (horses, goats, fowl, etc) on a nonfarm premises shall be permitted only when the character of the area and size of the lot or parcel involved will not be unreasonably disturbed. Written permission of all adjacent property owners shall be obtained and submitted with the permit application.

1. All veterinary hospitals, clinics, and kenels shall be operated in conformance with all applicable county and state regulations. Permits for kennels are valid for one (1) year.

2. For establishments with dog kennels, the minimum lot size shall be ten (10) acres.
3. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than two hundred (200) feet to any adjacent property lines and two hundred (200) feet from the road right of way.
4. Each dog shall be allotted the following minimum areas: Sixty (60) square feet for outside dog run, and sixteen (16) square feet for inside sleeping area. A chain link fence shall divide each dog's area from adjoining spaces.
5. Outdoor runs and breeding areas shall have concrete surfaces suitable for cleaning by high-pressure hot water or steam. The kennel owner is encouraged to contact the Environmental Health Division of the Baraga County Health Department for guidance in the proper disposal of animal waste.
6. The entire shelter area, breeding area, and exercise runs shall be enclosed by a sight obscuring and sound-reducing wall or fence not less than six (6) feet in height.
7. All animals must be licensed and maintained in a healthful and careful manner.
8. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
9. The Township Supervisor, Building Inspector or person designated by the Township Board will review the construction and maintenance of a kennel annually if the kennel is not associated with a veterinary hospital or clinic. The inspection will include sanitation, size of runs, exercise areas and general appearance. All fees for inspection by county or state agencies or approved kennel associations will be paid by the owner/operator.

H. Mobile Homes and Mobile Home Parks -

Mobile home parks intended for residential occupancy may be permitted in the R-1B District, or as a transition use in the I-Districts, after a Hearing by the Zoning Board provided the following conditions are satisfied:

1. Mobile home parks for the parking of three (3) or more mobile homes shall be developed pursuant to state laws and regulations governing mobile home parks, and specifically including Act 419 of 1976, the Mobile Home Commission Act.
2. The land parcel being proposed for mobile home parks shall be of such area as to provide a minimum of twenty (20) mobile home sites or pads.
3. Mobile home distances and setback requirements shall conform to rules 941 and

944 of the Mobile Home Commission Rules.

4. Mobile home sites within a mobile home park shall conform to rules 941 and 944 of the Mobile Home Commission Rules.

5. The perimeter setback areas of a mobile home park shall be in lawn, or landscaped, or kept in a natural wooded state as applicable.

6. Recreation space and other improvements within a mobile home park shall be in accordance with the laws and rules of Act 419 of 1976, the Mobile Home Commission Act.

H1. Other Uses of Mobile Homes and Trailers -

Mobile homes, travel trailers and motor homes may be used as follows:

1. As temporary dwellings in any District until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued. The temporary dwelling may be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.

2. As a watchman's or caretaker's office in B-1 and I-1 Districts, but only as an accessory use to the main use of the premises.

3. As a temporary contractors office and/or equipment shed in any district when in connection with a construction project authorized by Zoning and Building Codes.

4. Other temporary uses of mobile homes, travel trailers, or motor homes for a period not to exceed 24 months upon review and approval by the Zoning Board, provided it is determined that the use is consistent with the spirit and intent of the Zoning Ordinance and would not be detrimental to any surrounding uses or properties.

5. The unoccupied storage of a motor home or travel trailer on any residential property by the owner thereof on his own property, shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, than storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

I. Hospitals and Nursing Homes -

General hospitals, nursing and convalescent homes, medical care facilities and

similar uses are permitted in R-1B, FF and B-1 Districts provided that:

1. The use is established on a site no less than five (5) acres in area, and access is from a street other than a minor residential or recreation street or road.
2. The use is found to be compatible with the overall character of the immediate vicinity and will not constitute a nuisance to surrounding uses.

J. Sanitary Land Fills -

All sanitary land fill operations shall comply with standards prescribed by applicable State and County health regulations; provided, no such operation shall be permitted in any R-1A, RR or SR District, and further shall be conducted on sites located no less than 1,000 feet from any public street, and be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences.

SECTION 1408. PLANNED UNIT DEVELOPMENT:

Intent - The process of reviewing a proposed Planned Unit Development is specifically intended to permit flexibility and more creative design for the development of residential and commercial uses in certain districts than generally is possible under conventional zoning regulations. A planned unit development may also help achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; encourage useful open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township. The process of reviewing a planned unit development request is also intended to give a developer reasonable assurances of ultimate approval before expending complete design monies while providing Township officials with assurances that the project will retain the character envisioned at the time of granting special land use permit approval thereby allowing Township officials to exercise greater final control over the development than is possible under the district regulations. Planned unit developments are authorized by special land use permit in the districts R-1A, R-1B, R-1C, RR, SR, FR, and FF. A planned unit development project may be developed differently from the dimension, area and use regulations for the zoning district in which they are located. However, it is expected that they will have an overall quality of development higher than would result from strict observance of the basic district requirements, and must be in accord with the standards of this Section and requirements of an approved special land use permit.

A. Standards -

1. Permitted Uses: All residential uses permitted in the district in which the Planned Unit Development is proposed to be located may be developed as Planned Unit Development projects except that where residential uses are to be continued with commercial land uses that requirements of Section 1400, 3, b. must be complied with.

2. Residential Subdivisions: In reviewing and approving a planned unit residential subdivision plan, where each unit is detached on a separate lot, the following standards shall apply, as permitted modifications to the standards as outlined in the “SCHEDULE OF REGULATIONS”:

a. Provided the densities state in the “SCHEDULE OF REGULATIONS” are maintained (allow for the initial lot size reduction for utilities), the lots used for detached dwelling sites may be reduced as stated in the table “Open Space Lot Reductions”. Corresponding reductions in lot width may also be permitted, but no site shall be less than eighty (80) feet wide.

TABLE: OPEN SPACE LOT REDUCTIONS

Minimum Building Sites by Available Community Utilities*

Districts	No Utilities Health Department Approval Required	Water or Sewer Services	Both Water and Sewer Services
R-1A	20,000	16,000	12,000
R-1B and R-1C	20,000	12,000	9,600
RR	20,000	12,000	9,600
SR	26,000	20,000	12,000
FR	None	None	None
FF	30,000	12,000	9,600

*These are not for density calculation purposes.

b. Under the provisions of this Section for each square foot of land gained within a subdivision through the reduction of lot size below the minimum requirements as outlined in the “SCHEDULE OF REGULATIONS”, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision.

c. The land area necessary to meet the minimum density and open space requirements of this section shall be of a usable shape and dimension and further shall not include bodies of water, marshes, or swamps characterized with standing waters. Open space land may be located in a flood plain.

d. The developer or subdivider shall dedicate the total open space area (see Item 1. above) at the time of filing of the final plat on all or any portion of the plat, and indicate the use on the Preliminary Plat.

3. Cluster Housing -

a. In any R-1B, R-1C, RR, SR or FF District, cluster housing developments where dwelling units share common walls are permitted, provided:

(1) Common open space areas shall be dedicated as provided for in the Section, "Subdivision Open Space Plan", or reserved by deed restriction. All such approved space shall be shown on the site plan.

(2) At least 90 percent of all units shall have two bedrooms or the equivalent in floor space.

(3) Dwelling structures shall not exceed the maximum height stated for each District in the "Schedule of Regulations".

(4) The development does not break up an established pattern or evolving pattern of any single-family residential neighborhood or recreation home subdivision.

(5) The development involves a total area of at least forty (40) acres.

The above conditions do not apply to cluster plans in R-1C Districts where multiple density is approved by the Health Department.

b. Subject to approval by the Zoning Board, the site plan for a Planned Unit Development may contain complimentary commercial services provided that the density shall only be computed on lands zoned or used for residential purposes.

4. Other Standards: In addition to the specific standards herein, planned unit developments shall conform to the general standards for special land uses of Section 1504 of this Ordinance.

5. Special Conditions: The Zoning Board may attach special conditions in accordance with Section 1504 of this Ordinance.

B. Procedure:

1. General: A Planned unit Development project may be permitted only by a special land use permit which in turn shall be issued only after approval of both a preliminary site plan and final site plan, including supporting materials.

2. Preliminary Site Plan: A preliminary site plan of the proposed planned unit development shall be submitted which contains all the information required in Section 1401, C and the additional supporting material:

a. Explanation of the character of the Planned Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.

b. Statement of present and proposed ownership of all land within the project.

c. Development schedule indicating:

Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.

Approximate dates for beginning and completion of each stage.

d. Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development, and any of its common open space.

3. Pre-application Conference: One or more pre-application conferences may be held before a public hearing on a planned unit development request is conducted. A representative of the township wherein the proposed development would be located shall be invited to attend any pre-application conference.

4. Hearing: The Zoning Board shall conduct a hearing preceded by public notice in accord with the notice requirements of Section 1401, G.

5. Standards for Site Plan Approval: No Preliminary or final site plan shall be approved until all of the following standards are complied with:

a. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

b. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

c. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscapings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

d. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

e. Every structure or dwelling unit shall have access to a public street, walkway or

other area dedicated to common use.

f. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic.

g. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

h. All streets shall be developed in accordance with any adopted township Subdivision Control Ordinance and the Baraga County Road Commission specifications.

i. Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the construction of sewer facilities including grading, gutters, piping, and the treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.

j. All loading and unloading areas and outside storage areas including areas for the storage of trash which face or are visible from residential districts or public thoroughfares shall be screened by an opaque wall not less than six feet in height.

k. Directional exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

6. Final Plans: If the proposed Planned Development project preliminary site plan is approved, final site plans shall be prepared for each stage according to the development schedule. The final site plan and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other considerations as are appropriate. An approved Planned Development shall be in conformance with all comprehensive plan elements and the requirements of this Ordinance. A special land use permit shall be valid only for that site plan and supporting material upon which the approval of the proposed Planned Unit Development project was based. All supporting material shall remain on file with the approved final site plan. The Zoning Board may approve minor changes to the approved preliminary site plan without additional public hearings if changes do not affect the overall density, impact of, concept or intent of the development. Minor changes shall be made only upon the mutual consent of the Zoning Board and the landowner affected. The Zoning Board shall maintain a record of conditions which are changed.

Major changes – changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final government agreements, provisions or covenants may be approved only by submission of a new preliminary site plan or applicable supporting material followed by another hearing according to the procedure in Section 1401. Once compliance with Ordinance requirements is achieved, the final site plan shall be approved by the Zoning Board.

7. Continuing Control: The Planned Development project shall be developed only according to the approved and recorded final plan and all supporting material. The recorded final plan and supporting material together with all recorded amendments shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the Planned Development Project. Major changes in the final site plan during or after construction shall be accomplished only by submission of a new preliminary site plan followed by the special use permit procedure. The Zoning Board shall consider the Planned Development Special Use permit subject to revocation if construction falls more than one year behind schedule.

SECTION 1409: WIND ENERGY SYSTEM (WES)

A. Purpose: The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

B. DEFINITIONS

(1) Wind Energy System (WES) shall mean any combination of the following:

a) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;

b) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;

c) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;

d) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;

e) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

(Note: For purposes of this section a windmill traditionally used to pump water shall not be considered a Wind Energy System.)

(2) On Site Use Wind Energy System - A WES use and purpose of which is to provide energy to only the property where the WES structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by mutual consent of adjacent property owners.

(3) Single WES for Commercial Purposes - A single WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

(4) Wind Farm - Clusters of two or more WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

(5) Utility Grid Wind Energy Systems - A WES designed and constructed to provide electricity to the electric utility grid.

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6. Structure Mounted WES - A WES mounted or attached to an existing structure or building.

7. Interconnected WES - A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

8. WES Height - The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.

9. WES Setback - The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.

10. Nacelle - In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.

11. Shadow Flicker - Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.

12. Applicant - The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assignee(s), and or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the land owner and the owner(s) of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

C. WIND ENERGY SYSTEMS ALLOWED AS A PERMITTED USE

Any On Site Use Wind Energy System including structure mounted WES which is 65 feet or less in total height shall be a permitted use in all zoning districts, subject to the following:

(1) The height of the WES with the blade in vertical position shall not exceed 65 feet.

(2) A WES shall be set back from all lot lines at a distance which is at least 3 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.

(3) A structure mounted WES shall have a distance from the nearest property line which is at least equal to 3 times the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position.

The blade arcs created by a WES mounted on an existing structure shall have a minimum Clearance of eight feet or be designed so the blade or other moving parts do not present a safety hazard.

(4) Zoning Compliance, Building and Electrical permits shall be required to be obtained from Covington Township to construct and operate any WES, including structure mounted WES, 65 feet or less in total height. A final permit shall be issued after an inspection of the WES by Covington Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

(5) A WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

(D) WIND ENERGY SYSTEMS WHICH REQUIRE A SPECIAL USE PERMIT

Any WES including a structure mounted WES which is greater than 65 feet in height, may be allowed as a Special Use in all zoning districts except R1A, R1B, R1C, RR, and SR Zoning Districts subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Section 1406 [Uses by Special Permit] of this Zoning Ordinance:

(1) Site Plan Requirements - For those WES for which a Special Use Permit is required the following items shall be included with or on the site plan:

(i) Dimensions of the area purchased or leased which is to contain the WES.

(ii) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.

(iii) Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.

(iv) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).

(v) Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.

(vi) Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.

(vii) Land uses within 300 feet of the parcel.

(viii) Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.

(ix) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.

(x) Security measures proposed to prevent unauthorized trespass and access.

(xi) Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.

(xii) Additional information as may be required by the Planning Commission.

(xiii) The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.

(2) Height - The maximum height of a WES for which a Special Use permit is required shall be 199 feet.

(3) Setbacks - The setback for a WES shall be at least equal to 3 times the height of the WES. No part of a WES including guy wire anchors shall be located within or above any required front, side, or rear yard setback. A reasonable setback shall be maintained from overhead electrical transmission lines.

(4) Rotor or Blade Clearance - Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.

(5) Lighting - A WES shall provide lighting as may be required by the FAA.

(6) Maintenance Program Required - The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.

(7) Decommissioning Plan Required - The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.

(8) Siting Standards and Visual Impact:

(i) A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.

(ii) A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.

(iii) Wind turbine generator or anemometer towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA be painted a neutral color so as to reduce visual obtrusiveness.

Each wind turbine generator tower may be a monopole, monotube, or lattice style construction and shall not include guy wires. This provision shall not apply to anemometer towers.

(9) Insurance - The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.

(10) Performance Guarantee - If a Special Use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.

(e) STANDARDS FOR ALL WIND ENERGY SYSTEMS

All WES shall comply with the following:

(1) Sound Pressure Level

(i) On site WES shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).

(ii) Utility Grid Systems and Wind Farms sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

(2) Shadow Flicker - The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

(3) Construction Codes and Interconnection Standards -

(i) All applicable state construction and electrical codes and local building, compliance permit requirements;

(ii) Federal Aviation Administration requirements.

(iii) The Michigan Airport Zoning Act, Public Act 23 of 1950 as amended;

(iv) The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;

(v) Private landing strips in or adjacent to Covington Township.

(vi) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.

(4) Safety

(i) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.

(ii) To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:

(1) Tower climbing apparatus shall not be located within 12 feet of the ground.

(2) A locked anti-climb device shall be installed and maintained.

(3) A tower capable of being climbed shall be enclosed by a locked, protective fence at least 10 feet high with barbed wire on top of the fence.

(iii) All WES shall have lightning protection

(iv) If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors.

(v) The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.

(5) Signs

(i) Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:

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(1) The words "Warning: High Voltage".

(2) Emergency phone numbers.

(ii) A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.

(6) Electromagnetic Interference - WES shall be designed, constructed and operated so as not to cause radio and television interference.

(7) Maintenance - WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

(8) All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are

located off-site (i.e., are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

(9) A WES, except for structure mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

SECTION 2 REPEAL:

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

SECTION 3. SEVERABILITY: The various parts, section, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

SECTION 1410 MET TOWER ORDINANCE

Add a MET Tower Ordinance to the Covington Township Zoning Ordinance to read as follows:

A. A MET Tower may be permitted as a Special Use in all zoning districts except the R-1A, R-1B, R-1C and R-R Zoning Districts, subject to the regulations and requirements of this section and also the special use review procedures and standards of Section 14.06 of this Zoning Ordinance.

B. For purposes of this Section a MET Tower is a meteorological tower used for the measurement of wind speed.

C. **Application Requirements:** An applicant for a MET Tower shall submit an application in accordance with the requirements of Section 14.06 of this Ordinance and shall also submit the following materials;

(1) A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.

(2) A description of the height of the MET tower as well as standard drawings of the structural components of the MET Tower including structures, towers, bases, and footings. A registered engineer shall certify the drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.

(3) An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.

(4) A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.

(5) A description of the tower maintenance program.

(6) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for a use permitted in that Zoning District.

(7) Security measures including emergency contact personnel.

(8) Ten copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon

the size of the parcel. The site plan shall contain a minimum the following information unless specifically waived by the Planning Commission.

- (a) The date on which the site plan was prepared.
- (b) A north arrow and legal description of the property.
- (c) Property lines and dimensions of the parcel containing the tower, as well as the area leased for the tower if applicable, the height of the MET tower and its distance to all property lines.
- (d) Any buildings or structures existing on the site and the use of the parcel.
- (e.) The distance to the closest building on adjacent property.
- (f) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower.
- (g) Guy wires, guy wire anchors and any other tower supporting structure or device.
- (h) Type and height of fencing to be installed around the tower or an equipment building.
- (i) Elevation drawings of any buildings designed to serve the tower.
- (j) Access road; width and construction standards.
- (k) Any lighting proposed to be located on the tower.

D. General Requirements. A MET tower shall comply with all of the following:

- (1) The tower shall be setback from all property lines a distance of not less than 3 times the height of the tower as measured from the base of the tower.
- (2) All applicable state construction and electrical codes and local building permit requirements.
- (3) Federal Aviation Administration requirements. All Tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
- (4) The Michigan Airport Zoning Act (Public Act 23 of 1950);
- (5) The Michigan Tall Structures Act (Public Act 259 of 1959);
- (6) A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.
- (7) In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.

E. Planning Commission Review. The Planning Commission shall review the proposed MET tower according to the standards for Special Uses contained in Section 14.06. The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission.

The Commission may impose reasonable conditions in its approval of a MET tower in accordance with Section 14.06 herein including but not limited to a requirement that

the applicant provide regular reports regarding the maintenance and condition of the tower.

In approving a MET Tower the Commission shall require that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site.

Section 2. REPEAL:

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

Section 3. SEVERABILITY: The various parts, section, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

SECTION 1411 REGULATION OF GROUNDWATER RESOURCES

1. The Covington Township Board of Supervisors hereby finds:

The protection of the health, welfare, and safety of the residents of the Township require that the groundwater resources of Covington Township be protected from adverse impacts resulting from the specific acts of mining groundwater resources within the Township and the export of water outside of the Township; and

2. Groundwater is an essential resource for continued agricultural production within the Township which production includes, but is not limited to field crops, fruit crops, vegetable crops, seed crops, poultry and livestock and agricultural production of the Township; and

3. Groundwater is an essential resource for municipal, industrial and domestic uses within the Township; and

4. The mining of groundwater resources from within the Township and the export of water outside of the Township could each have adverse environmental impacts on the County, including but not limited to; increased groundwater overdraft, land subsidence, uncontrolled movement of inferior quality groundwater, the lowering of groundwater levels, increased groundwater degradation; and

5. The mining of groundwater resources from within the Township and the export of water outside of the Township could each have adverse economic impacts on the Township, including but not limited to, loss of arable land, a decline in property values, increased pumping costs due to the lowering of groundwater levels, increased groundwater quality treatment costs, replacement of wells due to declining groundwater levels, replacement of damaged wells, conveyance infrastructure, roads, bridges and other appurtenances, structures or facilities due to land subsidence.

Definitions:

The following words and phrases shall have the following meanings when used in this ordinance:

1. "Township" means the Township of Covington.

2. "Board" means the Covington Township Board.

3. "Person" means and includes natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons, and public entities.

4. "Groundwater" means water that occurs beneath the land surface and fills the pore spaces of the alluvium, soil or rock formation in which it is situated.

5. "Public water agency" means any local public agency, mutual water company, or non-profit tax-exempt unincorporated association within, or partially within, Covington Township that has authority to undertake water-related activities.

6. "Mining" means the extraction of groundwater in a manner that constitutes a waste, unreasonable use, or unreasonable method of use within the Township. The Township will set volume extracted and operation limits for recovery of aquafer.

7. "Export of water" means the act of conveying groundwater, or surface water substituted with groundwater, out of the Township.

Prohibition:

Except as otherwise provided in this Ordinance, the following actions are prohibited:

1. The mining of water within Covington Township.

2. The export of water

Exemptions:

A. The following water management practices are exempt from the prohibitions in this Chapter:

1. Water resources management practices of public water agencies that have jurisdictional authority within the Township that are in compliance with and included in groundwater management plans adopted by that agency in accordance with applicable State law and regulations.

2. Water wells delivering 100 gallons per minute or less to uses and property under the same ownership where the well is located.

3. Groundwater mining and the export of water done in compliance with a permit issued by the Covington Township Board and applicable Michigan/Federal agencies.

B. The following water management practices are exempt from the prohibition against export of water in this Chapter:

1. De-watering of shallow water tables where the net benefits of the removal of subsurface water substantially outweighs the loss of water because of damage the high water table reasonably may cause to agriculture, industry, commerce and other property uses. The groundwater in some areas of the Township is very near the surface and if not removed by interceptor ditches or subsurface tile drains, the water can seriously impact crop root zones for agricultural production or destroy foundations, equipment, materials, buildings and infrastructure used for residences, industry, utilities or commerce. This groundwater may or may not be reused for other purposes and at times may leave the Township and its groundwater system.

2. Reasonable use of groundwater resources to supplement or replace surface water released for other reasonable and beneficial purposes, including but not limited to fisheries, ecosystem habitat or downstream water quality or quantity needs, when required pursuant to federal and state law, regulations, licenses or permit conditions.

3. Conservation of water in compliance with applicable State law that authorizes public water agencies to transfer water outside its usual place of use. Conservation investments may include, but are not limited to, irrigation practices in agricultural areas where the crops grown use less water, or communities that produce recycled water, fix leaks or promote other water saving devices and methods to conserve water

on a temporary or permanent basis.

4. Recharge of groundwater in locations in the Township that are capable of improving groundwater conditions in order to meet total water demands of beneficial uses in the hydrologic and groundwater basin area including but not limited to the following sources: surface water, treated municipal drinking water, recycled water and storm water. The amount of recaptured groundwater transferred out of the area should not exceed the amount of water used to recharge the aquifer. The transfer can be accomplished by either direct or indirect transfer, that is, a public water agency can leave the water in the ground and transfer other supplies in lieu of pumping out the recharge water.

5. Remediation of contaminated groundwater that is pumped and treated to remove contaminants that are in violation of standards for beneficial uses. The extracted and treated water may be released out of the Township, resulting in a net loss to the groundwater basin, if the release complies with discharge permits issued by the federal, state or state resource agencies.

6. Export of water that reasonably supports agricultural operations on property outside the Township that is contiguous with property within the Township and is under common ownership.

Implementation

A. The Covington Township Board shall have the primary responsibility for implementation of this Chapter and regulations adopted by the Covington Township Board of Supervisors.

B. The Covington Township Board shall establish a system of permits to authorize water management practices otherwise prohibited by this Chapter.

C. The applicant, permit holder or other interested person or entity may appeal an administrative determination made by the Township Board under this Chapter which (1) finds that an application is complete or incomplete; (2) establishes or modifies operating conditions; (3) grants or denies a permit; or (4) suspends or revokes a permit. Administrative appeals under this section must be made in writing, must clearly set forth the reasons why the appeal ought to be granted, and must be received by the Township Board within fifteen days of the postmark date on the envelope that transmits the administrative determination. Any appeal that is not timely filed, or that is not accompanied by the required fee, will be deemed ineffective and the administrative determination that is being appealed will become final. The Township Board shall fix a reasonable time for the hearing of an appeal of an administrative determination, and shall provide written notice of the appeal hearing to the appellant and all interested parties, and to all landowners within 0.25 mile of the parcel where the operations will occur. An appeal review committee shall hear the appeal and issue a decision within 30 days after the hearing. The appeal review committee may take any appropriate action upon the original administrative action that was appealed, including granting or denying the appeal in whole or in part, or imposing, deleting or modifying operating conditions of the permit. The decision of the appeal review committee shall be final.

Penalty for Violation

A. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to prosecution. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Section is committed, continued or allowed and shall be punishable accordingly.

B. In addition to or in lieu of the penalty provisions or remedies set forth in this Section, any violation may be abated including, but not limited to, abatement or issuance of administrative citations.

C. In addition to or in lieu of the penalty provisions or remedies set forth in this Section, any violation of any of the provisions of this Section, and any condition caused or allowed to exist in violation of any of the provisions of this Section, shall be deemed a public nuisance and shall, at the discretion of the Covington Township Board create a cause of action for injunctive relief.

Severability and Effect

A. The provisions of this Section are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Section or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

B. The prohibitions of this Section shall not be applicable to the extent that their application would result in a violation of the Constitution or other laws of the United States or the State of Michigan. The appropriate Department shall issue a permit to authorize conduct otherwise prohibited under this Section if the applicant demonstrates that such permit is necessary to avoid such a violation of state or federal law.

Section 2. This ordinance shall be available for review by the public. This ordinance shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage it shall be published once in the L'Anse Sentinel, a newspaper published in the County of Baraga, State of Michigan.

ARTICLE XV - GENERAL PROVISIONS

SECTION 1500. NONCONFORMITIES:

1. Intent -

It is recognized that there may exist within the districts established by this Ordinance or by amendments, lots, structures, and uses of land, which were lawful before this Ordinance was passed or amended, which would be prohibited, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

2. Board of Appeals Variance -

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a hearing, may allow an expansion or enlargement, provided that is conclusively shown that such extension or enlargement:

- a. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
- b. Will essentially retain the character and environment of abutting premises.

c. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding and related).

3. Nonconforming Lots -

A permitted single-family dwelling and customary accessory building may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not involving area or width, or both shall conform, to the regulations of the District in which such lot is located. Variance to yard requirements shall be obtained through the Board of Appeals.

4. Nonconforming Use of Land and/or Structures -

a. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.

b. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, other than to correct or lessen nonconforming conditions.

c. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

d. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

e. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.

f. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use.

g. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.

h. When a nonconforming use of land, structure, or structure and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months the use structure, or structure and premises in combination, shall not thereafter be used

except in conformance with the regulations of the district in which it is located.

i. Removal or destruction of the use and /or structure shall eliminate the nonconforming status.

5. Repairs and Maintenance -

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

6. Uses Under Exception Provisions Not Nonconforming Uses -

Any use for which a general exception or special condition is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

SECTION 1501. ACCESSORY BUILDINGS:

Accessory buildings, except as may otherwise be regulated in this ordinance, shall be subject to the yard and setback requirements applicable to main buildings; but need not be farther than ten (10) feet from property lines in the rear yard.

SECTION 1502. PARKING REQUIREMENTS:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

3. In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required.

4. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.

5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

6. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.

7. For those uses not specifically mentioned in the Schedule of Parking requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.

8. OFF-STREET PARKING SCHEDULE:

The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
<u>Residential</u>	
Dwellings	2 per dwelling
Elderly Housing	1 per 2 units
Rooming House	1 per 2 occupants of maximum capacity
Fraternity or Sorority	1 per 2 beds or 1 per 5 active members, whichever is greater
Trailer Court	2 per unit

<u>Institutional & Public</u>	
Church or Temple	1 per 3 seats or each 6 feet of pew
Hospital	1 per bed
Nursing Home	1 per 2 beds
Nursery, Elementary, or Junior High School	1 per employee
Senior High School	1 per employee, plus 1 per 10 students
Membership Clubs	1 per 3 persons of legal capacity
Golf, Swim or Tennis Club	1 per 2 member families
Public Golf Course	6 per green or golf hole plus 1 per employee
Par 3 and/or Mini Golf	2 per hole or green
Sport Arena or Stadium	1 per 3 seats or 1 per 6 feet of bench
Theater or Auditorium	1 per 3 seats or 1 per 3 persons of legal capacity

<u>Commercial</u>	
Planned Shopping Center	1 per 100 square feet of floor area
Auto Wash - Automatic	1 per employee, plus 2 per 20 feet of wash line
Auto Wash - Self Service	5 per wash stall plus the wash stall
Barber or Beauty Shop	1 per employee plus 1 per service chair
<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>

<u>Commercial, con't</u>	
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Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons of legal capacity
Banks	1 per 100 sq. ft. of floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Offices	1 per 200 sq. ft.
Billiard Hall	2 per game table
Taverns	1 per 50 sq. ft. of floor area
Restaurants	1 per 3 persons of seating capacity plus auto stalls if drive-in type
Furniture, Appliances, Plumber, Electricians, Minor Repair Services	1 per 800 sq. ft. of floor area
Gasoline Station	2 per service stall, plus 1 per employee
Laundromat	1 per 3 machines for washing
Funeral Home-Mortuary	1 per 50 sq. ft. of slumber room
Racquet or Tennis Club	4 per court
Hotel or Motel	1 per rental unit, plus 1 per employee
Vehicle Sales	1 per 200 sq. ft. of showroom floor area
Retail Groceries	1 per 100 sq. ft. of floor area
Other Retail Stores	1 per 150 sq. ft. of floor area

<u>Industrial</u>	
Welding Shop	2 per employee
Industrial Office or Research	1 ½ spaces per employee

Warehouse & Wholesale	1 per employee
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NOTES:

- a. Sq. Ft. refers to square feet of “Usable” floor area.
- b. 1 per unit of measure, shall be interpreted to mean 1 per each unit, as 1 per “each” 3 persons.
- c. Space requirements are cumulative, hence, a country club may require parking for the golf use as well as restaurant or bar use.
- d. Employees refer to all permanent staff and part time equivalents.
- e. Legal capacity is the occupancy load as permitted by design, fire or health standards.

SECTION 1503. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Plot plans shall show off-street loading areas.

SECTION 1504. CONDITIONS ON DISCRETIONARY DECISIONS:

Wherever a discretionary decision is authorized in this Ordinance, conditions may be imposed provided they are:

- 1. designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
- 2. related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity;
- 3. necessary to meet the intent and purpose of the zoning ordinance, be related to standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner, such record of any changed condition shall also be maintained.

SECTION 1505. FENCING, LIGHTING, NOISE:

In every case the uses hereinafter referred to shall be prohibited from any district not specifically listed. These uses require special consideration since they may service large areas, require sizable land areas and/or may create problems of control with reference to abutting use districts.

1. Fences (General) -

Fences designed to enclose property in any district shall be subject to the following conditions:

- a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.
- b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection, or other pedestrian or vehicle property access point.

2. Fencing or Swimming Pools -

Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

3. Walls and Fences (Protective and Screening) -

For nonresidential uses, except farms which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained fences or walls as required below:

		Primary Function(s)	Primary Function(s)
Specific Nonresidential Uses Requiring Fences	Minimum Fence or Wall Height at the Property Line	Protective	Screening or Obscuring
Drive-in restaurants, gasoline stations and vehicle repair	6'-0"	X	X
Institutional or school playgrounds	6'-0"	X	
Parking lots accessory to principal uses	6'-0"		X
Hospital and funeral home service entrances	6'-0"		X
Utility buildings and sub-stations	6'-0"	X	
Swimming pools for use by the public	6'-0"	X	
Junk Yards	8'-0"	X	X
Open storage areas of any use	6'-0"		X
Kennel	8'-0"	X	X

All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.

The Board of Appeals shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where no good purpose would be served by compliance with these standards.

4. Outdoor Lighting -

All outdoor lighting, whether for illumination of parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed, and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets.

5. Noise -

Uses requiring outdoor speakers, public address systems or similar sound devices shall not operate said equipment in such a manner as to create a public nuisance.

6. Entrance Drives -

Entrance drives to the use of off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.

SECTION 1506. SANITARY PROVISIONS - SEWAGE AND WATER FACILITIES:

Per requirements of the County Sanitary Code and any applicable State or Federal requirements.

Site developments shall proceed in a manner to minimize erosion hazards and buildup in natural and/or impounded waters of the Township. Soil conditions shall be investigated by the land use owner or proprietor who shall follow guidelines developed by the County Soil Conservation District, or as provided in sedimentary erosion control ordinances.

SECTION 1507. PLANT MATERIALS:

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within eighteen (18) months from the date of issuance of a Zoning Permit and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. Materials equal in characteristics to the plan materials listed with the spacing as required shall be provided, and existing natural wooded areas may be approved as fulfilling the intent of this Section.

1. Plant material spacing -

- a. Plant materials shall not be closer than four (4) feet from the fence line or property line.
- b. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers.
- d. Narrow evergreens shall be planted not more than three (3) feet on centers.
- e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
- f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.

g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Suggested plant materials - Minimum Height in Feet

- a. Evergreen Trees
 - 1) Juniper
 - 2) Red Cedar
 - 3) White Cedar
 - 4) PinesFive (5) Feet

- b. Narrow Evergreens
 - 1) Pyramidal Arbor-Vitea
 - 2) Columnar Juniper
 - 3) Irish JuniperThree (3) Feet

- c. Tree-like shrubs
 - 1) Flowering Crabs
 - 2) Russian Olives
 - 3) Mountain Ash
 - 4) Redbud
 - 5) Rose of SharonFour (4) Feet

- d. Large Deciduous Shrubs
 - 1) Honey Suckle
 - 2) Viburnum
 - 3) Mock Orange
 - 4) Forsythia
 - 5) Lilacs
 - 6) NinebarkSix (6) Feet

- e. Large Deciduous Trees
 - 1) Oak, Birch, Beech
 - 2) Hard Maples
 - 3) Ash
 - 4) Hackberry
 - 5) SycamoreEight (8) Feet

3. Trees not permitted -

- a. Box Elder
- b. Silver Maples
- c. Elms
- d. Poplars
- e. Ailanthus (Tree of Heaven)

SECTION 1508. SIGNS AND BILLBOARDS:

1. Any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows:

<u>USE DISTRICTS</u>	<u>SIGNS PERMITTED</u>	<u>REQUIREMENTS</u>
R-1A, R-1B and R-1C, RR and SR, FF and FR	Accessory residential name plates, attached or free standing	One (1) for each dwelling unit not to exceed two (2) square feet.
R-1A, R-1B and R-1C, RR and CR, FF and FR	Name plates and accessory identification signs, attached or free standing.	One (1) for each non-dwelling structure not to exceed eighteen (18) square feet.
B-1, FF-1, FR, I Districts	Name plates and accessory advertising signs, including freestanding pylons or signs.	No sign shall project beyond or overhand the wall, roof or any permanent architectural feature by more than five (5) feet.
B-1 and I Districts	All signs including billboards.	Shall not exceed 300 square feet in area B-1 Districts or 500 square feet in I Districts.

2. The following conditions shall also apply to all signs and billboards erected in any use district:

- a. No sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator and an authorizing permit issued. Each use may display on name plate and one advertising sign, provided that only one freestanding sign may be permitted. (One or both signs may be attached to the building).
- b. No sign shall be nearer than ten (10) feet to any property line.
- c. Illuminated signs shall not be of the flashing, or intermittent type unless approved by the Board of Appeals.
- d. Wall mounted signs in B and I Districts shall not exceed an area of 25% of the mounting wall as computed on the area of the ground wall only.
- e. Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passer-by traffic for support, on (1) off the premises directory sign may be permitted, in non-business districts, subject to review and approval

of location by the Board of Appeals.

f. One on premises sign for advertising of premises for rent, lease, and/or for sale shall be permitted in all districts. Any such sign to exceed twenty (20) square feet shall require approval by the Board of Appeals.

g. Directional signs required for the purpose of orientation, when established by the Township, County, State or Federal Governments, shall be permitted in all Districts.

h. No sign shall be permitted that is affixed to trees, rocks, shrubs or similar natural features; and any sign which is insecurely fixed, unclean, in need of repair, or imitates official traffic control devices shall be prohibited.

i. The Board of Appeals may upon application by the property owner, modify the area of sign permitted for reasons of unusual building size or bulk, large site area and/or deep building setback, or where, in unusual circumstances no good or practical purpose would be served by strict compliance with the requirements of the section.

j. FF and FR Districts can be utilized for informational signs and billboards only along Highways M-28, U.S. 141, and U.S. 41. These FF and FR Districts shall be considered to be in the same classification as business and industrial districts for purposes of signs and billboards shall be restricted for use only to businesses located and operating in Baraga County. All state regulations must be adhered to for the installation and maintenance of signs and billboards constructed along Highways M-28, U.S. 141, and U.S. 41.

SECTION 1509. TEMPORARY USES:

A. The Zoning Administrator is authorized to issue a zoning permit for the following temporary uses upon a finding that a requested temporary use meets the standards stated below for each permitted temporary use as well as the standards in section 1509 B.

1. Mobile homes may be used as a temporary dwelling in any district until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a building or zoning permit has been issued. Upon application for a temporary dwelling permit from the Zoning Administrator, the applicant may obtain a permit for an initial period not to exceed two (2) years from the effective date of the permit; and upon showing reasonable and diligent progress, may renew the permit for not more than two (2) additional periods of two (2) years each (six year maximum).

2. Travel Trailers: Unless otherwise regulated in travel trailer courts in this Ordinance, travel trailers may be stored and/or occupied as temporary recreation housing in all Districts except R-1A, provided:

a. A temporary use permit is obtained from the Zoning Administrator every 24

months.

- b. The unit is maintained in safe and ready running condition, has a current trailer license, and can be towed from the premises by ordinary domestic vehicle.
- c. The unit is not attached to a sanitary disposal system or a domestic water supply, and remains in every respect a mobile home unit.

Travel trailers may be stored on any lot in any district without a permit, provided the unit remains unoccupied, is on a lot with a main building or use, is not connected to any utility service, and is restricted to the rear yard. A side yard may be used in cases where the rear yard is inaccessible.

- 3. Riding facilities in R, RR or SR Districts may be allowed on farms, or on a temporary permit basis, subject to a finding that there is protection for developing residential uses including seasonal home areas.
- 4. No garage or other accessory building, mobile home, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit.
- 5. Temporary buildings for a use incidental to construction work such as an equipment shed shall be permitted provided that all debris shall be removed within fifteen (15) days after the completion or abandonment of the work.

B. Issuance Standards -

A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following standards is met by the proposed use.

- 1. The proposed use is clearly of a temporary nature.
- 2. The temporary use shall not endanger the public health, safety or welfare of the township, adjacent residents or the inhabitants of the structures of the temporary use.
- 3. Structures of temporary uses shall be provided with a safe, sanitary and effective system for water supply and disposal of wastes approved by County Health Department.
- 4. The proposed use will cause no traffic congestion.
- 5. The proposed temporary use shall meet all lot, yard, setback and other requirements of this ordinance.
- 6. The proposed temporary use is not a use permitted by a special use permit in the

respective zoning district.

7. The proposed temporary use, if proposed to construct a conforming building or project, meets all requirements for a building permit for the conforming building or project.

C. Renewal, Revocation and Appeal -

1. Zoning permits for the temporary uses listed in Section 1509, B may be renewed in the same manner as issuance of the original temporary permit.

2. Upon expiration or revocation of a zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be forthwith removed from the parcel of land.

3. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this section and those of Section 1504. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder. Nonconformance with the requirements of this section may be enforced pursuant to Section 1708 of this Ordinance.

4. An appeal of a decision by the Zoning Administrator relative to denial of a zoning permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Article XVIII of this Ordinance.

ARTICLE XVI - GENERAL EXCEPTIONS

SECTION 1600. AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in the Ordinance shall be subject to the following interpretation and exceptions:

1. Essential Services -

Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this ordinance.

2. Voting Place -

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

3. Height Limit -

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, cell phone towers or public monuments.

4. Projections into Required Open Spaces -

a. Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above the established grade, shall be considered part of the building and shall not extend into any required yard or open space.

b. Architectural features such as, but not limited to, window sills, cornices, eaves, and bay windows may extend or project into a required yard not more than four (4) inches for each one (1) foot of width of such side yard.

c. Unenclosed paved areas, patios and other surfaces areas may occupy a required yard..

ARTICLE XVII - ADMINISTRATION

SECTION 1700. GENERAL ADMINISTRATION:

The provisions of this ordinance shall be administered by the Zoning Administrator who shall be appointed by the Covington Township Board. The Zoning Board may appoint deputies.

SECTION 1701. VIOLATIONS AND PENALTIES:

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction. The owner of any building, structure, or premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues. Any firm, corporation or person who is convicted of violation of any of the provisions of this ordinance shall be subject to a fine of not more than one hundred (\$100.00) dollars and the costs of prosecution or, in default of the payment thereof, by imprisonment in the discretion of the court. For each day that a violation is permitted to exist shall constitute a separate offense. The paying of any fine or serving of any jail sentence shall not exempt the offender from meeting the requirements of this ordinance.

The Zoning Administrator is hereby charged with the duty of enforcing this Ordinance and is hereby empowered in the name of said Covington Township to commence and

pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Baraga County, Michigan, or any other Court having jurisdiction to restrain and/or prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Board in such a suit to abate the same.

SECTION 1702. DUTIES OF ZONING ADMINISTRATOR:

The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of the Section, "Nonconformities".

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

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

SECTION 1703. PLOT PLAN:

The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale.
2. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot drawn to scale.
3. The existing and intended use of the lot and all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

5. The Zoning Administrator shall void any permit which has been issued on the basis of false or misrepresented information on the Permit Application.

SECTION 1704. ZONING PERMIT:

The following shall apply in the issuance of any Permit:

1. Permits for New Use of Land -

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Zoning permit is first obtained for the new or different use.

2. Permits for New Use of Buildings -

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.

3. Permits Required -

No building or useable exterior parts thereof shall hereafter be erected, moved, or expanded or diminished in floor area unless a Zoning Permit shall have been first issued for such work. Permits shall not be required for the erection of farm buildings which are not for human habitation; provided such structures comply with the setback requirements of this Ordinance.

In order to ensure compliance of use and setbacks, an application form must be filled out and approved. A fee will not be charged for this application.

4. Permit Validity -

Zoning Permits shall be valid for a period not to exceed twenty-four (24) months from the date of issuance.

SECTION 1705. FEES:

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Legislative Body.

SECTION 1706. CHANGES AND AMENDMENTS:

The Township may from time to time, on recommendation from the Zoning Board, or on

petition, amend, supplement, or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943, as amended.

ARTICLE XVIII - BOARD OF APPEALS

SECTION 1800. CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Act 184 of Public Acts of 1943, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of three members who are appointed by the Township Board. The terms shall be staggered: one for three years, two for two years. Also, the following shall apply to the Board:

1. The first member shall be a member of the Township Zoning Board for the term of his office.
2. The second and third members shall be electors from the Township, appointed by the Township Board.

SECTION 1801. MEETINGS:

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceeding showing the vote, indication said fact; and shall file minutes or records of its proceedings in the office of the Township Clerk for public record.

SECTION 1802. APPEAL:

An appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the Board of Appeals within such time as shall be prescribed by said Board of Appeals by a general rule. Such appeal may be taken by any person, firm, or corporation. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, notice of appeal specifying the grounds thereof.

The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from.

SECTION 1803. STAY:

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator and on due course shown.

SECTION 1804. JURISDICTION:

The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning administrator in the enforcement of this Ordinance.
2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done including the following:
 - a. Interpret the provisions of the Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the Zoning District Map, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the zoning map.
 - b. Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefrom to the height and bulk district requirements herein established which said Board considered necessary for the public convenience or welfare.
 - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will be inconsistent with the purpose and intent of such requirements.
 - d. Permit such modification of the height and area regulations as may be necessary to secure and appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
3. Where, owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this

Ordinance, and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same district.
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.
- c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the district in which the property is located.
- d. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the Township.
Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner hereinafter provided by law.

SECTION 1805. EXERCISING POWERS:

In exercising the above powers, the Board of Appeals may reverse or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 1806. NOTICE OF HEARING:

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. A notice of the time and place of such Hearing shall be published in a paper of general circulation in the Township at least fifteen (15) days previous to the Hearing. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of Appeals is sought as well as a brief description of the nature of the Appeal.

SECTION 1807. MISCELLANEOUS:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the board of Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XIX - VESTED RIGHT

It is hereby declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ARTICLE XX - SEVERANCE CLAUSE

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

ARTICLE XXI - CONFLICTING REGULATIONS

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity and general welfare; except that whenever in the Township there are provisions in two (2) or more laws or Ordinances that have conflicting provisions, the law or ordinance with the more stringent requirements or regulations shall govern.

ARTICLE XXII - TRANSFER OF GOVERNMENT LAND

Any land in Covington Township not included in the Ordinance, due to federal or State Statute; upon transfer of ownership, shall be zoned by the Zoning Board, such zoning determination shall be subject to the same notice requirements as a re-zoning.

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ARTICLE XXIII - EFFECTIVE DATE

The provisions of this Zoning Ordinance are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby ordered to take immediate effect, after final passage, as authorized under the provisions of Act 184, of the Public Act of 1943, State of Michigan. Made and passed this 13 day of September, 2017.

I hereby certify that the above is a true copy of the Ordinance, as amended, and adopted by the Covington Township Board on the 13th day of September, 2017.

Amy Leaf, Township Clerk

Lowella Eskel, Township Supervisor