

L'ANSE TOWNSHIP ZONING ORDINANCE

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ARTICLE 1 - TITLE, PURPOSE AND LEGAL CLAUSE

SECTION 1.01 - TITLE

This *Ordinance* shall be known as the *L'Anse Township Zoning Ordinance*, and may be referred to within this document as "*Ordinance*", or "*Zoning Ordinance*".

SECTION 1.02 - REPEAL OF PRIOR ORDINANCE

THE *L'Anse Township Zoning Ordinance*, adopted in 1974, and all amendments thereto, and any prior zoning ordinances of the Township, are hereby repealed effective coincident with the effective date of this *Ordinance*. The repeal of these ordinances shall not have the effect of releasing or relinquishing enforcement of any penalty, forfeiture, or liability incurred under such ordinance.

SECTION 1.03 - PURPOSES

An *Ordinance* to establish zoning districts and regulations governing the development and use of land within the L'Anse Township in accordance with the provisions of the MICHIGAN ZONING ENABLING ACT, Act 110 of 2006.

This *Ordinance* has been established for the purpose of:

- Promote the public health, safety, and general welfare;
- Meet the needs of the state's residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
- Ensure that uses of land are situated in appropriate locations and relationships;
- Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- Facilitate the adequate and efficient provision of transportation systems, sewage disposal, energy, solid waste disposal, drainage, public water supply, education, recreation and other public service and facility requirements.

This *Ordinance* is also intended to:

- Advance the interests of both conservation and development while responding to existing conditions, regional context, natural features, infrastructure considerations, and existing buildings;
- Preserve traditional neighborhoods, historic resources, and public access to the natural environment;
- Conserve energy and better serve diverse population needs through land use patterns and transportation connectedness that encourage walking, bicycling, and transit use;

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- Increase the utilization of “green infrastructure” such as trees and other vegetation to improve community aesthetics, buffer uses, improve stormwater management, and assist in mitigating adverse winter climate conditions;
- To make possible more mixed-use development opportunities in the Township;
- To re-orient the Township’s commercial corridors with mixed-use, walkable activity clusters easily accessible from the surrounding neighborhoods.

SECTION 1.04 – CONSISTENCY WITH THE L'ANSE TOWNSHIP MASTER PLAN

The districts and other provisions of this *Ordinance* are also based upon the Future Land Use Map and policies of the *L'Anse Township Master Plan*, which is consistent with the provisions of the *Michigan Planning Enabling Act, Public Act 33 of 2008, as amended*, with the intent to implement the Township plan by regulating the use of land and structures to (in summary):

- Promote efficiency in the expenditure of funds for public improvements and services while preventing the overburdening of public facilities;
- Support the desired character of the community;
- Enhance and protect property values;
- Prevent nuisances and preserve quality of life;
- Provide adequate light and air, and protect air and water quality;
- Encourage the use of lands and resources in accordance with their character and adaptability;
- Conserve natural resources and energy and protect the quality of the natural environment;
- Reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors, snow accumulation or other hazards;
- Limit the improper use of land given the character of each Zoning District and its peculiar suitability for particular uses.

The *Zoning Ordinance* is intended to help implement the following broad goals of the *L'Anse Township Master Plan*.

- **Smart Growth (SG):** Ensure that new development follows the Smart Growth tenets and policies presented in this plan, such as prioritizing compact development and channeling new development to make the best use of existing infrastructure. This will enhance efficiency in public service provision and infrastructure maintenance, and help preserve natural resource lands.
- **Goal #1: Sustainable Development -** Ensure that new development follows the Smart Growth tenets and policies presented in this plan, such as prioritizing compact development and channeling new development to make the best use of existing

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infrastructure. This will enhance efficiency in public service provision and infrastructure maintenance, and help preserve natural resource lands.

- Goal #2: Economic Sustainability - To achieve a sustainable economic development program that balances social and environmental considerations along with economic considerations in the production and distribution of goods and services, and implements strategies that address current needs along with the needs of future generations. To collaborate to enhance fiscal efficiency, stretch limited economic resources, and increase organizational capacity.
- Goal #3: Sustainable Tourism - Continue to provide for tourism development as a way to diversify the community economic base and attract potential new residents.
- Goal #4: Talent Development - Prioritize investment in talented people who will forge new economic opportunity and contribute to a sustainable community and assurance of a high quality-of-life.
- Goal #5: Green Economy - Enhance the Township's ability to participate in the Green Economy to create new economic opportunity.
- Goal #6: Community Resilience - Build community resilience by enhancing local self-sufficiency and creating a collaborative community framework to address anticipated economic, social and environmental change.
- Goal #7: Cultural & Historic Resource Enhancement - Preserve important cultural and historic resources for the enjoyment and education of future generations. These resources provide a link to the past, enhance a sense of place, build community pride, and provide potential for increased tourism and economic vitality.
- Goal #8: Public Recreation & Scenic Resources Enhancement - Preserve and enhance public access and enjoyment of unique natural amenities and create a community that supports active living and recreation environments.
- Goal #9: Social Environment & Quality-of-Life Enhancement - Pursue strategies that sustain L'Anse as a safe and healthy place to live, support a sense of a diverse yet cohesive community, preserve community traditions, and provide opportunities for all residents to be engaged in the social sphere and help accomplish community goals.
- Goal #10: Public Services Resource Enhancement - Provide for efficient public service provision and facility management to most effectively protect and utilize public investment.

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- Goal #11: Public Facilities Resource Enhancement - Make sure that all public facilities set a good example for sustainable design and operation and provide an essential public service in the most efficient manner.
- Goal #12: Transportation Enhancement - Continue to grow and improve the transportation infrastructure that is key to economic growth in the region, including roads, bridges, non-motorized facilities, air service, and rail lines.
- Goal #13: Utility Infrastructure Enhancement - Continue to grow and improve the physical infrastructure that is key to economic growth in the region, including utility service, power generation and transmission infrastructure.

SECTION 1.05 - VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this *Ordinance* to be invalid, such ruling shall not affect any other provisions of this *Ordinance* not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this *Ordinance* to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

SECTION 1.06 - CONTINUATION OF PROSECUTION FOLLOWING REPEAL

The passage of this *Ordinance* does not affect the right of the L'Anse Township to prosecute any violation of the previous *Zoning Ordinance*, if the violation occurred while the previous *Zoning Ordinance* was in effect.

SECTION 1.07 - CONFLICT WITH OTHER LAWS

1. Where any condition imposed by any provision of this *Ordinance* upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this *Ordinance* or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard of requirement shall govern.
2. This *Ordinance* is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this *Ordinance* is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this *Ordinance* shall govern.

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SECTION 1.08 - EFFECTIVE DATE

This *Ordinance* adopted by the Township Board of the L'Anse Township, Baraga County, Michigan, at a meeting held on _____. This *Ordinance* shall be effective seven (7) days following publication of a Notice of Adoption in a newspaper of general circulation within the Township.

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ARTICLE 2 - DEFINITIONS

SECTION 2.01 - PURPOSE

For the purpose of this *Ordinance*, certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; words used in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive. The "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual, or any other legal entity. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or "occupied". Words referring to the male gender (i.e. "he" or "him") also refer to the female gender.

SECTION 2.02 – RULES OF CONSTRUCTION

The following rules of construction apply to the text, tables, and illustrations of this *Ordinance*:

- The particular shall control the general. The use of a general or similar term shall not be taken to be the same as the use of any other specific term.
- In the case of any difference of meaning or implication between the text of this *Ordinance* and any caption or illustration, the text shall control.
- The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- A "building" or "structure" includes any part thereof.
- The phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- The word "person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
- Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- Words and phrases not otherwise defined in this *Ordinance* shall have the meaning customarily assigned to them.
- The word "lot" includes the word "plot", "tract", or "parcel".

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- The words “this *Ordinance*” means the text of this *Ordinance* as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The “Township” is the L’Anse Township, State of Michigan; the “Township Board” is the Township Board of the L’Anse Township; the “Planning Commission” is the Planning Commission of the L’Anse Township.
- All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

SECTION 2.03 – ACRONYMS

The following acronyms are used in this Code:

ADT –	Annual average two-way daily traffic volume
ATV –	All Terrain Vehicle
C –	Use Permitted By Right with Conditions
CFR –	Congressional Federal Register
DEQ –	Michigan Department of Environmental Quality
ECHO –	Elder Cottage Housing Opportunity
EPA –	United States Environmental Protection Agency
FAA –	Federal Aviation Administration
FCC –	Federal Communication Commission
FEMA –	Federal Emergency Management Authority
FIRM –	Flood Insurance Rate Map
HUD –	Housing and Urban Development
HVAC –	Heating, ventilation, air conditioning units
kv –	Kilovolt
MAC –	Michigan Aeronautics Commission
MCL –	Michigan Compiled Laws
MDOT –	Michigan Department of Transportation
MHP –	Mobile Home Park or Manufactured Housing Park
P –	Use Permitted by Right
P.A. –	Public Act
PUD –	Planned Unit Development.
ROW –	Right-of-Way
RV Park –	Recreational Vehicle Park
S –	Special Use
SOB –	Sexually Oriented Business
USC –	United States Code
WECS –	Wind Energy Conversion System

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SECTION 2.04 - DEFINITIONS

Abutting (same as *Adjacent, Contiguous*)

Next to, touching, having property or district lines in common.

Access

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Accessible

In reference to a parcel, means that the parcel has an area where a driveway provides vehicular access or is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of MDOT or the County Road Commission under *P.A. 200 of 1969, MCL 247.321 to 247.329, as amended*, and of the Township; or has an area where a driveway can provide vehicular access or is served by a proposed easement that will provide vehicular access to an existing road or street and meet all such applicable location standards. Per the *Land Division Act, P.A. 288 of 1967, MCL 560.102 as amended*.

Access Management

The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

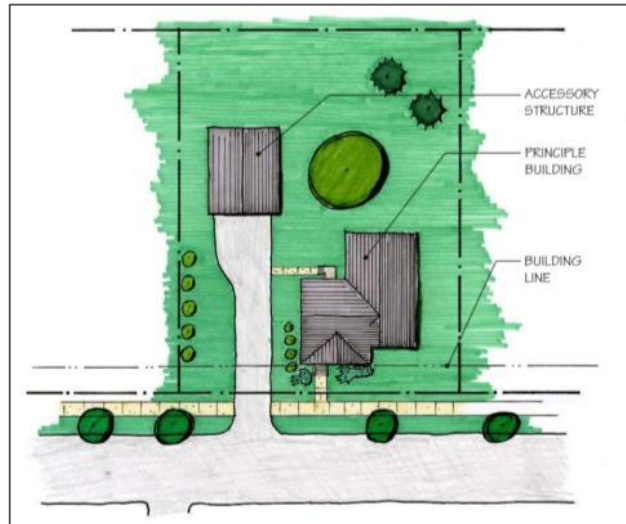
Accessory Building or Structure

A building or structure located on the same lot as the principal building, attached or detached, but customarily incidental and subordinate to the principal building. Except as otherwise permitted by this *Ordinance*, an accessory building or accessory structure shall not be used for human habitation. (See *Figure 2-1*)

Accessory Dwelling Unit (see also *ECHO housing*)

A separate and complete dwelling unit established in conjunction with and clearly subordinate to a principle dwelling unit, either within the same structure as the principle dwelling unit or in an accessory structure on the same lot.

Figure 2-1: Accessory Building



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Accessory Use (See also *Home Occupation*)

A use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) is customarily found in connection with; (3) is incidental to; and (4) is located on the same lot as the principal use (except in the case of some accessory off-street parking spaces or loading). For example, a retail business is not customarily considered incidental to a residential use. Residential accessory uses may include storage of household goods, gardening, private swimming pools, and other similar uses.

Acre

A land area of 43,650 square feet.

Acre, Net

The total area within the lot lines of a parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from the parcel.

Acre, Gross

The total area measured to the property lines of the parcel or lot.

Addition (same as *Expansion*)

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Adjacent

Next to, touching, having property or district lines in common.

Adjacent Grade, Fence

As pertains to fence regulations, adjacent grade shall be established as the average grade measured at a point three feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the wall.

Adult Foster Care Congregate Facility

An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care per *P.A. 218 of 1979, MCL 400.703, as amended*.

Adult Foster Care Facility

A governmental or nongovernmental establishment that provides foster care to adults, and includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Does not include licensed nursing homes (*P.A. 368 of 1978, MCL 333.20101 to 333.22260, as amended*); licensed homes for the aged (*P.A. 368 of 1978, MCL 333.20101 to 333.22260, as amended*); licensed hospitals (*P.A. 368 of 1978, MCL 333.20101 to 333.22260, as amended*); hospital for the mentally ill or a facility for the developmentally disabled (*P.A. 258 of 1974, MCL 330.1001 to 330.2106, as amended*); county infirmaries (*P.A. 280 of 1939, MCL 400.55, as amended*); substance abuse rehabilitation centers, maternity homes, hotel or rooming houses not providing foster care; residential facility for persons released from adult

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correctional institutions; or licensed foster family homes or foster family group homes (*P.A. 116 of 1973, MCL 722.111 to 722.128, as amended*). (*Regulated by the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979*)

Adult Foster Care Family Home

A private residence, licensed by the State of Michigan pursuant to *P.A. 218 of 1979, MCL 400.703, as amended* or *P.A. 116 of 1973, as amended*, with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks, but not an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Foster Care Large Group Home

An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care per *P.A. 218 of 1979, MCL 400.703, as amended*.

Adult Foster Care Small Group Home

An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care per *P.A. 218 of 1979, MCL 400.703, as amended*.

Agriculture

Means the production, harvesting, and storage of plants and animals useful to humans, including but not limited to biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing of cattle, swine, captive deer, and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agriculture, Commercial

Commercial agricultural activities performed on a farm as defined in the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended*, or on vacant lots or in open spaces in an urban area, or in enclosed, indoor facilities such as greenhouses or aquaculture systems.

Agriculture, Small Scale Non-Commercial

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

Agricultural Service Establishment

Businesses primarily engaged in supplying soil preparation, crop, landscaping, horticultural, farm labor, and management services.

Alley

A public or private right of way shown on a plat which provides secondary access to a lot, block, or parcel of land per the *Land Division Act, P.A. 288 of 1967, MCL 560.102, as amended*.

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Alteration

Any change, addition, enlargement, relocation, repair, remodeling, or modification to a structure. Also any change in the structural members of a building, such as walls or partitions, columns, beams or girders. Also any change, addition, or modification to type of occupancy, number of dwelling units, or use of structure or land. The consummated act of alteration may be referred to herein as "altered" or "reconstructed" or "changed".

Antenna

Means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Apartment

One or more rooms with separate kitchen and bathroom facilities comprising an independent, self-contained dwelling unit not owned in fee simple.

Apiary (see also *Beehive*)

One or more structures occupied by bees, but does not include honey houses, extraction houses, warehouses, or appliances.

Applicant

A person who submits an application under one of the procedures set forth in this *Ordinance*.

Appurtenance

A right, privilege, or improvement belonging to, incident to, and passing with a principal property upon sale or transfer.

Aquaculture

The hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

As-Built Plan

The amended final site plans specifying the locations, dimensions, elevations, capacities, and capabilities of structures or facilities as they have been constructed.

Assisted Living Facilities

A residential development that provides room and board, assistance with daily activities, and health care for three or more adult residents.

Attic

That part of a building that is immediately below and wholly or partly within the roof framing.

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Automobile Recycling (Wrecking) Yard

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. Also the presence of two or more motor vehicles of any kind incapable of being operated and not currently licensed.

Automobile Repair Services Establishment

A garage, building, or area used for the repair or servicing of automobiles, motorcycles, trucks, trailers, motorhomes, recreational vehicles, boats, or similar vehicles or engines for a fee.

Automobile Sales Area

An area used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Service Station (*same as Gas Station*)

That portion of a property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service, and retail sales.

Awning

A roof-like cover projecting from the exterior wall of a building and composed of non-rigid materials except for the supporting framework which can sometimes be retracted, folded, or collapsed against the face of the supporting building.

Basement

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (*see Figure 2-2*). A cellar is a basement. See also definition of "story". However, any walk-out basement, regardless of average grade, shall be considered a story.

Bed and Breakfast

A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests (transient here defined as lodging for less than thirty consecutive days) are provided a sleeping room in return for compensation. Meals also may be provided.

Bedroom

A room intended for sleeping. Any room designated on building plan submittals as a den, library, study, loft, or other extra room will be considered to be a bedroom for the purpose of this Ordinance.

Beehive (*see also Apiary*)

A structure designed to contain one colony of honeybees.

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Berm

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard

An off-premises sign.

Biomass

Plant material, used for the production of electricity, heat, fibers, fuel, and chemicals.

Blank Wall Treatment

Specified standards for visual design treatments or outdoor public space amenities that qualify as an alternative to the minimum door/window opening requirement for the purpose of enhancing the pedestrian environment adjacent to buildings with long blank walls.

Block

A unit of land bounded by (but not traversed by) streets or by a combination of streets and public land, unsubdivided acreage, corporate boundary lines, railroad rights-of-way, waterways, or any other physical barrier to the continuity of development.

Block Corner

This refers to the outside corner of a block at the intersection of any two streets.

Bluffline (*as pertains to high risk erosion areas*)

The edge or crest of the elevated segment of the shoreline above the beach on the landward side, normally with a precipitous front that inclines steeply. If there is not an elevated segment indicating the bluffline, the line of perennial vegetation is considered the bluffline.

Boarding House (*see also Rooming House*)

A residential structure that provides lodging with or without meals for compensation (pay or any kind) to more than two persons other than members of the family occupying such dwelling, and available for permanent occupancy only.

Buffer

A strip or area of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

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Buildable Area

The portion of a lot remaining after the minimum yard, required open space, and setback requirements of this *Ordinance* have been met, leaving the area that building(s) may occupy. (See *Figure 2-3*)

Building (see also *Structure*)

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, chattels, or property of any kind which shall include vehicles whether mounted or not on wheels and situated on private property and used for the purpose of a building.

Building, Abandoned

A building in which the lawful use has intentionally ceased for any period of time without intention to resume said use, or the voluntary discontinuance of a lawful use for a period of over 24 consecutive months without reference to intent. An intent to resume can be shown through continuous operation of a portion of the facility, maintenance of sewer, water, and other public utilities, or other proof of continuance such as bills of lading, delivery records, etc. This excludes temporary or short-term interruptions to a use for purposes of active remodeling, maintenance, or otherwise improving a facility, or during normal periods of vacation or seasonal closure.

Figure 2-3: Buildable Area



Building, Accessory (see *Accessory Building*)

Building, Attached

A building which has at least part of a wall in common with another building, or which is connected to another building by a roof. (See *Figure 2-4*).

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Building Code

Regulations governing the erection and maintenance of buildings as currently enforced pursuant to the laws of the State of Michigan.

Building, Dangerous (see *Dangerous Building*)

Building, Detached

Any structure that does not have a wall or roof in common with another structure. (See *Figure 2-4*)

Building Envelope

The three-dimensional space within which structures are permitted to be built on a lot as defined by regulations governing building setbacks, required open space, maximum height, and bulk.

Building Footprint

That portion of a lot covered by buildings or structures as measured on a horizontal plane at the surface level.

Building Frontage

The distance between two parallel lines, drawn perpendicular to the edges of the right-of-way, which intersect with any part of a building. Where the building is located upon a curve, the lines shall be drawn perpendicular to a tangent drawn through the nearest point of the right-of-way for a convex curve and the furthest point of the right-of-way for a concave curve.

Building, Height

The vertical distance between the average grade and the highest point of the roof surface for flat roofs, to the deck line of Mansard roofs; the average height 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. (See *Figure 2-5*)

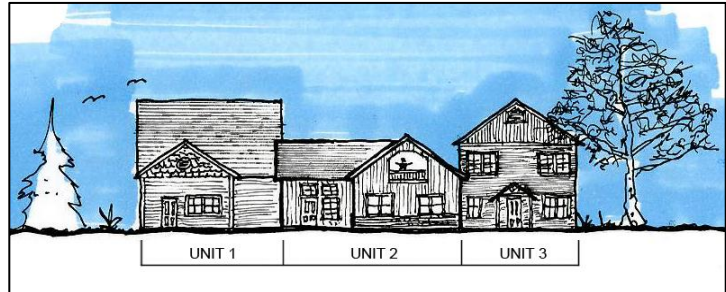
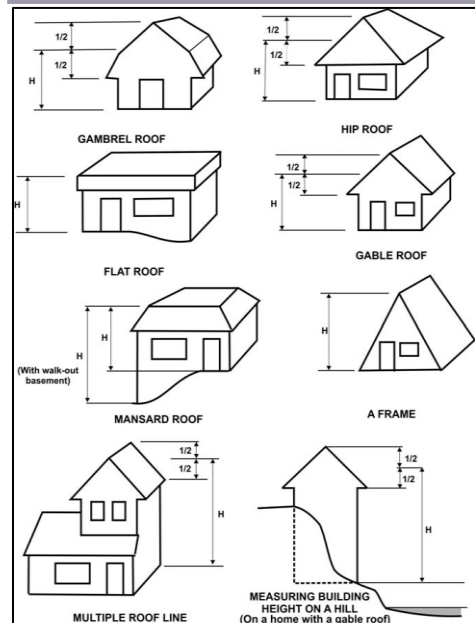


Figure 2-4: Attached (above) and Detached Building (below)



Figure 2-5: Building Height



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Building, Nonconforming

Any structure, the construction of which was lawfully established prior to the passage of this *Ordinance* (or any amendments thereto), which for any reason does not meet all of the applicable regulations contained in this *Ordinance* (or its amendments).

Building, Principal (see *Principal Building*)

Building Scale

The perceived relative height and bulk of a building relative to that of neighboring buildings.

Building, Temporary

A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction or as an office until the construction work is complete.

Building, Vacant

Any building or structure that is not occupied, used, or inhabited on a regular and continuing basis by some person with a valid claim of right to possession or a fee simple title. The intrusion of trespassers or squatters into such buildings on any basis shall not render such building occupied or non-vacant within the meaning of this *Ordinance*.

Business Service Establishments

Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis.

Campground

Defined per the *Public Health Code P.A. 368 of 1978, MCL 333.12501, as amended* as a parcel or tract of land under the control of a person, in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the *Mobile Home Commission Act, P.A. 96 of 1987, as amended*.

Camper Trailer

A vehicular portable temporary living quarters used for recreational camping or travel and of a size and weight as not to require special highway movement permits when drawn by a motor vehicle.

Canopy

A permanent roof-like cover, usually of metal, wood, or glass, designed and intended for protection from the weather or as a decorative embellishment, and is free-standing or which projects from a wall or roof of a structure over a window, walkway, door, etc.

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Carpport

A covered, partially open structure intended to shelter one or more vehicles.

Child

A person under 18 years of age.

Child Care Center (same as *Day Care Center*)

Facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Includes the same provisions and exclusions as defined in *P.A. 116 of 1973, MCL 722.111, as amended.*

Child Care Home, Family (same as *Day Care Home, Family* or *Day Care Home, Private*)

A private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. Does not include an individual providing babysitting services for another individual as defined in *P.A. 116 of 1973, MCL 722.111, as amended.*

Child Care Home, Group (same as *Day Care Home, Group*)

A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Child Caring Institution

A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program shall not be the primary purpose of the facility. Includes a maternity home for the care of unmarried mothers who are minors. Also includes an agency group home that is a small child caring institution owned, leased, or rented by a licensed agency providing care for more than four but less than 13 minor children. Also includes institutions for mentally retarded or emotionally disturbed minor children. Does not include a licensed hospital, nursing home, or home for the aged, a licensed boarding school, a mental health hospital or facility, a licensed adult foster care family home, or a licensed adult foster care small group home as described in *P.A. 116 of 1973, MCL 722.111, as amended.*

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Children's Therapeutic Group Home

A child caring institution receiving not more than six minor children who are diagnosed with a developmental disability as defined in section 100a of the mental health code, or a serious emotional disturbance as defined in section 100d of the mental health code *P.A. 258 of 1974, MCL 330.1100, as amended*. Meets all of the following requirements: 1) provides care, maintenance, and supervision, usually on a 24-hour basis, 2) complies with the rules for child caring institutions, except that behavior management rooms, personal restraint, mechanical restraint, or seclusion which is allowed in certain circumstances under licensing rules are prohibited in a children's therapeutic group home, 3) is not a private home, and 4) is not located on a campus with other licensed facilities.

Church

A building wherein persons regularly assemble for religious worship, meetings and other activities, and which is maintained and controlled by a religious body with tax-exempt status organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

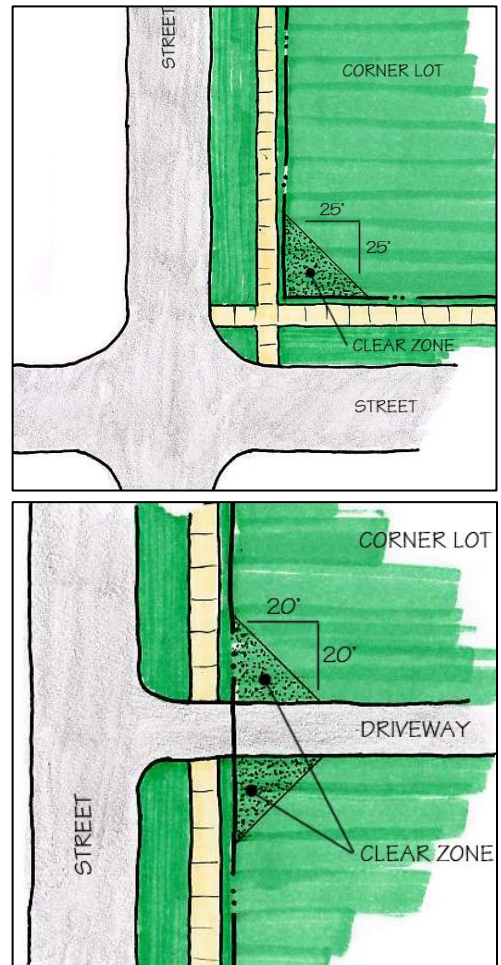
Clear Vision Area

Corner areas at intersecting streets, alleys and driveways in which unobstructed vision of motor vehicle operators is maintained as shown in Figure 2-6. At the intersection of two streets, or where a street intersects with an alley the clear vision triangle is defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two. At the intersection of a driveway and a street, the clear vision triangle is defined by measuring two sides of the triangle each twenty (20') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two, and applied to both sides of the driveway. The vertical dimensions of the clear vision triangle include unobstructed areas to be maintained between twenty-four (24) and ninety-six (96) inches above the grade of the lower roadway or driveway.

Cluster Development

An approach to designing a site that maximizes the conservation of open space by placing dwelling units and other structures in closer proximity than usual while retaining the remaining land for recreation, open space, or preservation of sensitive land features.

Figure 2-6: Clear Vision Area



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Commercial

An occupation, employment, or enterprise that is carried on for profit.

Common Area

Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Communication Tower

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

Community Garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Composting

Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Composting Facility

A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Condominium, Contractable

A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with the *Condominium Act P.A. 59 of 1978, as amended*.

Condominium, Convertible Area

A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the *Condominium Act P.A. 59 of 1978, as amended*.

Condominium, Expandable

A condominium project to which additional land may be added in accordance with the *Condominium Act P.A. 59 of 1978, as amended*.

Condominium Project

A plan or project including not less than two condominium units established and approved in conformance with the *Condominium Act P.A. 59 of 1978, MCL 559.10, as amended*.

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Condominium Subdivision

A division of land on the basis of condominium ownership, pursuant to the *Condominium Act P.A. 59 of 1978, as amended* and which is not subject to the provisions of the *Land Division Act, P.A. 288 of 1967, as amended*. Also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this *Ordinance*, the terms below are defined as follows:

1. **Building Envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed.
2. **Building Site:** That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the *Zoning Ordinance* (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "*building site*" shall be considered to be the equivalent of a "*lot*."
3. **Condominium Unit:** That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The term "*condominium unit*" shall be equivalent to the term "*lot*" or "*building site*", for purposes of determining compliance of the site condominium subdivision with the provisions of this *Ordinance* pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.
4. **General Common Area:** That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Master Deed.
5. **Limited Common Area:** That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.
6. **Limited Common Element:** That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.
7. **Master Deed:** The document recorded as part of a condominium subdivision that contains the exhibits and incorporates by reference the approved bylaws for the Condominium Subdivision and Plan.
8. **Plan:** The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Connected Parking Lot

Two or more parking lots that are connected by cross access.

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Conservation Easement

The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in *Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended*, when applied to a cluster development or open space development as follows: an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

Contiguous (same as *Abutting, Adjacent*)

Next to, touching, having property or district lines in common.

Convalescent Home (same as *Nursing Home*)

A building having a principal purpose of providing of sleeping, eating, and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and nursing care.

Convenience Retail Establishments

An establishment offering for sale mainly prepackaged food and beverage products, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption directly to the ultimate consumer. Not a drive-through establishment, but one designed to attract a large volume of stop-and-go traffic.

Cross Access

A service road or driveway providing vehicular access between two or more contiguous sites so the driver need not enter the public road system.

Cul-de-sac

A street with a single common ingress and egress and with a turnaround at the end.

Cut off Plane

A plane above a light source above which light from the light source does not penetrate. Full cut off fixtures do not allow light to be emitted above the fixture, and the fixture reduces glare by limiting the light output to less than ten (10) percent at and below ten (10) degrees below the horizontal.

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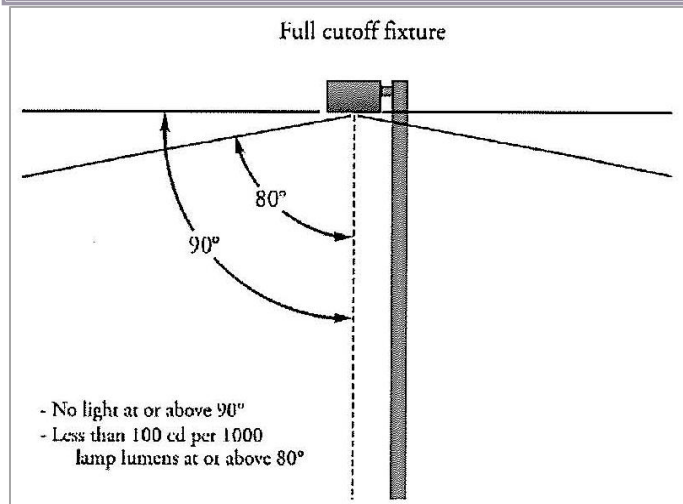
Cut off Angle

An angle measured up from its lowest point, the vertical position directly under the light source, to the cut off plane.

Dangerous Building

An unlawful condition of a building defined as having one or more defects as defined in the *Michigan Housing Law, P.A. 167 of 1917, as amended, MCL 125.53* and as summarized by the following. Conditions relate to non-conformance of ingress and access ways to approved fire codes, compromised structural strength or stability, failure to meet the minimum requirements of the building code, probability of injury due to collapse, settling that compromises wind stability, unsafe or unsanitary conditions, dilapidation or deterioration that is an attractive nuisance, interior that is exposed to the elements or to trespassers, and unoccupied condition for 180 consecutive days without proper notice per the *Michigan Housing Law*.

Figure 2-7: Lighting cut off



Day Care Center (see *Child Care Center*)

Day Care, Group Home (see *Child Care Home, Group*)

Day Care, Private Home (see *Child Care Home, Family*)

Deck

An unroofed structure built as an aboveground platform either freestanding or attached to a building and supported by pillars or posts.

Deed Restriction

A private legal restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Demolition

Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements.

Density, Net (see also *Acre, Net*)

The total number of dwelling units divided by the net acreage of the project area.

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Density, Gross (*see also Acre, Gross*)

The total number of dwelling units divided by the gross acreage of the project area.

District

A geographic area within the Township within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this *Ordinance*. The terms “district” and “zone” are synonymous.

Division

The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of section 108 and 109 of the *Land Division Act, P.A. 288 of 1967, MCL 560.108 to 560.109, as amended*. Division does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the *Land Division Act, P.A. 288 of 1967, as amended* or the requirements of an applicable local ordinance.

Dock

A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

Drive-Through Establishment

An establishment that dispenses products or services to patrons who remain in vehicles.

Driveway

A private means of vehicular access connecting a public right-of-way such as a street or alley to a parking or loading area, garage, dwelling, or other structure or area.

Driveway, Shared

A driveway connecting two or more contiguous properties to the public road system.

Driveway Spacing

The distance between driveways as measured from the centerline of one driveway to the centerline of the second driveway along the same side of the street or road.

Dwelling, Multiple-Family

A residential building containing three or more dwelling units, each with not more than one family.

Dwelling, Single-Family

A detached residential building containing only one dwelling unit, and occupied by not more than one family.

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Dwelling, Two-Family (Duplex)

A detached residential building containing two dwelling units, each with not more than one family. Also known as a duplex.

Dwelling Unit

One or more rooms connected together but structurally divided from all other rooms in the same structure, constituting a separate, independent housekeeping establishment and containing independent kitchen, bathroom and sleeping facilities.

Earth Material

Any mineral, rock, natural soil, overburden, or fill, or combination of such materials.

Earthwork

The removal of earth materials, clearing of vegetation, mass grading, or re-grading of a site.

Easement

That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots.

Eave

The overhanging lower edge of a roof.

Eave Height

Eave height shall be measured at the bottom of the top layer of roofing material at its outermost point from the building wall.

ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit

A temporary accessory structure and use on a single residential lot for occupancy only by immediate family members of the occupiers of the principal structure on the lot.

Egress

An exit.

Electrical Code

The electrical code as currently enforced pursuant to the laws of the State of Michigan.

Environmentally Sensitive Area

An area with one or more of the following characteristics: slopes in excess of 20 percent; floodplain; soils classified as having a high water table; soils classified as highly erodible, subject to erosion, or highly acidic; land incapable of meeting percolation requirements; land formerly used for landfill operations or hazardous industrial use; fault areas; stream corridor; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for

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wildlife; or any other area possessing environmental characteristics similar to those listed herein.

Erected

Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities and the like, shall be considered a part of erection.

Erosion

The removal of soil through the actions of water, wind, gravity, or a combination.

Essential Services

Means the erection, construction, alteration or maintenance by public utilities or municipal departments, of overhead, surface, or underground gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare. Does not include communication towers or office buildings, substations, or structures for service equipment or maintenance depots.

Exempt Split

The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent per the *Land Division Act, P.A. 288 of 1967, MCL 560.102, as amended*.

Expansion (same as Addition)

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Extractive Industries

Industries engaged in excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.

Façade

That portion of an exterior building elevation facing the street space. Building elevations facing interior courts, common lot lines, and alleys are not facades.

Family

A basic unit having at its nucleus one or two persons who may be providing care for their children (whether related by blood, marriage, guardianship, duly-authorized custodial relationship, or adoption) and/or elderly parents plus not more than two other persons; or, not more than four unrelated persons living together as a single housekeeping unit.

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Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, per the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.*

Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products as outlined in the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.*

Farm Product

Those plants and animals useful to human being produced by agriculture and includes, but is not limited to, biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, trees and tree products, mushrooms, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture. Per the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.*

Farm Stand

A building or structure used for the retail sales of agricultural produce.

Farmer's Market

An occasional or periodic market held in an open area or in a structure where individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages.

Fence

A structure of definite height and location to serve as an enclosure in carrying out the requirements of this *Ordinance*; a barrier designed to bound an area.

Fence, Height

The average distance between the top element in the fence and the adjacent grade along any unbroken run of fence.

Fence, Living

A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy, or mark a boundary for all or any part of a lot.

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Fence, Privacy

A solid fence erected or constructed to prevent views across the fence line.

Fence, Screening

A structure of definite height and location, maintained to prevent passage of light and to screen and separate a use from adjacent property. Unless otherwise regulated in this *Ordinance* or as required by the Board of Zoning Appeals or the Planning Commission in carrying out the spirit and intent of this *Ordinance*, a screening fence shall be an obscuring fence or wall not less than four feet in height.

Fill

Any material, including by way of illustration earth material, concrete, rubble, and wood waste, that is placed or deposited on the surface of the ground resulting in a change in natural surface elevation.

Flag

A flexible piece of fabric or other material used as a symbol of a unit of government or political subdivision.

Floodplain

A relatively flat or low land area adjoining a river, stream, lake, or watercourse which is subject to partial or complete inundation; or, an area subject to the unusual and rapid accumulation of runoff or surface waters from any source. This area includes floodway (channel and flood areas with flow), and flood fringe (flood areas with little or no flow).

Floor

The level base of the room, hollow structure, or enclosed area, including basements.

Floor Area

The sum of the total gross area of all floors as measured to the outside surfaces of exterior walls.

Food and Drink Establishments

An establishment where food and drink are prepared, served, and consumed primarily on the premises.

Footcandle

A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Foster Care

The provision of supervision, personal care, and protection in addition to room and board for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

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Foster Family Home

A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the adoption code, *chapter X of P.A. 288 of 1939, MCL 710.21 to 710.70, as amended*, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. *Per P.A. 116 of 1973, MCL 722.1, as amended.*

Foster Family Group Home

A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to *chapter X of P.A. 288 of 1939, MCL 710.21 to 710.70, as amended*, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. *Per P.A. 116 of 1973, MCL 722.11, as amended.*

Fraternity or Sorority House

A building occupied and maintained exclusively for students affiliated with and formally recognized as a group by an academic or professional college or university or other recognized institution of higher learning.

Frontage (*as pertains to sign regulation*)

A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way.

Frontage Road (*same as Service Drive*)

A local street/road or private road typically located in front of principal buildings and parallel to an arterial to give access to abutting properties for the purpose of controlling access to the arterial.

Garage Entry

An opening (with curb cut) in the building façade and/or street wall where vehicles may access the block interior for parking and business servicing.

Garage, Private

An accessory building or portion of the principal building used for storage by the occupant of the principal building, with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Repair

Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, storage, or refinishing of motor vehicles is conducted.

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Garage Sale (*same as Yard Sale*)

The sale or offering for sale to the general public of items of personal property by the owner or tenant of a lot on which a dwelling unit is located, whether within or outside the dwelling unit, a garage or other accessory building.

Garden

A tract of land devoted to outdoor cultivation of flowers, fruits, vegetables, or small plants, and unenclosed by any structure other than a fence.

Gas Station (*see Automobile Service Station*)

Generally Accepted Agricultural and Management Practices (GAAMP)

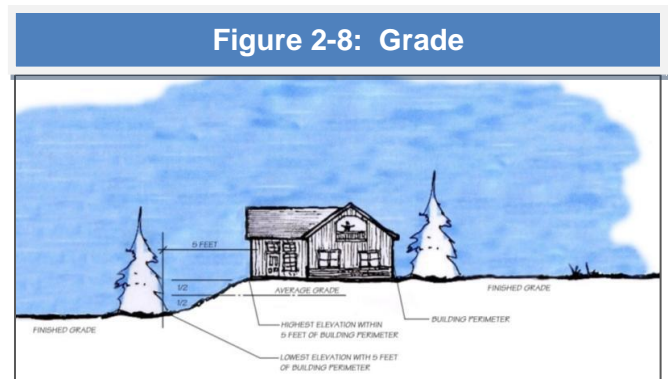
Those practices as defined by the Michigan Commission of Agriculture.

Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade

The vertical elevation of the ground surface.



Grade, Average

The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure not including window wells or required basement egress. (See Figure 2-8)

Grade, Finished

The final grade of the site after man-made alterations that conforms to the approved plan.

Grade, Natural or Existing

The elevation of the ground surface in its natural state, before man-made alterations.

Greenhouse

A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

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Greenway

A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. *Per P.A. 110 of 2006, MCL 125.3102, as amended.*

Ground Cover

Living plants designed to grow low to the ground (generally one foot or less), forming a continuous vegetative surface, and intended to stabilize soils and protect against erosion.

Ground Story

The first level of a building at or above grade.

Group Residential Facility

The use of a site for occupancy by groups of people not defined as a family, and who are not mentally ill or developmentally disabled, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding/lodging houses, convents, and monasteries.

Hard Surface

Compacted gravel, concrete or asphalt pavement, pavers or other products designed for parking.

Hazardous Substance

Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to the public health, safety, or welfare or to the environment. Includes "*Hazardous substance*" as defined in the *Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767*, and "*Hazardous waste*" as defined in the *Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103*, and "*Petroleum*" as defined in the *Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii)*.

Height, Building (see *Building, Height*)

Height, Eave (see *Eave Height*)

Home for the Aged

Provides 24 hour room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 60 years of age or older, or a home with 20 or fewer individuals 60 years of age or older that is operated in conjunction with and as a distinct part of a licensed nursing home.

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Home Occupation

A commercial activity, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence, and does not alter the exterior of the property or affect the residential character of the neighborhood.

Hospital

An institution providing health services for inpatient and/or outpatient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, outpatient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hotel

A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding or rooming house as defined in this *Ordinance*.

Impervious Surface

Any which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including building roofs, paved asphalt or concrete surfaces, and dense gravel surfaces.

Impervious Surface Coverage

A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, concrete, asphalt, or other hard surface.

Independent Living Facility

Rental units limited to occupancy by elderly persons and/or persons with disabilities in which personal services or health services are not included as part of the rent, though they may be available on site and may be purchased by residents for an additional fee.

Industrial Park

A coordinated development for a variety of industrial and related uses, developed or controlled by one proprietary interest with an enforceable master plan and/or covenants, conditions, and restrictions.

Industrial Service Establishment

Establishment engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products, generally not attracting the general public.

Industry

The manufacture, fabrication, processing, assembly, reduction, or destruction of any article, substance, or commodity in such a manner as to change the form, character, or appearance thereof, and may include associated warehousing and/or storage facilities.

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Industry, Heavy

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions with significant external effects.

Industry, Light

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing or the presence of hazardous or nuisance materials.

Ingress

Access or entry point or entrance.

Institution

A building or premises occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intersection

The location where two or more roadways cross at grade without a bridge.

Junk

Any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction material, household wastes including garbage and discarded appliances, and yard debris, which is collected, stored for salvage, destruction, or conversion to some use.

Junk Yard

Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, dismantling, disassembly, dumping, display, resale, exchange, bailing, cleaning, handling or disposal of junk or other salvaged materials but excluding such uses when conducted entirely within a completely enclosed building or when used as part of manufacturing operations.

Kennel

Any premises where domestic animals, such as dogs and cats, are confined, boarded, trained, treated, or groomed for compensation or bred or raised for sale purposes.

Landscaping

An area set aside from structures and parking which is characterized by the installation and permanent maintenance of vegetation and natural features. It includes the preservation of existing vegetation and the continued maintenance thereof and the installation of minor decorative features such as permeable paving materials, walls, fences, and street furniture.

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Live/Work Space

Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Loading Zone

An off-street area on the same lot with a building, or group of buildings, for temporary access and parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot (same as Parcel)

Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this *Ordinance*, and having its principal frontage upon a public street or on an approved private road or approved access easement.

Lot, Corner

A platted parcel of land abutting two road rights-of-way at their intersection, or a lot abutting upon a curved street or streets involving a change of direction. (See *Figure 15-11*)

Lot, Depth

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See *Figure 2-9*)

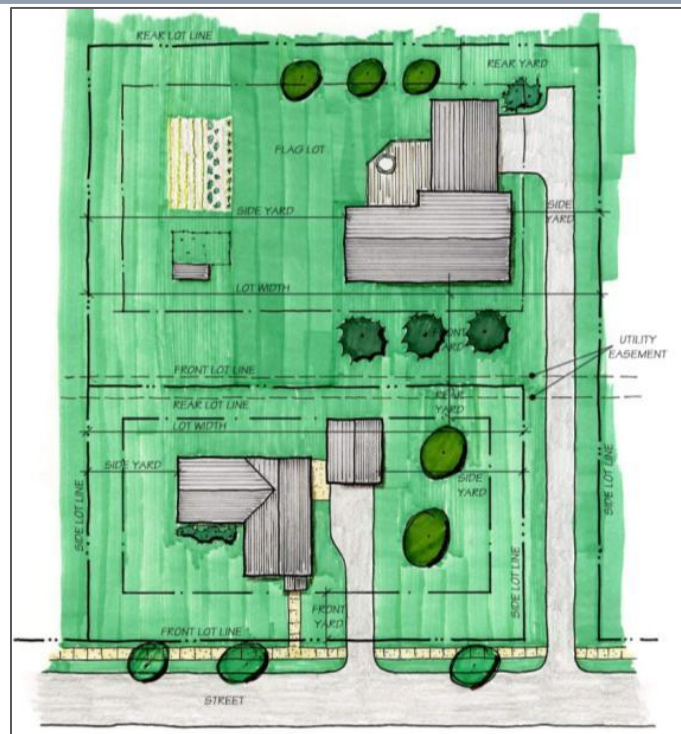
Lot, Flag

A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. (See *Figures 2-10 and 2-11*)

Lot, Interior

Any lot other than a corner lot which has only one lot line fronting on a street. For this purpose, an alley is not considered a street unless the lot has no lot line fronting on a street. (See *Figure 2-11*)

Figure 2-9: Lot Frontage, Width & Depth



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Lot Lines, Common

Lot lines shared by adjacent private lots.

Lot Lines, Front

In the case of an interior lot, the line separating that lot from the street, a private road, or other access easement. In the case of a corner lot or through lot, the line separating that lot from either the street, a private road, or other access easement, and bearing the assigned street address for that lot. In the case of a flag lot, the line parallel and nearest to the main roadway. (See Figures 2-9 and 2-10)

Lot Lines, Rear

The line opposite the front lot line. In the case of a corner lot or through lot, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figures 2-9 and 2-10)

Lot Lines, Side

Any lot line other than the front lot line or rear lot line. (See Figures 2-9 and 2-10)

Lot of Record

A lot which is part of a plat or a lot or parcel described by metes and bounds recorded in the Office of the County Register of Deeds at the time of adoption of this *Ordinance*.

Lot, Through

An interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. (See Figure 2-11)

Lot Width

The horizontal distance between the side lot lines, measured at the front setback, or if no front setback is established, the distance between the side lot lines measured along the lot line abutting a named or numbered street. For corner lots having only one side lot line, the distance shall be measured from that side lot line to the opposing front lot line. (See Figure 2-10)

Figure 2-11 (left): Lot Types



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Lumen

A unit used to measure the actual amount of light that is produced by a bulb, which quantifies the amount of light energy produced by a lamp at the lamp.

Major Street

Any street designated as a major street pursuant to *P.A. 51 of 1951*.

Mansard Roof

A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

Manufactured Home

Factory-built, single-family dwelling units prefabricated in part or total which meet the *HUD Code 42 USC Sec 5401 (Federal Manufactured Home Construction and Safety Standards Act)*, and is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Manufactured Housing Community

A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the *Federal Manufactured Home Construction and Safety Standards Act*, and transported, sited and installed in compliance with the act and state requirements in the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302*.

Master Plan

A compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development, both public and private, of the community, and complying with the standards of the *Michigan Planning Enabling Act, P.A. 33 of 2008*.

Median

The portion of a divided roadway or divided entrance separating the traveled ways from opposing traffic. Medians may be depressed, painted or raised with a physical barrier or may be landscaped.

Minor Street

Any street designated as a minor street pursuant to *P.A. 51 of 1951*.

Mixed Use Development

The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, vertically or horizontally integrated, and sharing a common circulation system including both vehicular and pedestrian ways and possibly a system of common open spaces including recreational and natural areas.

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Mobile Home

Per the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302*, a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Park

A parcel or tract of land under the control of a person upon which three 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302, as amended*.

Mobile Home Park, Seasonal

Per the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302, as amended*, a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Seasonal mobile home park does not include a campground licensed pursuant to the *Public Health Code, P.A. 368 of 1978, MCL 333.12501 to 333.12516, as amended*.

Motel

A series of rental units, each containing at least a bedroom and bathroom, provided for compensation to transient guests for overnight lodging, and in which access to and from each room or unit is through an exterior door.

Mural

A graphic displayed on the exterior of a building or structure generally for purposes of decoration or artistic expression, and not containing any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo.

Native Species

Plant and animal species that occur naturally in aquatic and terrestrial habitats.

Natural Areas

Land or water that is essentially unimproved and characterized by natural features, and devoted to open space or habitat use.

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Neighborhood

A subarea of the Township in which the residents share a common identity focused around a school, park, community business center, or other feature which is usually within walking distance of their homes, or which is bounded by physical barriers or natural features that distinguish it from other areas of the community.

Non-Conforming

A condition that occurs when an existing lot, structure, building, sign, development, or use of an existing lot or structure fails to conform to one or more of the regulations currently applicable to the zoning district in which the lot, structure, building, sign, development, or use is located, but which was conforming (“of record”) prior to the enactment of this *Ordinance* and became non-conforming on the effective date of adoption of this *Ordinance*, or an *Ordinance* text amendment or rezoning,

Nuisance

Anything, condition, or conduct that annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

Nursing Home (same as *Convalescent Home*)

A building having a principal purpose of providing of sleeping, eating, and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and full-time nursing care.

Occupancy

The purpose for which a building is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

Occupants, Capacity

Maximum number of persons who may occupy a structure as determined by the Township Fire Chief, as authorized by state or local statute.

Office

A building or portion of a building wherein services are performed including, predominantly administrative, professional, or clerical operations.

Off-Site

Outside the limits of the area encompassed by the lot or parcel of record on which the principal use is conducted.

On-Site

Within the limits of the area encompassed by the lot or parcel or record on which the principal use is conducted.

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Opacity

The degree to which materials or objects block light or view; the degree of non-transparency.

Open Space

Any unoccupied, at-grade area open to the sky and not covered by structures or devoted to vehicular use on the same lot with a building, as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Space Preservation

A condition where land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the *Zoning Ordinance*, and as long as a percentage of the land area will remain perpetually in an undeveloped state, and meeting certain conditions as defined in this *Ordinance*.

Outdoor Sales

The outdoor display and sales of goods or services in parking areas, sidewalks, and other locations outside of an enclosed building (does not apply to farmer's markets, produce stands, or yard sales as defined in this *Ordinance*).

Outdoor Storage

Keeping of personal or business property in an area outside of a building (does not apply to junk/salvage operations and yards or auto recycling centers as defined in this *Ordinance*).

Overlay District

A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Owner

An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property; a mortgagee or vendee in possession; an assignee of rents; one who has control as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

Parapet

The extension of the main walls of a building above the roof line.

Parcel (same as Lot)

Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this *Ordinance*, and having

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its principal frontage upon a public street or on an approved private road or approved access easement.

Park

Land that is publicly owned or controlled for the purpose of providing recreation or open space for public use.

Parking Lot

A ground level area, other than a street or other public way, improved for the temporary storage of motor vehicles, and available for public or private use whether for a fee or as an accommodation for clients, customers, residents, or employees. Improvements may include hard surface, pavement (impervious or permeable), or other approved, permeable, reinforced system.

Parking, Off-Street

The storage space for a motor vehicle on premises other than streets.

Parking, On-Street

The storage space for a motor vehicle that is located within the street right-of-way.

Parking, Reserved

Parking not available to the public, but only to specifically identified users (either a single user per space or a set of users for a group of spaces), whether for free or at a fee.

Parking, Shared

The approved use of a public or private parking area jointly by two or more uses.

Parking Space

An area of definite length and width, exclusive of driveways and aisles giving access thereto, and so prepared as to be usable for the parking of permitted vehicles and so located as to be readily accessible to a public street or alley.

Parking Structure

A structure, whether privately or publicly owned, fully or partially enclosed or located on the deck surface of a building, designed to accommodate vehicular parking spaces and access drives, aisles, and ramps. A separate structure that is accessory to a residential use is a garage and is not included as structured parking.

Parkway

The area of the right-of-way, excluding the sidewalk (if any), between the property line and the rear of the curb, or in the absence of a curb, between the property line and the nearest edge of the street paving, usually reserved for landscaping.

Path

A right-of-way or easement dedicated for non-motorized public pedestrian access.

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Path, Multi-Use

An off-street path physically separated from motorized vehicular traffic by an open space or barrier and that can be used by several transportation modes, including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

Pavement

A uniform, hard, and durable material composed of concrete or asphalt.

Pavement, Permeable

A pavement system with traditional strength characteristics, but which is permeable. Includes porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and pinned or interlocked in place that may incorporate grass or other landscaped surfaces.

Performance Guarantee

Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the municipality as assurance that required improvements or conditions associated with project approval are properly built and brought to completion or conformance.

Permanent Structure

Any building, structure, or utility/waste system designed, constructed, and intended for more than short-term use. Excluded are recreational vehicles, picnicking shelters, moveable storage sheds, stairways, docks, or erosion control structures.

Permeable

Surface maintained in its natural condition or covered by a material that permits infiltration or percolation of storm water directly into the ground at the rate of absorption of vegetation-bearing soils.

Person

Any individual, partnership, corporation, joint stock association, organization, association, trust, or any Township or state or any subdivision thereof; and includes any trustee, receiver, assignee, heir, executor, administrator, agent, or personal representative thereof.

Planned Unit Development (PUD)

A development of flexible design that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages according to the PUD requirements of this *Ordinance*, other applicable sections of this *Ordinance* and any additional requirements placed upon it by the Planning Commission. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements but meets the goals and criteria of the Planned Unit Development as stated in this *Ordinance* and as illustrated through the discretionary review process. A PUD shall not be allowed where approval is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated objectives.

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Plat

A map of a subdivision of land recorded with the County Register of Deeds pursuant to the *Land Division Act, P.A. 288 of 1967, MCL 560.102, as amended*, or a prior statute.

Porch

A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Practical Difficulty

The circumstances that may prevent a property owner from conforming with the strict letter of the *Ordinance* and from which a dimensional variance may be granted; provided that doing so will not be contrary with the intent and purpose of the *Ordinance*, will not cause a substantially adverse effect upon adjacent properties, will not essentially alter the character of the surrounding area, will not increase hazards or traffic congestion, and provided, however, that the plight of the owner is due to unique circumstances of the property and is not self-created.

Premises

A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal Building

A building in which is conducted the primary or predominant use of the lot on which it is located.

Principal Use

The primary or predominant use of any lot, building, or structure.

Private

Belonging to, or restricted for the use or enjoyment of particular persons.

Professional Engineer

An engineer registered in the State of Michigan.

Projection

A portion of the main building that projects from the wall or established foundation line, such as overhanging eaves, bay windows, balconies, etc.

Property

A lot, parcel, tract, or plot of land together with the buildings and structures thereon that is owned or possessed.

Public

The people as a whole; belonging or open to members of the community; anything owned or operated by government.

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Public Facility

Land and structures providing public services, including, but not limited to transportation, water, wastewater, stormwater, fire, police, emergency, utility, and communication systems or other publically owned uses such as government offices, schools, libraries, museums, tourist information centers, marinas, and trails.

Public Space

Open space or improved land and facilities commonly open to view by the public or accessible to the public.

Public Use

Government-owned facilities to which the public has access.

Public Utility

Any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulation to the public gas, steam, electricity, sewage disposal, communication, transportation, or water services.

Ramp

A sloping walkway, roadway, or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site or between structures and the ground for handicap access to buildings.

Rear Service Drive

A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Recreation and Entertainment Establishments, Indoor

Commercial business establishments whose principal purpose is to provide the general public with activities or services involving forms of play, amusement, or relaxation entirely within a building in exchange for a fee.

Recreation and Entertainment Establishments, Outdoor

Commercial business establishments whose principal purpose is to provide the general public with activities or services involving forms of play, amusement, or relaxation conducted almost wholly outdoors in exchange for a fee. May include open, partially enclosed, or screened facilities.

Recreational Structure

A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of residency.

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Recreational Vehicle

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle per the *Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302, as amended*.

Repair

The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Repair Services Establishments

Businesses that service or repair appliances, electrical equipment, or other mechanical equipment or consumer goods to individuals and households. Does not include repair of motor vehicles.

Residential

Activities in which occupants regularly use land as a permanent place for dwelling. Residential uses shall be considered to encompass all of the following: Dwelling Units (single family, two family, multiple family, mobile or manufactured home on an individual lot), Bed and Breakfasts, ECHO unit, Family Child Care Homes, Group Child Care Homes, Adult Foster Care Family Home, Adult Foster Care Small and Large Group Homes, Foster Family Home, Foster Family Group Home, State Licensed Residential Facility, Institutions for Human Care and Habitation, Community Residential Care Facilities, Group Housing, Mobile Home Park or Manufactured Housing Community, PUD with dwelling units, Resorts with Dwelling Units, Open Space or Rural Cluster Development as defined in this *Ordinance*.

Resort

A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this *Ordinance*.

Restaurant

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building, but may also include carry-out services for consumption off premises.

Restaurant, Drive In

A commercial establishment where food and beverages are served to the public for consumption on the premises by order from and service to vehicular passengers outside the building.

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Restaurant, Drive Thru

A commercial establishment where food and beverages are served to the public via direct service to vehicular passengers for consumption off premises, even if the premises also include areas where food and beverages are prepared, served, and consumed within the principal building or to vehicular passengers for consumption on premises.

Restoration

The reconstruction or replication of an existing building's original architectural features.

Restrictive Covenant

A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding on subsequent owners of the property.

Retail Establishments

An establishment whose principal activity is the purchase and resale, leasing, or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering of services incidental to the sale of such goods.

Retention

The permanent on-site maintenance of stormwater.

Right-of-Way

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries, and is dedicated or deeded to the public for public use and under the control of a public agency.

Riparian Buffer

A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

Road

All property dedicated or intended for public or private vehicular travel, including parking lanes and utility easements that are located in the area between the regularly established curb lines.

Road, Private

A private way or means of vehicular access to two or more abutting lots which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Road, Public

A road dedicated to the public, such dedication having been accepted by the appropriate road authority, which meets the minimum construction standards of said road authority.

Roadside (Food) Stand

An accessory structure for the seasonal retail sale of agricultural products.

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Roof

The top cover of any building or structure, including the eaves and similar projections but excluding chimneys, antennas, vents, solar collectors, mechanical equipment, and similar structures.

Rooming House (see also *Boarding House*)

A building where sleeping accommodations are available for remuneration for periods of one week or longer. Board may or may not be included with the accommodations.

Runoff

Water that flows at a rate above the infiltration rate of the surface material which causes water to flow over the ground surface.

Salvage

Any article or material that is to be or intended to be reclaimed or saved from destruction.

Salvage Yard

Any lot or parcel, or part thereof, including automobile graveyards, auto recycling centers, automobile wrecking yards, where any salvage materials, including a salvage vehicle or parts thereof, are located or stored for the purposes of resale, exchange, handling, or processing as parts or parts as salvage only.

Sauna

An accessory structure or room utilizing a steam bath or dry heat used for the purpose of bathing, relaxation, or reducing.

Sawmill

A facility where logs or partially processed trees are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Screen/Screening

A structure or vegetative barrier meeting the buffer requirements of this *Ordinance* that provides a visual or noise barrier between the area enclosed and the adjacent property.

Self-Service Storage Facility

A building or groups of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses and used for the storing of household and personal property with no commercial transactions permitted other than the rental of the storage units.

Service

A useful labor which does not produce a tangible commodity.

Service Drive (see *Frontage Road* or *Rear Service Drive*)

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Service Establishment

Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback Line

A line parallel to and equidistant from the relevant lot line (front, back, and side) between which no buildings or structures may be erected as prescribed in this *Ordinance*.

Setback, Shoreland

The minimum horizontal distance between a structure and the ordinary high water mark.

Sexually Oriented Businesses (SOB)

Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character. SOBs include but are not limited to adult book or video store, adult entertainment establishment, adult mini-theater, adult motion picture theater, and adult novelty business as defined below.

- **Adult Book or Video Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, computer software or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*," as defined herein.
- **Adult Entertainment Establishment:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of "*nudity*" or live performances presented for the observations of the patrons which have paid or promised to pay an admission fee, and which are characterized by the exposure of "*specified anatomical areas*" or by "*specified sexual activities*".
- **Adult Mini-Theater:** A commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by an emphasis on the depiction or description of "*specified sexual activities*" or "*specified anatomical areas*".
- **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "*specified sexual activities*" or "*specified anatomical areas*," as defined herein.
- **Adult Novelty Business:** A business that has as a substantial or significant portion of its activity in the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

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- **Nudity or State of Nudity:** The appearance or display of specified anatomical areas as defined below.
 - Specified Anatomical Areas Includes:
 - Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
 - Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - Specified Sexual Activities Includes:
 - Acts of human masturbation, sexual intercourse, or sodomy;
 - Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
 - Human genitals in a state of sexual stimulation or arousal.
 - Substantial or Significant Portion: A SOB will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:
 - Thirty-five (35) percent or more of the stock, materials, or services provided describes or relates to specified sexual activities, specified anatomical areas, or both.
 - Thirty-five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both.
 - The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

Shopping Center

A group of five or more separate commercial establishments with separate customer access which is planned, constructed, and managed as a unified entity fronting on privately owned common areas or shared on-site parking rather than a public street.

Shoreland

The land within a specified distance of the ordinary high-water mark of a water body, lake, river, or stream.

Shoreline

The area of the shoreland where land and water meet.

Sidewalk Café

An outdoor dining area on a public sidewalk or right of way where patrons consume food and beverages provided by an abutting food service establishment. Such establishments include either table service in the outdoor area or takeout items to be consumed there.

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Sidewalk Sale

Outdoor display and sale, conducted by the proprietor, of products normally sold inside a retail establishment.

Sidewalk Vendor

Any person engaged in the selling, or offering for sale, of food, beverages, merchandise, or services for immediate delivery from a vendor stand or from his or her person that is not located in, or in association with, a building.

Sight Distance

The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.

Sign

Any name, figure, character, image, outline, display, announcement, or illustration which is affixed to or located on, a piece of land, and which is designed to attract public attention from any street, right-of-way, sidewalk, alley, park, or other public property and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs. A sign shall not include any architectural or landscape features that may also attract attention.

Sign, Abandoned

A sign which for a period of at least ninety (90) consecutive days or more no longer advertises or identifies a legal business establishment, product, or activity.

Sign, Advertising

Any sign which identifies a product, or service or brand name offered to the public.

Sign, Alteration

Any change in copy color, size, or shape, which changes the appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a copy content change on a sign is not an alteration.

Sign, Animated

A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance.

Sign, Balloon

A lighter-than-air, gas-filled balloon, tethered in a fixed location, that has a sign with message on its surface or attached in any manner to the balloon.

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Sign, Banner

A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed on non-durable materials, including, but not limited to, cardboard, cloth, and/or plastic.

Sign, Billboard

An off-premises sign owned by a person, corporation, or the entity that engages in the business of selling the advertising space on that sign and is subject to regulation under the *Highway Advertising Act, Public Act 106 of 1972*.

Sign, Building Identification

Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

Sign, Canopy

Any permanent sign attached to or constructed underneath a canopy.

Sign, Changeable Copy

A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Sign, Commemorative Plaque

An inscribed tablet of brass or other non-corrosive metal or stone identifying a place of historical or cultural significance.

Sign, Construction Site

A nonpermanent sign identifying the persons, firms, or business directly connected with a construction project.

Sign, Directional

A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified uses on the property.

Sign, Electronic Message Centers

A sign or portion thereof on which the copy or symbols change automatically through electrical or electronic means (such as time and temperature units).

Sign, Entrance

A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution from a public right-of-way.

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Sign Face

An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Sign, Flag

A flexible piece of fabric or other material used as a sign that is not a symbol of a unit of government or political subdivision.

Sign, Freestanding

Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

Sign, Flexible

A sign made of fabric, plastic, or other flexible material, two-dimensional in nature.

Sign, Frontage

For purposes of sign regulation, the frontage of any building or site shall include the elevation(s) facing a public street or primary parking area or containing the public entrance(s) to the building or building units. For multi-tenant buildings, the portion of such building that is owned or leased by a single tenant shall be considered a building unit.

Sign, Frontage Primary

The portion of any frontage (as defined in "Sign, Frontage") containing the primary public entrance to the building or building units.

Sign, Frontage Secondary

Frontages (as defined in "Sign, Frontage") containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage.

Sign, Governmental

A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

Sign, Grade

The level of the site at the property line located at the closest distance to the sign.

Sign, Holiday Decorations

Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Sign, Home Occupation

A non-illuminated sign announcing a home occupation or professional service.

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Sign, Identification

A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address, and sets forth no other advertisement display.

Sign, Illegal

Any sign placed without proper approval or permits as required by this *Ordinance* at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this *Ordinance*.

Sign, Illuminated

Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Sign, Informational

A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, and similar features.

Sign, Length of Frontage

For measurement purposes, the length of any primary or secondary frontage as defined in the standards for measurement (Section 5.7.4) shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Administrator Planning Commission as clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Sign, Logo

An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Sign, Marquee

Any sign painted on or attached to or supported by a marquee, which is a permanent rooflike shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Sign, Mural

A painted design which covers all or a major portion of a wall, building, or structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Sign, Neon

A sign with tubing that is internally illuminated by neon or other electrically charged gas.

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Sign, Nonconforming

A sign lawfully existing on the effective date of this *Ordinance* which does not conform to one or more of the regulations set forth in this *Ordinance*.

Sign, Off Premise

Any sign used for promoting an interest other than that of a business, individual, product, or service available on the premises where the sign is located.

Sign, On Premise

Any sign used for promoting a business, individual, product, or service available on the premises where the sign is located.

Sign, Pennant

A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

Sign, Permanent

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

Sign, Political and Noncommercial

Any sign designed for the purpose of supporting or opposing a candidate, proposition, or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

Sign, Portable

A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), including trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.

Sign, Projecting

A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

Sign, Real Estate

Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Sign, Revolving or Rotating

An animated sign.

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Sign, Roof

Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

Sign, Sidewalk

A portable sign of A-frame or swinging-style construction used during the hours a business is open and stored inside when not in use.

Sign, Special Event

Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic, or special event of general public interest.

Sign, Temporary

A sign intended to be displayed for a limited period of time and one which is without permanent foundations or attachment to a permanent building.

Sign, Vehicle

Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

Sign, Wall

Any sign attached or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Sign, Window

Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

Single Ownership

Ownership by any one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

Site

One or more lots under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of this *Ordinance*.

Site Plan

A plan, to scale, showing existing site conditions and proposed alterations, construction, and uses for a site submitted in compliance with the requirements of this *Ordinance*.

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Site Work

Any of the following:

- Physical expansion of any principal or accessory building
- Alteration, replacement, addition, or removal of exterior building features.
- Alteration of the size, number, or location of curb cuts.
- Alteration of loading or unloading facilities.
- Alteration of existing off-street parking spaces or installation of new off-street parking spaces.
- Modification of landscaping.
- Relocation of an existing freestanding sign or installation of a new freestanding sign.

Slope

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, Steep

Slopes of twenty-five percent (25%) or more for a distance of fifty (50) feet or more.

Sod

A section of grass covered surface soil held together by matted roots.

Soil (Topsoil)

The top layer of native soil.

Solar Access

The ability to receive sunlight across real property to protect active or passive solar energy systems from shadows blocking exposure to the sun during specific hours.

Solar Collector

Any object that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar Energy

Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System

A passive design using natural and architectural components to collect and store solar energy without using any external mechanical power or an active mechanical assembly that may include a solar collector, storage facility, and any other components needed to transform solar energy for thermal, chemical, or electrical energy. Examples include a solar greenhouse, solar panels, solar hot water heater, photovoltaic panels, passive solar panels, and a large, clear south-facing expanse of windows.

Solar Orientation

Orienting (positioning) a structure to take full advantage of optimal solar access and performance.

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Special Land Use

A use that is not essentially incompatible with the uses permitted by right or with conditions in a zoning district, but possesses characteristics which require individual review and discretion in order to assure conformance with other agency standards or licensing requirements, avoid incompatibility with the surrounding area, and provide protection against nuisances or negative traffic, visual, environmental, privacy, and safety impacts. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit, in accordance with the standards set forth in this *Ordinance*.

Special Use Permit

A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in this *Ordinance*.

Stable, Private

An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

Stable, Commercial

A building or structure in which horses are kept for commercial use or remuneration including breeding, boarding, hire, sale, riding, show, or training.

State Licensed Residential Facility

A structure constructed for residential purposes that is licensed by the state under the *Adult Foster Care facility Licensing Act, P.A. 218 of 1979, MCL 400.701 to 400.737*, or the *Child Care Organizations Act P.A. 116 of 1973, MCL 722.111 to 722.128*, and provides residential services for six or fewer individuals under 24-hour supervision or care.

Stoop

A structure that serves as an exterior floor with a finished floor elevation higher than the adjacent ground level, primarily utilized as an access platform to a building or structure.

Story

That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story unless it is a walkout basement. (See *Figure 2-3*)

Street

A dedicated public right-of-way which affords the principal means of vehicular access to abutting property. A street includes the entire right-of-way and any improvements constructed thereon.

Street Light

A luminaire installed on both sides of streets.

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Streetscape

The visual image of a street, including the combination of buildings, signs, and other various components making up the street right of way area, including pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, public amenities, etc.

Structural Soils

An approved design medium which can meet or exceed pavement design and installation requirements while remaining root penetrable and supportive of tree growth.

Structure

Anything constructed or erected, the use of which requires permanent fixation on the ground or attachment to something having permanent fixation on or in the ground; including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure.

Structure Height

For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see building height.

Subdivision

The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of *the Land Division Act, P.A. 288 of 1967, as amended, MCL 560.108 and 560.109*. Does not include a property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of *P.A. 288 of 1967, as amended* or the requirements of this *Ordinance*.

Swimming Pool, Private

Any artificially constructed basin or other structure for the holding of water for use by the possessor, his family or guests, for aquatic activity and recreation. Does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than three hundred (300) gallons of water.

Tavern

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises. May also include dancing and musical entertainment.

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Telecommunications

Any origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, radio, television, optical, or other means.

Temporary Enclosure

Any moveable, tent-like shelter intended to provide protection from the elements for storage, but for which a building permit is not required. Considered a structure as defined under this *Ordinance*, and governed by the setback requirements of this *Ordinance* unless the enclosure is set up for special occasions or events and is not used for storage. Includes temporary garages of tent-like construction.

Tent

A structure or enclosure or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

Thoroughfare, Major

A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary, state trunkline, or interstate highway.

Topography

The physical land surface relief describing the terrain elevation and slope.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Traffic Calming

A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually involves reducing vehicle speeds, providing quality space for pedestrians and bicyclists, and improving the visual interest of the public space.

Trail, Accessible

A trail with amenities, trailheads, and facilities that comply with the accessibility guidelines of the ADA, including trail slopes and widths. Surface is blacktop, concrete, boardwalk, or firm gravel, limestone, slag, or soils.

Trail, Cross County Skiing

A groomed trail or pathway, or un-groomed trail open to cross-country skiing.

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Trail, Equestrian

A designated trail open to horseback riding.

Trail, Hiking

Natural or hard surface trails or pathways of varying widths that provide a variety of hiking challenges.

Trail, Mountain Biking

A designated, rugged, natural surfaced, single track trail that offers a range of riding opportunities.

Trail, Multiple Use

Trails offering a broad range of activity, consisting of both designated non-motorized trail activities such as hiking, mountain biking, jogging, rollerblading, horseback riding, and cross-country skiing, and motorized trail uses such as snowmobiling and off-road vehicles.

Trail, Off-Road Vehicle

A designated trail that offers riding opportunities for motorcycles, all-terrain vehicles (ATV), and 4x4 vehicles.

Trail, Snowmobiling

An area within a State Park or Recreation Area or a designated State trail that is open to snowmobiling activities.

Trail, Water

A signed water route with or without portages for non-motorized watercraft.

Transit

The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Travel Trailer

A vehicular portable structure mounted on wheels and of a size and weight as not to require special highway movement permits when drawn by a stock passenger automobile or when drawn with a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, constructed, and used to provide temporary living quarters for recreational camping or travel.

Unbuildable Area

An area that cannot be used practicably for a habitable structure because of natural conditions such as severe topographic relief, water bodies, or soil conditions; because the structure could not be built as a permitted use under existing development regulations in this *Ordinance*; or because physical or legal conditions prohibit access.

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Underground Storage Tank

A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Undeveloped State

A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public per *P.A. 110 of 2006, MCL 125.3102*.

Unrelated Individuals

Individuals who are not related by blood, marriage, or adoption. "Related by blood" shall mean whole or half relation between a common ancestor or descendent, brother or sister, uncle or aunt, niece or nephew, or first cousin.

Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land. Uses may be permitted by right (see ***Use, Permitted by Right***) and by special use permit (see ***Special Land Use***).

Use, Change of

A use of a building, structure or parcel of land, or portion thereof which differs from the previous use in the way it is classified in this *Ordinance*.

Use, Civic

Community uses open to the public including: meeting halls; libraries; schools; police and fire stations; governmental offices; places of worship; rooming houses; museums; cultural, visual and performing art centers; transit centers; public buildings; recreational facilities; and government functions open to the public.

Use, Conforming

Any use of a structure or land that is permitted by right, permitted with conditions, or permitted by special land use permit in the zoning district in which the lot, structure, building, sign, development, or land is located and which conforms to all regulations of this *Ordinance*.

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Use, Non-Conforming

A condition that occurs when a use of an existing structure or land fails to conform to one or more of the regulations currently applicable to the zoning district in which the lot, structure, building, sign, development, or land is located, but which was conforming (“of record”) prior to the enactment of this *Ordinance* and became non-conforming on the effective date of adoption of this *Ordinance*, or an *Ordinance* text amendment or rezoning.

Use, Permitted by Right

A use which is specifically authorized in a particular zoning district.

Utility

All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm, and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

Variance

A modification of the literal provisions of the *Zoning Ordinance*, granted by the Zoning Board of Appeals, when certain findings have been made as outlined in the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*. These findings seek to ensure that no variance is granted unless: (a) in the case of non-use variances, strict enforcement of the *Zoning Ordinance* would cause practical difficulty, as outlined in the aforementioned Act (b) in the case of use variances, the applicant demonstrates an unnecessary hardship exists as outlined in the aforementioned Act, (c) doing so would not be contrary to the public interest or the intent and purpose of the *Zoning Ordinance* (d) there are circumstances unique to the individual property on which the variance is granted, (e) the variance request is not due to actions of the applicant, (f) doing so will not cause a substantially adverse effect upon adjacent properties, or essentially alter the character of the surrounding area, or increase hazards, or increase traffic congestion.

Vegetation

Grasses, shrubs, trees, ground cover, and other plants which among other functions hold and stabilize soils and provide visual or aesthetic relief.

Vending

Any activity involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services from a nonpermanent location or structure.

Vibration (*as in nuisance*)

A rapid oscillation of a particle or elastic surface back and forth across a central position which may produce pulsing, throbbing, reverberation, or resonance.

View

The route that directs a viewer’s attention to a visually sensitive area from a defined observation point.

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Visually Sensitive Area

An area of visual significance to the community, which may include, but is not limited to skylines, ridgelines, bluffs, rock outcroppings, foothills, mountains, unique vegetation, floodplains, streams, surface water, and wildlife habitat.

Waterbody

Any significant accumulation of water, including any creek, stream, canal, river, lake or bay, or any other source, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Watercourse

Natural or once naturally flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

Waterfront

The land-water edge and the immediately adjacent property providing access to it.

Watershed

A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

Water Table

The upper limit of the portion of the soil that is completely saturated with water. The seasonal high-water table is the highest level to which the soil is saturated.

Wetland

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wind Energy Conversion System (WECS)

A machine that converts the kinetic energy in the wind into a useable form, commonly known as a “*wind turbine*”, “*wind generator*” or “*windmill*”; the WECS includes all parts of the system, including, but not limited to, the tower, pylon or other structure upon which any, all or some combination of components are mounted. The following associated definitions are also pertinent.

- **WECS:** A combination of:
 - A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
 - 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; and

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- The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
- **Tower Height:**
 - **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;
 - **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the WECS.
- **Survival Wind Speed:** The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

Wireless Communication Facilities

All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings, and public, private and commercial mobile radio service facilities.

Yard

Required open space on the same site as a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this *Ordinance*.

Yard, Front

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance permitted between the front lot line and the nearest point of the building.

Yard, Rear

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance permitted between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

Yard, Side

An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance permitted between the nearest point on the side lot line to the nearest point of the main building.

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Yard, Transitional

A required yard located on sites abutting zoning district boundaries for the purpose of creating a buffer zone to reduce conflict between incompatible districts.

Yurt

A generally round domed building constructed of a membrane stretched on a collapsible or rigid frame used for transient recreational activities.

Zone or Zoning district

A mapped area to which a uniform set of regulations governing the use of buildings and premises applies.

Zoning Administrator

The official hired for the purposes of enforcing and administering this *Ordinance*, and for carrying out certain duties and responsibilities as defined in this *Ordinance*.

Zoning Board of Appeals

The body appointed by the Township Board to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this *Ordinance* would involve practical difficulties or would cause unnecessary hardship to the property owner.

Zoning Permit

A document signed by the Zoning Administrator according to procedures established in this *Ordinance*, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this *Ordinance* or has been granted a variance therefrom, or has been granted a planned unit development approval or a Special Land Use Permit.

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ARTICLE 3 - GENERAL PROVISIONS

SECTION 3.01 – ZONING DISTRICT OVERVIEW

The purpose of this Section is to provide an introduction to the zoning districts within L'Anse Township, in relation to the Future Land Use Categories from the *L'Anse Township Master Plan of 2010: 2020 Vision*, and in relation to the zoning districts of the former L'Anse Township Zoning Ordinance. This summary is intended only as a guide to understanding the transition between the current and former zoning ordinance, and the connection with the Township master plan.

SECTION 3.02 – ESTABLISHMENT OF ZONING DISTRICTS

The *Michigan Zoning Enabling Act* establishes the authority of a local government to establish one or more districts within its zoning jurisdiction which regulate the use of land and structures for the various purposes contained within the Act. This includes the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and establishment of districts in areas subject to damage from flooding or beach erosion. The local unit of government may adopt regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. The zoning districts of the *L'Anse Township Zoning Ordinance* were designed to achieve the vision, goals, and objectives of the *L'Anse Township Master Plan of 2010: 2020 Vision*.

A. Base Zoning Districts

To achieve the purposes of this *Ordinance* and the L'Anse Township Master Plan, the L'Anse Township hereby establishes the following base zoning districts:

- R-1 –Residential
- R-2 - Mixed-Density Residential
- AG - Agriculture
- I - General Industrial
- M-1 - Mixed-Use Cluster
- M-2 - Corridor Mixed-Use
- CR – Conservation Recreation
- FR – Forest Resource

B. Overlay Zoning Districts

The provisions of an overlay district apply in addition to the provisions of the underlying base zoning district. To achieve the purposes of this *Ordinance* and the L'Anse

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Township Master Plan, the L'Anse Township hereby establishes the following overlay zoning district:

P-O—Resource Protection Overlay Zone

SECTION 3.03 - PROVISIONS FOR OFFICIAL ZONING MAP

- A. The boundaries of the respective zoning districts are defined and established as depicted on the official map entitled "L'Anse Township Zoning Map," which is an integral part of this *Ordinance*, and which, with the accompanying explanatory notes, shall be published as part of and incorporated by reference to the L'Anse Township Zoning Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map of the Zoning Ordinance of L'Anse Township, Michigan", together with the date of adoption of this *Ordinance*.
- C. One (1) copy of the Official Zoning Map shall be maintained and kept up-to-date in the office of the Zoning Administrator of L'Anse Township, along with a chronological file of the official actions taken.
- D. If, in accordance with the provisions of this *Ordinance*, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within ten (10) days after the amendment has been approved by the Township Board. No amendment to this *Ordinance* which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map. Amendments shall not be considered final, and building permits shall not be issued, until the appropriate amendments have been made on the Official Zoning Map. Each amendment shall be accompanied by a reference number on the map, which shall refer to the official action of the Township Board.
- E. Any unauthorized change on or defacing of the Official Zoning Map by any person or persons shall be considered a violation of this *Ordinance*.
- F. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map retained in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.
- G. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other

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errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, bearing the seal of the Township under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the *Zoning Ordinance* of the L'Anse Township, Michigan" together with the date of adoption of this resolution. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts that remain shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 3.04 - INTERPRETATION OF DISTRICT BOUNDARIES

Where a question arises with respect to the boundary of any district, the following shall govern:

- A. Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow the center lines.
- B. Where boundaries follow the shore line of a stream, lake, or other body of water, the boundaries shall follow such shoreline, and in the event of change in the shoreline, the boundaries shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel (such as a section or quarter-section line) shall be construed as following the lot line.
- D. A boundary indicated as following the municipal boundary line shall be construed as following the boundary line.
- E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
- F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
- G. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Appeals shall interpret the district boundaries.
- H. Should the above rules not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal.

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SECTION 3.05 - APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within L'Anse Township except as specifically authorized by this ordinance, in the zoning district in which said structure or use is to be located. Special Land Uses shall be allowed only if listed as a special land use specifically, or by necessary implication, in the zoning district in which the use is to be located, and only after a special land use permit has been approved by the Planning Commission, as provided in this *Ordinance*.

SECTION 3.06 - SCOPE OF PROVISIONS

Except as may otherwise be provided within this *Ordinance*, every building and structure erected, every use of any lot, and every enlargement of or addition to an existing use, after the effective date of this *Ordinance* shall be subject to all regulations of this *Ordinance* which are applicable in the zoning district in which such use, building or structure shall be located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel, has been issued in accordance with the law prior to the effective date of this *Ordinance* and provided that construction is begun within six (6) months of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of this *Ordinance*.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this *Ordinance*, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

No yard or lot existing at the time of adoption of this *Ordinance* shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this *Ordinance* shall meet at least the minimum requirements established by this *Ordinance*.

SECTION 3.07 - NUMBER OF BUILDINGS ON A LOT

Only one principle detached dwelling unit shall be located on a lot. A principle detached dwelling unit shall not be located on the same lot with any other principle building or structure.

SECTION 3.08 - TEMPORARY BUILDINGS AND STRUCTURES

A. Temporary Dwelling

A mobile home or travel trailer may be used as a temporary dwelling by a family while repairing or replacing its single-family residence rendered uninhabitable by a disaster such as fire, flood, windstorm or new construction. Such temporary dwelling shall be

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permitted only in the Residential or Agriculture zoning districts. Only a mobile home or travel trailer may be used as a temporary dwelling; a tent, basement, garage or similar unit shall not be used as a temporary dwelling in any zoning district.

1. In no case shall a temporary non-residential structure be allowed for longer than one (1) year.

B. Non-Residential Temporary Structure may be permitted as follows:

A non-residential temporary structure designed as a general sales office, financial institution, construction office, or a like structure and use is permitted in commercial and mixed use zoning districts as temporary.

1. In no case shall a temporary non-residential structure be allowed for longer than one (1) year.

C. Required Approval - A temporary structure shall not be occupied until a certificate of approval is granted by the Planning Commission.

D. Application - An application to the Planning Commission for a temporary structure is required and shall be filed with the Township Clerk.

E. Planning Commission Action - Upon determining that an application conforms to the regulations of this *Ordinance*, and the requirements for a certificate of approval, the Planning Commission shall approve the permit. The Planning Commission may attach conditions to its approval that it deems necessary to protect the public health, safety and welfare and to insure compliance with this *Ordinance*.

1. The temporary structure shall be removed within 30 days of the issuance of a certificate of occupancy for the permanent structure, or the date of the expiration of the temporary structure permit, whichever is first.

SECTION 3.09 - CONTINUANCE OF EXISTING NONCONFORMING USES, STRUCTURES AND LOT DIMENSIONS

A. A nonconforming use may continue in existence provided that it is neither enlarged or extended so as to occupy additional land area on the same or any other lot or parcel.

1. A nonconforming structure may continue in existence, provided that it does not subsequent to the effective date of this *Ordinance*, become more nonconforming.
2. The provisions of this *Ordinance* shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this *Ordinance* if such lot, building or structure was lawfully used for such purpose on the date of passing of this *Ordinance*, so long as it continued to be used for that purpose.

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3. Nonconforming lot dimension may continue in existence, provided that they do not, subsequent to the effective date of this *Ordinance*, become more nonconforming.
 4. Nothing in this *Ordinance* shall prevent the use of any lot, building or structure for any purpose prohibited by this *Ordinance* provided such lot, building or structure was lawfully used for such purpose on the date of passing of this *Ordinance*.
 5. Where a lawful structure exists at the effective date of adoption or amendment of this *Ordinance* that could not be built under the terms of this *Ordinance* because restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a) No such structure may be enlarged or altered provided that such enlargement or alteration does not increase the structures nonconformity.
 - b) Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- B. Abandonment of Nonconforming Use or Structure: If a property owner abandons a nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this *Ordinance*. When determining the intent of the property owner to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:
1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 2. Whether the property, buildings, and grounds have fallen into disrepair.
 3. Whether signs or other indications of the existence of the nonconforming use have been removed.
 4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

SECTION 3.10 - SITE DESIGN STANDARDS

The Planning Commission, in reviewing site plans, special uses, and other reviews, shall utilize the following standards. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are

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not intended to discourage creativity, invention and innovation. Additional requirements for site plan review are located in Article 14.

- A. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance on neighboring developed areas.
- B. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity.
- C. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D. Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely affect neighboring or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an efficient and approved manner. Surface water in 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 the paved areas.
- E. Electric and telephone lines shall be underground where practicable. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- F. The size, location, lighting and materials of all signage and outdoor advertising structures or features shall not detract from the design of the proposed buildings and structures and the surrounding properties.
- G. The standards of review outlined above shall also apply to all accessory buildings, structures, freestanding signs and other site features, however, related to the major buildings and structures.

SECTION 3.11 - OUTDOOR LIGHTING

All outdoor lighting luminaries other than decorative residential lighting such as porch, low level lawn lights, special seasonal lights such as Christmas lights and public street lighting, including, however not limited to pole mounted, including residential pole and building mounted yard lights and shall be subject to the following regulations:

- A. Lighting shall be designed and constructed in such a manner to:

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1. Insure that direct or directly reflected light unless part of a street lighting or access road lighting scheme is confined to the development site.
 2. That all light sources and light lenses are shielded.
 3. That any point light sources are not directly visible from beyond the boundary of the site (no light trespass).
- B. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. That is, the light rays may not be emitted by the luminaire at angles above the above-described horizontal plane, as may be certified by photometric test. The intensity of light at any angle above a cut off of seventy-five (75) degrees shall be less than ten (10) percent of the peak candela for the luminaire.

SECTION 3.12 - UNLISTED PROPERTY USES

When the proposed use of land or use of a structure is not specified in this *Ordinance*, the Zoning Board of Appeals shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Township master plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

SECTION 3.13 - OUTDOOR WOOD BURNING BOILERS AND APPLIANCES

Boilers/Units, outside wood burning, are a Permitted Use in the Agriculture, Conservation/Recreation, and Forest Resource Districts.

A. Conditions for Approval:

1. A setback of 75 feet from any and all lot/property lines, easements and right-of-ways;
2. Minimum chimney height of 8 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 200 feet, whichever is higher. The minimum chimney height shall be required for unenclosed and enclosed outdoor wood burning boilers.
3. No fuel other than natural wood without additives, wood pellets, without additives and agricultural seeds in their natural state may be burned;

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4. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and L'Anse Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.

SECTION 3.14 - SMALL OR INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS (WECS) CONDITIONS FOR APPROVAL IN SPECIFIED DISTRICTS WITHIN L'ANSE TOWNSHIP

- A. The proposed Small WECS will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
- B. The primary purpose Small WECS will be to provide power for the principal use of the property whereon said WECS is to be located and shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal use.
- C. The WECS and its location on said properties shall limit any noise from where said WECS is located. The additional side and rear yard setbacks from the required structure zoning ordinance setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed WECS.
- D. No variance shall be granted in connection with a proposed WECS to permit a height greater than 175 feet of the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
- E. No WECS shall be located within the front yard area.
- F. The Planning Commission may add additional reasonable conditions.
- G. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and L'Anse Township that the Zoning Administrator at any reasonable time may enter the property, for the purpose of inspection to determine compliance with above conditions.
- H. No WECS shall be erected until final site plan approval has been granted by the Planning Commission and permits issued by all government agencies involved.

The site plan, in addition to the above, shall also show:

1. Location of tower on-site and tower height, including blades,

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2. Underground utility lines within a radius equal to the proposed tower height, including blades,
3. Dimensional drawings, installation and operation instructions,
4. Design date indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions,
5. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes,
6. Any other information that the Zoning Administrator or the Planning Commission deemed necessary.

SECTION 3.15 - LARGE WIND ENERGY CONVERSION SYSTEMS (LWECS)

A. STATEMENT OF FINDINGS:

Wind energy is an abundant, renewable, and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

B. PURPOSE:

To protect public health and safety, L'Anse Township has included Large Wind Energy Conversion System Regulations into its Zoning Ordinance to regulate and provide guidance, approval, and denial processes for requests for installation of Large Wind Energy Conversion Systems (LWECS).

C. APPLICABILITY:

L'Anse Township Large Wind Energy Conversion System regulations apply to all unincorporated lands within the boundaries of L'Anse Township.

D. DEFINITIONS (apply only to this section):

"Applicant" means the person or persons, or entity applying for installation of a Large Wind Energy Conversion System.

"Decommissioning" means removal of a Large Wind Energy Conversion System or Met or SCADA Tower due to in-operation for a continuous period of 12 months, or the Large Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

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“Flicker” or “Shadow Flicker” means the effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point.

“Met or SCADA (Supervisory Control and Data Acquisition) Tower” means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large Wind Energy Conversion System.

“Owner” means the person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which the Large Wind Energy System or Met or SCADA Tower is or proposes to be located.

“Large Wind Energy Conversion System” (LWECS) means a Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 170 feet or more, or both.

“Nonparticipating Property” means real property on which either there is no Large Wind Energy System, or there is a Large Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.

“Participating Property” means real property on which a Large Wind System is located and that is in the same Wind Farm System as another Large Wind Energy System.

“Special Land Use Permit” means a permit for the installation of a Large Wind Energy System, as described in Article 13, Special Land Use Permits, of the L'Anse Township Zoning Ordinance.

“Total Height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

“Tower” means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.

“Wind Energy Conversion System” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

“Wind Generator” means the mechanical and electrical conversion components mounted on or near the Tower.

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“Wind Farm System” means a Large Wind Energy System that includes more than one Tower.

E. STANDARDS

The following standards shall be met before consideration by the Township of an application for a Large Wind Energy System, or a Met or SCADA Tower.

1. Zoning and Setbacks

A Large Wind Energy Conversion System may only be located in areas in L'Anse Township that are zoned Conservation and Recreation.

A Tower must be set back:

- a. At least 1.5 times its total height from the property line of a participating property;
- b. At least 1.5 times its total height from any public road or power line right-of-way; and
- c. At least 1,000 feet from the property line of a Nonparticipating Property, unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback that is less than 1.5 times the total height of the Large Energy Wind System.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process as set forth in Section 16.6 of this *Ordinance*. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

2. Spacing and Density

A Large Wind Energy System must be separated from every other Tower by a sufficient distance so it does not interfere with any other Tower.

3. Structure

A Large Wind Energy Conversion System must be a monopole construction to the extent practical. If monopole construction is not practical, a Large Wind Energy System must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Large Wind Energy System must be guyed.

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4. Height

The total height of a Large Wind Energy System must be 500 feet or less.

5. Noise

The noise generated by the operation of a Large Wind Energy System shall not exceed 55dB(A) at the property line closest to the Large Wind Energy Conversion System. Exceptions for neighboring property are allowed with the written consent of those property owners.

6. Blade Clearance

The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet.

7. Access

A Large Wind Energy System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

8. Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy Conversion System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground. Any electrical equipment associated with a Large Wind Energy Conversion System must be located under the sweep area of a blade assembly.

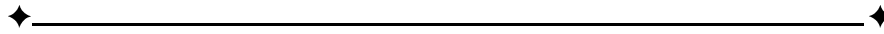
9. Lighting

A Large Wind Energy System may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

10. Appearance, Color, and Finish

The exterior surface of any visible components of a Large Wind Energy Conversion System must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within one mile of each other must be of uniform design, including Tower type, color, number of blades, and direction of blade rotation.

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11. Signs

No wind turbine, Tower, building or other structure associated with a Large Wind Energy Conversion System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with a Large Wind Energy Conversion System.

12. Code Compliance

A Large Wind Energy System must comply with all applicable federal, state, and local construction and electrical codes. A Large Wind Energy Conversion System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Large Wind Energy System complies with all applicable codes before placing the Large Wind Energy Conversion System into operation.

13. Signal Interference

The owner of a Large Wind Energy Conversion System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

14. Utility Interconnection

A Large Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

15. Environmental Impacts

A Large Wind Energy System shall comply with all applicable State and Federal laws.

16. Flicker or Shadow Flicker

The owner of a Large Wind Energy Conversion System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.

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F. APPLICATION PROCESS:

Requests for Large Wind Energy Conversion Systems shall be submitted for review, approval, or denial in accordance with Article 13 (Special Land Uses), and in conformance with Article 14 (Site Plan Review), and Article 16 (Zoning Board of Appeals) of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Large Wind Energy Conversion System.

If a Special Land Use Permit (Permit) is granted, it will expire if the Large Wind Energy System is not installed and functioning within two (2) years from the date the Permit is issued.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing:

1. The applicant and landowner's name and contact information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.
2. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
3. A survey map which clearly delineates the proposed location of the Large Energy Wind Conversion System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries or other structures to a distance one-half mile.
4. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shoreland.
5. Number, description, design, and manufacturer's specifications of each Large Wind energy System and Met or SCADA Tower, including the manufacturer, model, capacity, blade length, lighting, and total height of any Large Wind Energy Conversion System.
6. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including a certification showing compliance with all applicable electrical and building codes.

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7. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
8. Proposal for landscaping and screening.
9. A completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.
10. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
11. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
12. Location of any overhead utility lines adjacent to the property.
13. Written documentation demonstrating compliance with all requirements set forth in this *Ordinance*.
14. Written statement that the owner will construct and operate the Large Wind Energy Conversion System, Met or SCADA Tower, or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
15. Written statement that the owner will install and operate the Large Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
16. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this section for Large Wind Energy Conversion Systems.
17. Written statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by Section G of this Article, and that any removal and reclamation costs incurred by the Township will become a lien on the property and may be collected from the landowner in the same manner as property taxes. In this regard, the owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least \$20,000 for each Large Wind Energy

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Conversion System to guarantee the performance of the removal and reclamation requirements stated in Section G of this Article.

G. DECOMMISSIONING

A Large Wind Energy Conversion System or Met or SCADA Tower that is out-of-service for a continuous period of 12 months, or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice (Notice) to the owner. If, within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

H. ENFORCEMENT

The Zoning Administrator may enter any property for which a Special Land Use Permit (Permit) has been issued under this *Ordinance* to conduct an inspection to determine whether there is any violation of this *Ordinance*, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator may issue a citation for any violation of this *Ordinance*. Any person who fails to comply with any provision of this *Ordinance* or conditions stated in the Permit shall, upon conviction, be fined not less than \$500 or more than \$1,000 for each offense, together with costs of prosecution for each violation.

I. PRECEDENCE

Any conflicts that may exist between this Section (Section 3.17 - Large Wind Energy Conversion Systems) and any other sections of the L'Anse Township Zoning Ordinance, this Section shall take precedence.

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SECTION 3.16 – PARKING REQUIREMENTS

A. PURPOSE

This section is intended to support master plan goals for a balanced transportation system. Each property owner in every zoning district shall provide and maintain parking areas for off-street storage of motor vehicles adequate for the use of occupants, employees, and patrons of each property subject to the provisions of this *Ordinance*, except as otherwise provided by this *Ordinance*. Parking standards are intended to minimize the detrimental effects of parking surfaces on adjacent lands, improve the visual aesthetics of parking areas, prevent excessive amounts of off-street parking, encourage appropriate development and redevelopment, enhance the compatibility of auto circulation systems with pedestrian and bicycle circulation, and provide for more beneficial stormwater management.

B. APPLICABILITY

- a. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications or a change in use result in an increase in the required parking under this *Ordinance*, additional parking shall be provided and maintained as required by this *Ordinance*.
- b. No parking area, parking space, or loading area which exists on the effective date of this *Ordinance*, or which is later provided for in compliance with this *Ordinance*, shall thereafter be relinquished or reduced below the requirements established by this *Ordinance* until equal or better parking facilities in compliance with this *Ordinance* are provided, or until the Planning Commission determines that the parking requirements of the site have changed.

C. GENERAL PARKING AND LOADING REGULATIONS

1. Calculation of the Required and Allowed Number of Parking Space

The following standards shall be used to determine the required number of parking spaces:

- a. When a calculation determining the number of required parking spaces results in a fractional space, any fraction shall be counted as one (1) additional space.
- b. Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- c. When benches, pews, or other similar seating is used in calculations, each twenty-four (24) inches of that seating shall be counted as one seat, unless Table 3-3 specifies otherwise.

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- d. Plans and specifications showing the number of required off-street parking spaces for every use, as listed on Table 3-3, shall be provided and approved prior to the issuance of a zoning or building permit.
- e. Accessible parking spaces required under the Americans with Disabilities Act shall be counted toward the number of parking spaces required under this section.
- f. Loading and unloading spaces required shall not be counted toward the number of parking spaces required under this section.

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Table 3-3: Parking Standards -- Minimum number of parking spaces per unit of measure and per use	
Residential and Related Uses	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, and sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities (6 or less persons)	Four (4) spaces.
Convalescent homes, convents, and large residential care facilities (over 6 persons)	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple-family dwellings	One and a half (1.5) spaces for each dwelling unit.
Single- and two-family dwellings	Two (2) spaces for each family dwelling unit. Includes approach to garage on-site and stalls in garage.
Accessory dwelling unit	One (1) space per dwelling unit.
Educational, Government, Institutional, Civic Assembly	
Public buildings	One (1) space for each two hundred and fifty (250) sq. ft. of gross floor area used by the public, and one (1) space for each six hundred (600) sq. ft. of gross floor area not used by the public.
Religious institutions and houses of worship	0.25 times maximum seating capacity.
Theatre, Auditoriums, Spectator/Sports Arenas, studio (aerobics, dance, yoga, karate)	0.25 times maximum seating capacity or occupancy.
Educational and community centers	One (1) space per one-thousand (1,000) sq ft plus one (1) per classroom.
Hospital	Three (3) spaces per bed.
Outdoor recreation field	Six (6) spaces per one-thousand (1,000) sq ft.
Auto-Oriented Commercial and related uses	
Automobile rental, short-term	1.25 spaces per rental vehicle.
Car/Truck wash	Four (4) per premises and one (1) per stall over five (5) stalls.
Automobile service and repair garages; gasoline filling and service stations; vehicle wrecking, towing and storage	Two and a half (2.5) spaces for each repair and service stall, plus one (1) space for every employee.
Vehicle sales and lease	Three (3) spaces per one-thousand (1,000) gross sq ft.
Drive-through restaurants or fast-food establishments	One (1) space per sixty (60) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments that are carry-out or walk-up only, exterior seating only.	One (1) space for each employee, plus four (4) spaces.
Convenience store	One (1) space for each one-hundred fifty (150) sq. ft. of usable floor area.

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Table 3-3: Parking Standards -- Minimum number of parking spaces per unit of measure and per use	
Commercial and related uses	
Other business service establishments such as advertising, mailing, banking, employment, investment, real estate offices.	One (1) space for every three hundred (300) sq. ft. of usable floor area.
Contractor/building services.	One (1) space for every three hundred (300) sq. ft. of usable floor area.
Funeral/mortuary.	One-quarter (0.25) space per occupancy.
Food service establishments with sale and consumption of food and beverages on premises, including drive-in but not drive-thru.	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load as established by the local fire marshal.
Retail, General; except otherwise specified herein	Two and a half (2.5) spaces for every one-thousand (1,000) sq. ft. of usable floor area.
Retail, Outdoor nursery or garden center	Three-quarter (0.75) spaces for every one-thousand (1,000) sq. ft. of usable sales area.
Live/Work unit.	Two (2) spaces per unit.
Outdoor seating	One-quarter (0.25) space per four (4) occupancy.
Medical or dental office uses.	One (1) space for every two-hundred fifty (250) sq. ft. of usable floor area.
Barber shop, beauty salon, tanning, massage	Two (2) spaces per station.
Health or athletic club	Two and a half (2.5) spaces for every one-thousand (1,000) sq. ft. of usable floor area.
Motels, hotels and auto courts	One (1) space for each sleeping unit, plus, one (1) space for each two (2) employees.
Personal service establishment and veterinary	One (1) space per two hundred fifty (250) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Repair services	One (1) space per each two hundred fifty (250) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket	One (1) space for each two-hundred fifty (250) sq. ft. of usable floor area.
Taverns, bars	One (1) space for each seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
All indoor entertainment facilities	One (1) space for every two hundred and fifty (250) sq. ft. of usable floor area.

2. **Parking Requirement Deferment**
 - a. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of receipt of a written response to the request by the Zoning Administrator.
 - b. The site plan shall note the area where parking is being deferred, including dimensions and parking lot layout.
 - c. Proof of an approved stormwater management plan for the complete parking area, including any deferred spaces, must be submitted.

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3. **Additional Parking**
To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, no parking lot shall exceed the minimum parking space requirements by ten percent (10%) greater than required except as approved by the Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking will be required, based on documented evidence of actual use and demand provided by the applicant.

4. **Location of Parking**
 - a. *Same lot requirement:* Unless otherwise permitted under this *Ordinance*, all off-street parking facilities in residential districts shall be located on the same lot as the use they are intended to serve.
 - b. *Alleys:* Where a parking area abuts an alley, access to the parking area shall be obtained from the alley. Where a parking area does not abut an alley, and abuts two (2) or more streets, access to the parking area shall be from the street with the lower traffic volumes. The Zoning Administrator may waive this requirement if, due to the particular situation of the parcel, this requirement cannot be satisfied.

5. **Parking Area Review**
Whenever vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning and/or building permit is issued. Such plans and specifications shall at minimum include:
 - a. Existing and proposed grades
 - b. Location of buildings and parking areas, including size and site design
 - c. Basis of capacity calculation
 - d. Specifications on surface and base materials for construction
 - e. Locations and applicable dimensions of marking, lighting, drainage, curb cuts, entrances, exits, landscaping, signage, and any other detailed feature essential to the complete design and construction of the parking area.

D. GENERAL STANDARDS FOR OFF-STREET PARKING AREAS

All off-street parking, loading, and unloading areas shall be designed, constructed, and maintained in accordance with the following standards and requirements. For the purposes of this section, "parking area" shall mean any area serving as a parking area or a loading and unloading area:

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1. *Use:* Required parking areas shall be used only for the parking of vehicles, and not for material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance except as otherwise provided in this *Ordinance*.
2. *Safety:* Each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles and the access and safety of pedestrians and bicyclists.
3. *Ingress and Egress:* Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Except for parking areas accessory to single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty-four (24) feet wide for two-way access and at least sixteen (16) feet wide for one-way access.
4. *Maneuvering Lanes:* Each parking, loading, or unloading space shall be provided with adequate access by means of maneuvering lanes. The width of required maneuvering lanes for parking spaces varies, depending upon the proposed parking pattern as follows and as illustrated in Figure 5-1:
 - a. For right angle parking patterns, seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
 - b. For angle parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.
 - c. For angle parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be a minimum of sixteen (16) feet.
 - d. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
5. *Curbs and Vehicle Stops:* All off-street parking lots, access drives and aisles, and other vehicle maneuvering areas shall provide curbs or similar devices to prevent vehicles from overhanging on or into the public right-of-way, sidewalks, walkways, adjacent property, or landscape areas.
6. *Surfaces:* Parking areas shall be surfaced with a durable, smooth, and dustless material approved by the Zoning Administrator, such as asphalt, concrete, pavers, aggregate stone or gravel, or appropriately reinforced and constructed permeable surfaces such as permeable pavers or reinforced turf. The calculations for required stormwater management and retention measure may be adjusted for the use of permeable surfaces for paving.
7. *Drainage:* Parking areas shall be graded and provided with adequate drainage. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced if necessary, as long as the building it serves is occupied or the use is continued.

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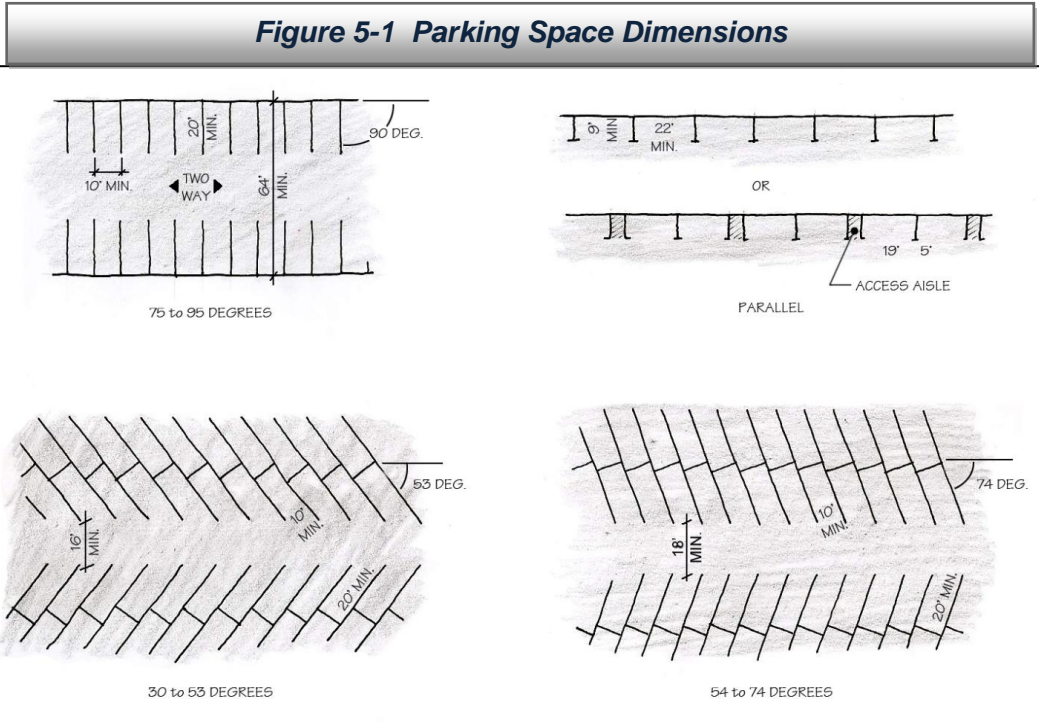


8. *Lighting:* Except for single-family and two-family residential lots, adequate lighting satisfying the requirements of this *Ordinance* shall be provided for each parking area.
9. *Connections:* When safe and feasible, adjoining parking areas of businesses on abutting properties in any district may be connected so that drivers of motor vehicles do not need to enter onto a street or road and then immediately exit in order to go from one establishment to another. The particular design of such connections shall be approved by the Zoning Administrator.

E. PARKING SPACE STANDARDS

1. *Handicapped:* All parking spaces shall be designed and located consistent with all applicable barrier free and handicapped parking requirements under federal, state, county, and local law.
2. *Space Delineation:* Each space shall be definitely designated and reserved for parking, loading, or unloading purposes exclusive of space requirements for adequate ingress and egress. Off-street parking areas of three (3) or more spaces and off-street loading areas shall include painted lines, curbs or vehicle stops, or other identifiers to delineate parking and loading areas.
3. *Dimensions:* Parking space dimensions are illustrated in *Figure 5-1*, and vary per parking configuration as below:
 - a. Minimum size. Each off-street parking space shall be not less than nine feet (9') wide and eighteen feet (18') long, exclusive of access drives or aisles.
 - b. For parallel parking, minimum stall dimensions are nine (9) foot width and twenty-two (22) foot length, or nine (9) foot width and nineteen (19) foot length.
 - c. For 30 to 53 degree angle parking, minimum stall dimensions are ten (10) foot width and twenty (20) foot length with a minimum sixteen (16) foot drive aisle between angled parking areas.
 - d. For 54 to 74 degree angle parking, minimum stall dimensions are ten (10) foot width and twenty (20) foot length with a minimum eighteen (18) foot drive aisle between angled parking areas.
 - e. For 75 to 90 degree angle parking, minimum stall dimensions are ten (10) foot width and twenty (20) foot length with a minimum twenty-four (24) foot two-way drive aisle between parking areas.
4. When individual garages are accessed directly from a street, garage doors and all required off-street parking spaces must be located at least twenty (20) feet from the front lot line to prevent obstruction of the sidewalk by parked cars.

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F. LOADING/UNLOADING SPACE STANDARDS

- a. **Required Space:** In all Districts, for every building or part thereof which is to be occupied by manufacturing, storage, warehouse, goods display, retail store or block of stores over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, motel, motor hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution of materials or merchandise by vehicle, there shall be provided and maintained on the same premises with the building off-street loading spaces in relation to floor areas (one per 10,000 square feet of useable floor area or fraction thereof, and one additional loading space for each additional 20,000 square feet of floor area or fraction thereof). If there is more than one principal use on a lot, and the uses can share the loading/unloading space, then the greater of the loading and unloading requirements for one of the permitted uses must be met. Accessible parking spaces required under the Americans with Disabilities Act and parking spaces required under Subsection E above shall not be counted toward the number of loading and unloading spaces required under this section.

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- b. *Dimensions:* Each loading and unloading space required by this section shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height.
- c. *Access:* Access to a loading and unloading space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley so as not to interfere with traffic on public streets or off-street parking. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street.
- d. *Design Requirements:* Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. No loading space shall be located closer than fifty (50) feet to any lot in any residential District, or fronting educational, recreational, or religious uses, unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformly painted solid board or masonry fence not less than six (6) feet in height.

G. PARKING LANDSCAPE STANDARDS

This section applies to landscaping for any vehicular use area, which is any area of 1,200 square feet or more of a property which is not located within an enclosed structure and which is devoted to a use by or for motor vehicles, including parking (accessory or non-accessory) or storage of automobiles, trucks or other vehicles; loading areas; service areas and drives. Any paved area designed to be used solely for access between the street and the vehicular use area is not considered part of the vehicular use area.

Vehicular use areas shall have the following landscaping and screening, which shall be continuously planted with living vegetation:

- 1. *Edge landscaping:* When the provision of off-street parking for ten (10) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be located so that no parking space is more than 60 feet from a portion of the landscaped open space required by this Section. The required open space need not be continuous, but there shall be at least one (1) deciduous tree in each separate area at least twelve (12) feet tall at time of planting. The buffer shall be eight (8) feet wide and be planted with a minimum of one (1) shade tree and five (5) shrubs per thirty-five (35) lineal feet of parking frontage. These plantings shall cover a minimum of sixty-five (65) percent of the total distance of any one frontage line. Shrubs may be clustered

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at intervals instead of spaced evenly. The remaining open space ground plane shall be covered with native seeding, ornamental grasses, or ground cover.

2. *Interior landscape areas.* To break up the expanse of pavement and cool parking surfaces, vehicular use areas greater than 6,000 square feet (or of any size with more than two rows of parking) shall contain protected landscape areas located entirely within the edges of the vehicular use area, at the ratio of one (1) square foot of landscape use area per every twenty (20) square feet of vehicular use area. Any landscaped area located outside the edges of the vehicular use area will not count toward satisfying this requirement. There shall be one (1) deciduous tree for each two-hundred fifty (250) square feet of required interior landscaped area. To be credited toward meeting the requirements of this section, each interior landscaped area containing a deciduous tree shall have minimum dimension of eight (8) feet in any direction. If a pedestrian pathway is included as part of a landscape island, the island shall be a minimum of twelve (12) feet wide.

SECTION 3.17 – LANDSCAPE, SCREENING AND FENCE REGULATIONS

A. CLEAR VISION AREAS

In order to preserve sight distance, an unobstructed view shall be maintained within the triangular areas illustrated in the definitions and described below:

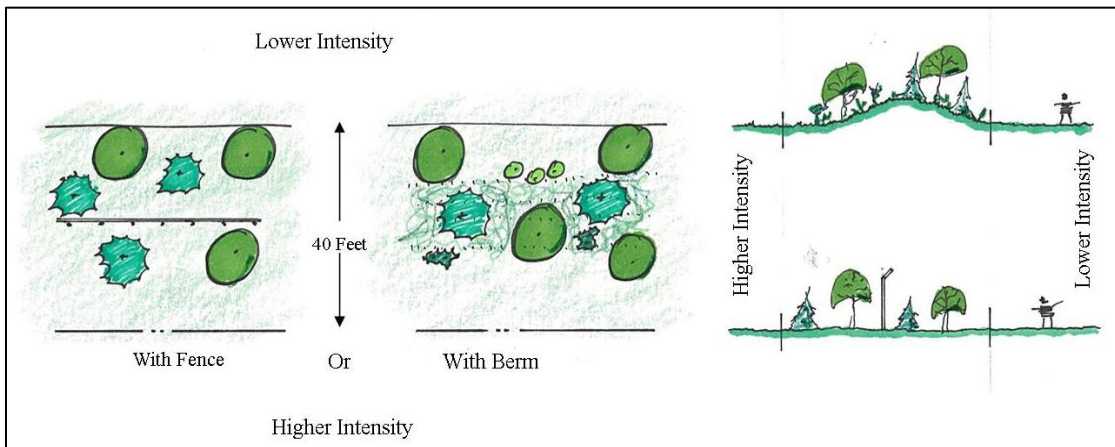
1. Where the speed limit is less than thirty (30) miles per hour, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
2. Where the speed limit is thirty (30) miles per hour or more, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring fifty (50') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
3. At the intersection of a driveway and a street: Two sides of the triangle defined by measuring ten (10') feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.
4. No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions will impede clear vision in a vertical area between 30 inches and 96 inches above the grade of the lower roadway or driveway adjacent to the triangular areas.

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B. BUFFER STRIP

1. Buffer strips are generally located along the outer perimeter of a lot extending to the parcel boundary line. They shall not extend into a road or dedicated street right-of-way. A buffer strip consists of a landscaped strip at least forty (40) feet in width and shall meet the following:
 - a. Six (6) deciduous trees per one-hundred (100) lineal feet; and
 - b. Six (6) evergreen trees per one-hundred (100) lineal feet; and
 - c. Native seeding or ground cover on the ground plane.
 - d. Fence between six (6) feet tall and twelve (12) feet tall or a berm may be required at the discretion of the approval body.

Figure 5-2: Buffer



2. Recommended Plant Types:

Number of specimens indicated for buffer plantings are minimum quantity and approved species. Species recommended are native and especially appropriate where limited maintenance and cultivation are expected. These recommendations are not meant to exclude cultivars and species generally available from the nursery trade. Species known to be invasive should be avoided. Alternative species shall be as approved by the Zoning Administrator.

a. Shade Trees:

The following types of shade trees are recommended (cal. Stands for caliper):

- Sugar Maple, *Acer saccharum*, 1½" cal.
- Red Maple, *Acer rubrum*, 1½" cal.
- White birch, *Betula papyrifera*, 1½" cal.

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Ironwood, *Ostrya virginiana*, 1" cal.
Little Leaf Linden, *Tilia cordata*, 1½" cal.
Linden, *Tilia Americana*, 1½" cal.
River Birch, *Betula nigra*, 1" cal.
Red Oak, *Quercus rubra*, 1½" cal.
Pin Oak, *Quercus palustris*, 1½" cal.
Small Tooth Aspen, *Populus tremuloides*, 1½" cal.
(no more than 10% of total # of shade trees)
Large Tooth Aspen, *Populus grandidentata*, 1½" cal.
(no more than 10% of total # of shade trees)
Northern Hackberry, *Celtis occidentalis*, 1½" cal.

b. Evergreen Trees:

The following types of evergreen trees are recommended:

Red Pine, *Pinus resinosa*, 6' tall
White Pine, *Pinus strobus*, 6' tall
White Spruce, *Picea glauca*, 6' tall

c. Evergreen Shrubs:

The following types of evergreen shrubs are recommended:

Common Juniper, *Juniperus communis*, 18" spread
Canada Yew, *Taxus canadensis*, 12" spread

d. Deciduous Shrubs:

The following types of deciduous shrubs are recommended:

Witch Hazel, *Hamamelis virginiana*, 18" tall
Nannyberry, *Viburnum lentago*, 2' tall
American Hazelnut, *Corylus americana*, 2' tall
Shrubby Cinquefoil, *Potentilla fruticosa*, 18" tall
Snowberry, *Symphoricarpos albus*, 1 gal. pot
Smooth Arrow-wood, *Viburnum dentatum*, 18" tall

e. Understory Trees:

The following types of understory trees are recommended:

Balsam Fir, *Abies balsamea*, 4' tall
White Cedar, *Thuja occidentalis*, 4' tall
Serviceberry, *Amelanchier arborea*, 3' tall

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Mountain Ash, *Sorbus americana*, 3' tall
Choke Cherry, *Prunus virginiana*, 3' tall
Smooth Sumac, *Rhus glabra*, 2' tall
Staghorn Sumac, *Rhus typhina*, 2' tall
Alternate-leaved Dogwood, *Cornus alternifolia*, 3' tall

f. Ground Cover:

The following types of understory trees are recommended:

Sweet Fern, *Comptonia peregrina*, 1 gal. pot
Bush Honeysuckle, *Diervilla lonicera*, 18" tall
New Jersey Tea, *Ceanothus americanus*, 4" pot
Thimbleberry, *Rubus parviflorus*, 1 gal. pot
Wild Red Raspberry, *Rubus strigosus*, 1 gal. pot
Solomon-Seal, *Polygonatum biflorum*, 2" pot
False Solomon's Seal, *Smilacina racemosa*, 2" pot

g. Native Seed Rate/Mix:

Apply seed at the rate of 10 pounds of 'pure live seed' per acre. Seed mix to include 50% grass and 50% forbs. Include two or more of the following grasses: sideoats grama, little bluestem, prairie dropseed. Include at least fifteen of the following forbs (Note: not more than 10% of any particular species of forb in the mix) lavender hyssop, nodding pink onion, blue aster, smooth aster, New Jersey tea, Canada milk vetch, lanceleaf coreopsis, white prairie clover, purple prairie clover, shooting star, purple coneflower, prairie blazingstar, wild quinine, smooth penstemon, bee balm, columbine, great solomon's seal, black eyed susan, Ohio goldenrod, showy goldenrod, Ohio spiderwort.

C. FENCES AND WALLS

1. Living Fence:

Shrubs and trees planted for the purpose of creating a living fence shall be planted so that the trunk or main stem of the plant is no closer than three feet (3') from any property line. A living fence is not limited to the height requirements of other fences and no building permit is needed.

2. Constructed Fence:

a. Placement: Fences may be erected along property lines (except living fences as noted above) or within yards, irrespective of the setback requirements of this *Ordinance*.

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- ◆—————◆
- b. Fence Approval:
 - i. Fences or walls over six (6) feet in height require a building permit. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet except as noted below.
 - ii. No site plan review is required for a fence which conforms to *Ordinance* standards.
 - iii. The Zoning Administrator may require the removal, reconstruction or repair of any fence, living fence, wall or screen not in good condition. The removal reconstruction or repair can be a condition of any application for approval under this *Ordinance*.

 - c. Fence Standards:
 - i. Fences in Residential, Mixed-Density Residential, Mixed-Use Corridor, Corridor Mixed-Use Cluster districts shall not contain barbed wire or chain link fences with sharp wire edges exposed, except as otherwise stated below.
 - ii. No fence, wall, planting, or structure shall, within the clear vision area be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley, or driveway.
 - iii. In Residential, Mixed-Density Residential, Mixed-Use Corridor, Corridor Mixed-Use Cluster districts, fences located in the front yard or between the front lot line and the building line shall not exceed four (4) feet in height, measured along the average grade of an unbroken run. Except in a clear vision area, fences in the front yard may be solid for not more than three (3) feet in height.
 - iv. In Residential, Mixed-Density Residential, Mixed-Use Corridor, Corridor Mixed-Use Cluster districts, fences located in a required side yard or rear yard shall not exceed six (6) feet in height (except as stated below) measured along the average grade of an unbroken run. Fences in the rear and side yards may be solid, and may extend from the side lot line to the side of the principle structure, but shall not occupy the portion of the front yard in front of the principle structure unless in compliance with (3) above.
 - v. In all districts, a security fence surrounding a public utility, police, or correctional facility may extend to eight feet (8') in height and may contain barbed wire or chain link fences with sharp wire edges and be located within a required side yard, rear yard, or front yard. The barbed wire cannot exceed eighteen (18) inches in height, and must be located on top of and may be in addition to the eight (8) foot height fence. The barbed wire shall slant inwards toward the property or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.

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- vi. No fence shall be constructed or maintained which is charged or connected with an electrical current except for Agricultural uses.
 - vii. To allow for snow storage adjacent to alleys, all fences hereafter erected adjacent to an alley shall be set back a minimum of 3 feet from the property line.
 - viii. Decorative or ornamental sides of fences or walls shall face the adjoining properties (face the outside).
- d. Exceptions to Screening and Fencing Standards:
- i. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
 - ii. Any fence, landscape screen, wall, or hedge which does not conform to this *Ordinance* and which legally exists at the effective date of this *Ordinance* may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this *Ordinance*.

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ARTICLE 4 –MIXED-USE CLUSTER DISTRICT (M-1)

SECTION 4.01 - PURPOSE

The intent of the Mixed-Use Cluster District is to promote the establishment of a mix of vertically and horizontally integrated uses including retail, office, institutional, residential, and other non-residential uses while preserving neighborhood character. This integration of uses will facilitate shopping and service opportunities close to neighborhoods, and will accommodate non-motorized forms of transportation. Development in this District will provide for commerce at a density and scale that is appropriate for nearby residential areas, while placing primary importance on a safe and pleasing pedestrian environment.

Commerce is closely integrated with residences to encourage vitality and safety as residents keep eyes on the streets. Trees and vegetation are necessary to improve the pedestrian landscape and provide buffers from activity.

This District is also intended to contain a mix of housing types and residential densities. Appropriate buffers and careful layout of structures and parking are important in this area to ensure compatibility.

The pedestrian landscape is of primary importance, as is accommodation of bicycle traffic with bike lanes and bike racks. On-street parking should be maximized to support customer convenience and walkability. The requirements for off-street parking should be minimized to enhance the pedestrian landscape and ensure compatibility with the surrounding traditional neighborhoods. Landscape buffers should be utilized around the perimeter of surface parking lots. Snow management is very important in this area to ensure year-round economic viability.

SECTION 4.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Mixed-Use Cluster District unless otherwise provided for in this Article:

- A. All principle permitted uses in the Residential District.
- B. Bed & Breakfast (B&B)
- C. Hotels and Motels
- D. Stores and shops for the conducting of retail business.
- E. Office, offices and showroom e.g. plumber, electrician, architect or similar trade.
- F. Personal services, e.g. dentist, doctor, lawyer, accountant or similar trade.
- G. Banks.

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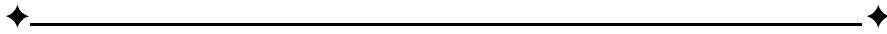
- H. Restaurants with the exception of drive-thru establishments
- I. Bars, taverns, cocktail lounges.
- J. Public and government buildings and offices.
- K. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely with enclosed buildings.

SECTION 4.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Community Residential Care Facilities
 - 1. The applicant is the owner or has written approval of the owner of the property.
 - 2. Prior to the issuance of any permit to operate a community residential care facility, and no later than December 31 of each subsequent year, the applicant or operator shall submit to the Zoning Administrator a photocopy of a valid and current license issued by the State of Michigan. Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation.
 - 3. The program and operational plan has been or will be approved by a licensing agency appropriate to the special population being served in the facility.
 - 4. The number of beds in the proposed facility, in combination with the number of existing correctional institution and residential care use beds within the affected neighborhood, regardless of compliance with the spacing and density requirements set forth in this subsection, shall not substantially or permanently injure the neighborhood or shall not cause or add to the institutionalization of residential neighborhoods which would prevent all residents, including the special populations, from being able to reap the benefits of residential surroundings.
 - 5. There shall be a written fire safety and emergency escape plan.
 - 6. The facility must conform with all other applicable Township, county, state, and federal requirements.
 - 7. The size and architectural style of new structures or additions to existing structures located in a residential zone shall not be substantially dissimilar from

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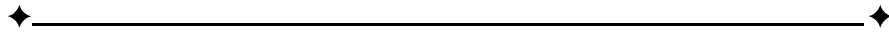
other structures in the surrounding residential neighborhood and shall comply with all other requirements of the district in which it is located.

8. The applicant and the operator shall adequately maintain the building and grounds.
9. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.
10. All facilities shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.
11. Adequate provision shall be made for access by emergency medical and fire vehicles.
12. For any child care center there shall be provided and maintained an outdoor area suitable for play activity and containing a minimum of two-thousand (2,000) square feet. The outdoor play area shall be immediately contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence.

B. Drive-Thru Establishments

1. An adequate number of outdoor trash receptacles shall be provided in convenient locations.
2. Pedestrian access from the public sidewalk or street right-of-way to the principle structure shall be provided through an improved surface that is visually distinct from the surrounding surfaces and provides safe crossings of streets, drives, and parking areas.
3. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
4. Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection.

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5. There shall be at least two (2) temporary vehicle stopping spaces after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.
 6. Whenever possible, on-site snow storage shall be accommodated in a number of smaller sites, rather than one large area, to speed up the melting process.
 7. Winter maintenance of pedestrian walkways and parking facilities shall be provided by the use.
 8. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent sound or music from being audible beyond the boundaries of the site.
- C. Gasoline and oil service stations including gasoline station/ convenience store:
1. Lighting shall be of the "Cut Off Type".
 2. No lighting shall trespass on neighboring property or create glare on public streets.
 3. A 5 foot landscaped buffer strip must be maintained, to include front, side and rear of lot. In addition to a buffer strip if a gasoline and oil service station including gasoline station/convenience store is constructed on a lot that adjoins a residential district or use, a noise barrier shall be installed, such as a 5-foot decorative masonry wall.
- D. Funeral Services and Crematoria
1. Prior to the issuance of a Certificate of Zoning Compliance for any crematorium, the operator shall provide documentation to the Township that all applicable federal, state, and local permits have been obtained, and all manufacturer's specifications for construction, installation, operation, and maintenance shall have been provided to the appropriate review body/official.
 2. Crematoriums shall be constructed, installed, operated, and maintained in accordance with all manufacturers' specifications and all applicable federal, state, and local permits. The Township shall have the right to enter and inspect the operations of the crematoriums to determine compliance with this provision.
 3. Crematoriums shall be entirely within an enclosed building.
 4. Crematoriums shall be located such that the retort vents are no closer than five-hundred (500) feet to the nearest residence and shall be sited, using topography

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and landscaping, so that the retort vents and delivery entrance cannot be seen from any public right-of-way. If the building can be seen from any public right-of-way, crematoriums shall be incorporated into the design of buildings such as chapels and mausoleums so that the cremation aspect is not apparent.

- E. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations.
 - 1. Buildings, structures (except for flagpoles), and uses shall be located at least thirty (30) feet from all lot lines and street lines.
- F. WECS Towers under 35 Feet
 - 1. Shall meet the requirements of Section 3.14 of this *Ordinance*.
- G. Institutions for Human Care and Habitation
 - 1. As part of the permit review, the Planning Commission shall determine if the proposed use will generate any traffic problems, will create any undue concentration of these uses, or will in any way be incompatible with adjoining uses. The Planning Commission may approve the application, provided a finding is made that the proposed use will not adversely affect the appropriate use of adjacent property or create an undue concentration of such uses within a specific neighborhood area so as to negatively impact the residential character of the neighborhood.
 - 2. There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting single-unit dwellings.
 - 3. There shall be a written fire safety and emergency escape plan.
 - 4. The facility must conform to all other applicable, county, state, and federal requirements.
 - 5. The applicant and the operator will provide adequate measures for safeguarding the public and the facility residents. Such measures shall be appropriate to the special population including intake screening, supervision, and security.
 - 6. The proposed use will not substantially or permanently injure the appropriate use of nearby conforming property.
 - 7. All facilities shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.

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8. Adequate provision shall be made for access by emergency medical and fire vehicles.
9. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.
10. The following standards apply to Homeless Shelters only:
 - a. Number of Beds: The number of beds in the shelter shall not exceed one-hundred (100).
 - b. Overnight sleeping accommodations shall be in undivided sleeping space, offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.
 - c. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to a use classified as follows: community corrections facility, hospital, assisted living facility, nursing home, rehabilitation center for the handicapped, or residence for older adults.
 - d. Proposed shelters for the homeless shall be located more than five hundred (500) feet from a public school.
 - e. Prior to opening a temporary shelter in buildings owned by a church, non-profit corporation, or governmental entity, the operator of the temporary shelter shall submit to the Planning Commission evidence (A) that the Department of Human Services is involved in the proposed temporary shelter; (B) that a public meeting relating to opening the temporary shelter was held; (C) that at least seven (7) days prior to the public meeting, notice of such public meeting was given to adjacent property owners within three hundred (300) feet of the proposed use, (D) that a community oversight committee has been created, consisting of the council member in whose district the proposed temporary shelter is located and at least two (2) persons who reside within six hundred (600) feet of the proposed temporary shelter, to address neighborhood issues relating to the ongoing operations of the temporary shelter.
 - f. The Zoning Administrator has the authority to suspend the terms of this Section's standards for shelters for the homeless in emergency, life threatening situations as determined by the Zoning Administrator in consultation with the Manager.

H. Bus Shelters

1. Advertisements placed on the shelter with flashing, rotating and intermittent lighting is prohibited.

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2. Lighting of the advertisements shall be directed downward, shielded from view, focused on the sign, and of minimal wattage to avoid stray lightning.
3. Audio advertising is prohibited.
4. Advertising panels must be designed so as not to physically or visually obscure or impede the functionality or compromise public safety.

SECTION 4.04 - REGULATIONS AND STANDARDS FOR PRINCIPLE STRUCTURE

The following regulations and standards apply to all uses and structures in the Mixed-Use Cluster District.

- A. LOT AREA - The minimum lot area in the Mixed-Use Cluster District varies by use:
 1. Single-Family Residential – One-thousand (1,000) square feet
 2. Duplexes – Two-thousand five-hundred (2,500) square feet
 3. Multi-Family Residential – Three-thousand (3,000) square feet
 4. Non-Residential or Mixed-Use – Three-thousand (3,000) square feet
 5. Lots not served by public water and sewer shall be a minimum of one (1) acre.
- B. LOT WIDTH - The minimum width for parcels in the Mixed-Use Cluster District varies by use:
 1. Single-Family Residential and Duplexes – Fifty (50) feet
 2. Multi-Family Residential – Fifty (50) feet
 3. Non-Residential or Mixed-Use – Twenty-five (25) feet
- C. YARD SETBACKS –
 1. Front Yard – The front yard setback in the Mixed-Use Cluster District varies by use:
 - a. Single-Family Residential and Duplexes– Ten (10) feet
 - b. Multi-Family Residential – Fifteen (15) feet
 - c. Non-Residential or Mixed-Use – Zero
 - d. Accessory Structures – Accessory structures are not allowed in the front yard setback. The front yard setback of accessory structures must be equal to or greater than that of the principal structure.

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Maximum front setback in the Mixed-Use Cluster District is twenty (20) feet for residential uses and ten (10) feet for non-residential uses, except that when the existing front setback of all adjacent principal structures facing the same street are greater than the maximum front setback, then the maximum front setback shall be no greater than the average of the existing front setback of the adjacent principal structures.

2. Side Yard – The side yard setback in the Mixed-Use Cluster District varies by use:
 - a. Single-Family Residential and Duplexes– Five (5) feet
 - b. Multi-Family Residential – Eight (8) feet
 - c. Non-Residential or Mixed-Use – Five (5) feet, except the minimum side yard requirements do not apply to attached structures (zero setback in that case).
 - d. Accessory Structures – Accessory structures must be placed a minimum distance of five (5) feet from the side lot line.

3. Rear Yard – The rear yard setback in the Mixed-Use Cluster District varies by use:
 - a. Single-Family Residential and Duplexes– Twenty (20) feet
 - b. Multi-Family Residential – Twenty-five (25) feet
 - c. Non-Residential or Mixed-Use – Zero
 - d. Accessory Structures – Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line.

The Zoning Administrator may authorize an administrative departure for up to ten (10) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

- D. MAXIMUM LOT COVERAGE – The maximum lot coverage in the Mixed-Use Cluster District varies by use:
 1. Single-Family Residential and Duplexes– Fifty (50) percent
 2. Multi-Family Residential – Seventy (70) percent
 3. Non-Residential or Mixed-Use – One-hundred (100) percent

- E. MAXIMUM IMPERVIOUS SURFACE COVERAGE – The maximum impervious surface coverage in the Mixed-Use Cluster District varies by use:
 1. Single-Family Residential and Duplexes– Sixty-five (65) percent
 2. Multi-Family Residential – Eighty-five (85) percent

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3. Non-Residential or Mixed-Use – One-hundred (100) percent
- F. MAXIMUM HEIGHT – The maximum height in the Mixed-Use Cluster District varies by use:
1. Single-family residential and duplexes – Two and a half (2.5) stories or thirty-five (35) feet
 2. Multi-Family residential uses – Three (3) stories or forty-two (42) feet
 3. All other uses – Three (3) stories or forty-two (42) feet
 4. Accessory Structures - The maximum permitted height of accessory structures is twenty-four (24) feet with the minimum setbacks below. However, accessory structures with accessory dwelling units in the Mixed-Use Cluster District may be up to thirty-five (35) feet in height, provided that the structure is setback an additional foot from all lot lines for each two (2) feet in height over twenty-four (24) feet.
- G. MINIMUM FLOOR AREA PER UNIT – The minimum floor area per unit in the Mixed-Use Cluster District varies by use:
1. Single-family residential – Nine-hundred (900) square feet per single unit
 2. Duplex – Six-hundred (600) square feet per single unit
 3. Multi-Unit Dwelling – Five-hundred (500) square feet per single unit
 4. All other uses – No minimum floor area required.

SECTION 4.05 - SITE PLAN APPROVAL

A zoning permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 13. All new structures in the Mixed-Use Cluster District require site plan review.

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ARTICLE 5 – CORRIDOR MIXED-USE DISTRICT (M-2)

SECTION 5.01 - PURPOSE

The Corridor Mixed-Use district is centered around a vital transportation artery that contains gateway connections to the Community and important crossroads intersections. The corridor provides a concentrated and convenient location for auto-oriented uses that are appropriately buffered from other mixed-uses along the major transportation route. This District is intended to be a diverse, generally pedestrian-friendly environment that accommodates adequate vehicular access while creating an aesthetically pleasing entrance into the Township. Regional-serving, larger scale commercial and service uses are accommodated strategically along with residential uses.

The standards will reflect the community's desire to further economic development while enhancing the visual quality of the area and adding amenities necessary to attract business, residents, and visitors. Highway function will be preserved through access management principles such as reduced curb cuts, shared internal circulation, shared drives, and frontage/service roads. However, motorized access and car-oriented activities will be carefully designed and screened to place emphasis on the main building entrances. Surface parking must be accommodated in this district, but is preferably located in the rear of the property or screened or buffered from view. The area is intended to incorporate various transportation modes, including all-season non-motorized connections (i.e. sidewalks, pathways, and trails) to increase the ease, safety, and convenience of walking and bicycling from surrounding neighborhoods. Future development or redevelopment will include improvements to the pedestrian realm, bicycle network, road crossings, and landscaping. Redevelopment will include the addition of trees, landscaped buffers, and bio-retention areas.

This District will provide opportunities for affordable and alternative housing, and will be designed to provide an appropriate transition into nearby traditional neighborhood districts. High density, urban living is encouraged and mixed with supportive neighborhood services. Non-residential uses may include auto-oriented uses such as gas stations, vehicle service and repair businesses and drive-through restaurants; large scale retail operations that require large outside storage or parking areas; public buildings; and hotels and motels.

SECTION 5.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Corridor Mixed-Use District, unless otherwise provided for in this Article:

- A. All principle permitted uses in the Residential District
- B. Bed & Breakfast (B&B)
- C. Hotels and Motels

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- D. Stores and shops for the conducting of retail business.
- E. Office, offices and showroom e.g. plumber, electrician, architect or similar trade.
- F. Personal services, e.g. dentist, doctor, lawyer, accountant or similar trade.
- G. Banks
- H. Restaurants, catering establishments and drive in / thru restaurants
- I. Gasoline and oil service stations
- J. Public and Government buildings and offices.
- K. Hardware retail store
- L. Antique Shops
- M. Veterinary clinic
- N. Recreation Facilities e.g. tennis courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, golf courses
- O. Car wash
- P. Light industrial establishments within a building or structure for the repair, alteration, finishing, assembling, fabrication, or storage of goods, provided there is not any obnoxious or offensive odors, fumes, dust, smoke, wastewater, noise or vibration associated with the manufacturing process.
- Q. Educational and Social Institutions
- R. Agriculture, including commercial agriculture

SECTION 5.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations.
 - 1. Buildings, structures (except for flagpoles), and uses shall be located at least thirty (30) feet from all lot lines and street lines.

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- B. WECS Towers thirty-five feet and over
- C. Institutions for Human Care and Habitation
 - 1. As part of the permit review, the Planning Commission shall determine if the proposed use will generate any traffic problems, will create any undue concentration of these uses, or will in any way be incompatible with adjoining uses. The Planning Commission may approve the application, provided a finding is made that the proposed use will not adversely affect the appropriate use of adjacent property or create an undue concentration of such uses within a specific neighborhood area so as to negatively impact the residential character of the neighborhood.
 - 2. There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting single-unit dwellings.
 - 3. There shall be a written fire safety and emergency escape plan.
 - 4. The facility must conform to all other applicable, county, state, and federal requirements.
 - 5. The applicant and the operator will provide adequate measures for safeguarding the public and the facility residents. Such measures shall be appropriate to the special population including intake screening, supervision, and security.
 - 6. The proposed use will not substantially or permanently injure the appropriate use of nearby conforming property.
 - 7. All facilities shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.
 - 8. Adequate provision shall be made for access by emergency medical and fire vehicles.
 - 9. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.
 - 10. The following standards apply to Homeless Shelters only:
 - a. Number of Beds: The number of beds in the shelter shall not exceed one-hundred (100).

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- b. Overnight sleeping accommodations shall be in undivided sleeping space, offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.
- c. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to a use classified as follows: community corrections facility, hospital, assisted living facility, nursing home, rehabilitation center for the handicapped, or residence for older adults.
- d. Proposed shelters for the homeless shall be located more than five hundred (500) feet from a public school.
- e. Prior to opening a temporary shelter in buildings owned by a church, non-profit corporation, or governmental entity, the operator of the temporary shelter shall submit to the Planning Commission evidence (A) that the Department of Human Services is involved in the proposed temporary shelter; (B) that a public meeting relating to opening the temporary shelter was held; (C) that at least seven (7) days prior to the public meeting, notice of such public meeting was given to adjacent property owners within three hundred (300) feet of the proposed use, (D) that a community oversight committee has been created, consisting of the council member in whose district the proposed temporary shelter is located and at least two (2) persons who reside within six hundred (600) feet of the proposed temporary shelter, to address neighborhood issues relating to the ongoing operations of the temporary shelter.
- f. The Zoning Administrator has the authority to suspend the terms of this Section's standards for shelters for the homeless in emergency, life threatening situations as determined by the Zoning Administrator in consultation with the Supervisor.

D. Group Housing

- 1. There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting single-family dwellings.
- 2. There shall be a written fire safety and emergency escape plan.
- 3. Must conform to all other applicable Township, county, state, and federal requirements.
- 4. Adequate provision shall be made for access by emergency medical and fire vehicles.

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- E. Self-Storage Facilities
1. The individual storage area or enclosures shall not exceed 400 square feet.
 2. The units are to be leased to individuals, businesses or organizations for the self-service storage of property.
 3. Exterior lighting shall be of the "Cut Off Type"
 4. No lighting shall trespass on neighboring property or create glare on public streets.
- F. Wholesale stores, storage facilities, warehouses, distributing plants, and freezer and lockers.
- G. Salesrooms, including outdoor sales space for recreation vehicles, including boats, snowmobiles, travel trailers and campers.
1. All automobile servicing and repair activities must either be carried on within an enclosed building or screened along any property line.
 2. Outdoor public address or loudspeaker systems are prohibited.
 3. The following activities and equipment are permitted only in the rear yard and at least fifty (50) feet from a residential use or district:
 - a. Storage of vehicle parts and refuse
 - b. Temporary storage of vehicles during repair and pending delivery to the customer
 - c. Vacuuming, and cleaning
 4. The following activities and equipment are permitted only within an enclosed building:
 - a. Lubrication equipment
 - b. Motor vehicle washing equipment
 - c. Hydraulic hoists and pits
 5. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30)-day period.
 6. Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks, or public park strips.

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7. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential use or district, or mixed-use district.
 8. Body work and painting shall be conducted within fully enclosed buildings.
 9. All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.
- H. Radio, telecommunications, television towers and stations.
- I. Laboratories
1. There are not any obnoxious or offensive odors, fumes, dust, smoke, waster, noise or vibration associated with the laboratory.

SECTION 5.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Corridor Mixed-Use District.

- A. LOT AREA – The minimum lot area in the Corridor Mixed-Use District varies by use:
1. Single-Family Residential and Duplexes – Ten-thousand (10,000) square feet with public water and sewer. One acre (1) with private water and sewer.
 2. Multi-Family Residential – Fifteen-thousand (15,000) square feet with public water and sewer. Two (2) acres with private water and sewer.
 3. Non-Residential or Mixed-Use – Twenty-thousand (20,000) square feet with public water and sewer. Two (2) acres with private water and sewer.
- B. LOT WIDTH – The minimum lot width in the Corridor Mixed-Use District varies by use:
1. Single-Family Residential and Duplexes – One-hundred (100) feet
 2. Multi-Family Residential – Two-hundred (200) feet
 3. Non-Residential or Mixed-Use – Three-hundred (300) feet
- C. YARD SETBACKS –
1. Front Yard – Minimum front setback in the Corridor Mixed-Use District is fifty (50) feet. There is no maximum front setback for single family or duplex residential uses. The maximum front setback for multi-unit residential, non-residential, or

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mixed uses is ninety-five (95) feet (allowing for only one row of appropriately screened front parking)

2. Side Yard – The side yard setback varies according to use:
 - a. Single-Family Residential and Duplexes– Ten (10) feet
 - b. Multi-Family Residential – Ten (10) feet
 - c. Non-Residential or Mixed-Use – Ten (10) feet, except the minimum side yard requirements do not apply to attached structures (zero setback in that case).
 - d. Accessory Structures – Accessory structures must be placed a minimum distance of ten (10) feet from the side lot line.
3. Rear Yard – The rear yard setback varies according to use:
 - a. Single-Family Residential and Duplexes– Twenty-five (25) feet
 - b. Multi-Family Residential – Twenty-five (25) feet
 - c. Non-Residential or Mixed-Use – Twenty-five (25) feet
 - d. Accessory Structures – Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line.

The Zoning Administrator may authorize an administrative departure for up to ten (10) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

- D. MAXIMUM LOT COVERAGE – The maximum lot coverage in the Corridor Mixed-Use District varies by use:
 1. Single-Family Residential and Duplexes– Forty (40) percent
 2. Multi-Family Residential – Fifty (50) percent
 3. Non-Residential or Mixed-Use – Seventy (70) percent
- E. MAXIMUM IMPERVIOUS SURFACE COVERAGE – The maximum impervious surface coverage in the Corridor Mixed-Use District varies by use:
 1. Single-Family Residential and Duplexes– Fifty-five (55) percent
 2. Multi-Family Residential – Sixty-five (65) percent
 3. Non-Residential or Mixed-Use – Eighty-five (85) percent
- F. MAXIMUM HEIGHT – The maximum height in the Corridor Mixed-Use District is thirty-five (35) feet.

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1. The maximum permitted height of accessory structures in the Corridor Mixed-Use District is thirty-five (35) feet.
- G. MINIMUM FLOOR AREA PER UNIT – The minimum floor area per unit in the Corridor Mixed-Use District varies by use:
1. Single-family residential – seven hundred and fifty feet (750) square feet per single unit
 2. Duplex – Seven-hundred (700) square feet per single unit
 3. Multi-Unit Dwelling – Five-hundred (500) square feet per single unit
 4. All other uses – No minimum floor area required.

SECTION 5.05 - SITE PLAN APPROVAL

A building permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 14. All new structures and uses in the Corridor Mixed-Use District require site plan review.

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ARTICLE 6 – GENERAL INDUSTRIAL DISTRICT (I)

SECTION 6.01 – PURPOSE

This area includes industrial service, manufacturing, bulk commodities, and marine uses which engage in intense scale or volume of activity and may store materials or vehicles outdoors. Few customers, especially the general public, come to the site. These areas are characterized by the presence of heavy machinery, building materials, and raw materials for processing and storage, and the utilization of chemicals and intense processes. Appropriate landscape buffers are very important in transition areas around the perimeter of these uses. The planting of trees is encouraged to soften the impact of buildings of large scale or bulk and outdoor storage areas. This development needs access to minor arterials and collector roads, and roads will be designed to reflect heavier loads and expanded turning radii.

SECTION 6.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the General Industrial District:

- A. Agricultural Service Establishments including small scale food production
- B. Business Establishments
- C. Large Scale Retail
- D. Indoor Entertainment Establishments including athletic/fitness/exercise establishments, bowling alleys and other similar uses.
- E. Funeral Services and Crematoria
- F. Repair Establishments
- G. Industrial Service Establishments
- H. Manufacturing Establishments
- I. Laboratories
- J. Warehousing and Wholesaling Trade Establishments
- K. Essential Services
- L. Forest Management, including tree planting/harvesting and sawmills

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- M. Medium Industrial Establishments, including fuel oil distributors, solid fuel yards, and general building contractors.
- N. Cemeteries
- O. Public Buildings including roadside and public parks
- P. Harbors and Rail yards

SECTION 6.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Commercial Agriculture with the exception of large scale composting:

Refers to the commercial production, harvesting, and storage of farm products on a farm, and the farm operations typically attendant thereto, as “farm” is defined in the *Michigan Right to Farm Act*. Includes but is not limited to commercial nurseries, greenhouses, and aquaculture systems, etc.

1. Generally accepted agricultural and management practices (GAAMPs) according to policy determined by the Michigan Commission of Agriculture per the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended*.
 2. Applicable provisions of the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended*.
 3. Applicable provisions of the *Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, MCL 324.101 to 324.90106*.
 4. Applicable standards of the Health Department and MDNR/MDEQ.
 5. No outdoor storage or loading activities shall be permitted within one hundred (100) feet of any lot line.
 6. Site shall be designed and maintained so that all wastes will not drain onto adjacent property.
- B. Composting:
 1. The site shall be at least ten (10) acres and have access from a paved road or high quality gravel road that is maintained in a quality condition.

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2. Compost piles shall be managed using contemporary best management practices that include measures to minimize odor, dust and windblown debris, rodents, and other nuisance animals.
3. No community-scale compost site shall be located closer than five hundred (500) feet to any dwelling unit, church, school, other public gathering space or residential district.
4. There shall be a plan for controlling water-ponding and runoff approved by the County Soil Erosion and Sedimentation Control officer.

C. Sexually Oriented Business:

1. No person shall reside in or on, or permit a person to reside in or on, a building or property occupied by a sexually oriented business.
2. No sexually oriented business shall be established on a parcel which is within one-thousand (1,000) feet of any parcel in a residential or mixed-use zone.
3. No sexually oriented business shall be established on a parcel within one-thousand (1,000) feet of any of the following, as measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the use as follows:
 - a. dwelling unit;
 - b. any residential lot line;
 - c. any residential zoning district;
 - d. any residential planned unit development;
 - e. Licensed residential care facility;
 - f. Licensed foster family group home;
 - g. Nursing home;
 - h. School;
 - i. Child care organization;
 - j. Place of worship;
 - k. Public park;
 - l. Public library;
 - m. Other sexually oriented business.
4. The proposed use shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.
5. Any sign or signs proposed for the sexually oriented business (whether on-site or off-site, including but not limited to billboards) shall not include photographs,

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silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination, and otherwise shall conform with the requirements of this *Ordinance*.

6. Entrance signs to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that say:
 - a. "Persons under the age of 18 are not permitted to enter the premises", and
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 7. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
 8. Hours of operation shall be limited to 10:00 AM to 11:00 PM., Monday through Saturday.
 9. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of *Specified Anatomical Areas* or *Specified Sexual Activities* shall:
 - a. Be handicap accessible to the extent required by the Americans With Disabilities Act;
 - b. Be unobstructed by any door, lock or other entrance and exit control device;
 - c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Be illuminated by a light bulb of wattage of no less than 25 watts;
 - e. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.
- D. Vehicle Sales and Service Establishments excluding gasoline stations:
1. All automobile servicing and repair activities must either be carried on within an enclosed building or screened along any property line.
 2. Outdoor public address or loudspeaker systems are prohibited.

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3. The following activities and equipment are permitted only in the rear yard and at least fifty (50) feet from a residential use or district, or mixed-use district:
 - a. Storage of vehicle parts and refuse
 - b. Temporary storage of vehicles during repair and pending delivery to the customer
 - c. Vacuuming, and cleaning
 4. The following activities and equipment are permitted only within an enclosed building:
 - a. Lubrication equipment
 - b. Motor vehicle washing equipment
 - c. Hydraulic hoists and pits
 5. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30)-day period.
 6. Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks, or public park strips.
 7. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential use or district, or mixed-use district.
 8. Body work and painting shall be conducted within fully enclosed buildings.
 9. All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.
- E. Dangerous Chemical and Fuels Manufacturing, Storage and/or Distribution
1. Use shall meet all applicable municipal, state, and federal standards.
 2. Minimum lot size shall be three (3) acres, and no fuel tanks shall be located less than seventy-five (75) feet from any occupied building or lot line, and shall be mounted on a concrete slab to prevent overturning and spilling.
 3. Facilities for the storage, manufacturing, and distribution of toxic and/or hazardous materials shall be located at least five-hundred (500) feet from a residential use or zone.
 4. Pollution Prevention Plans shall be approved by the MDEQ and State Fire Marshall as required.

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F. Quarries, Pits and Mines -

1. Explosives shall be used only between sunup and sundown. Unless otherwise determined by the Planning Commission, the land areas exposed by the operation shall not have a final cut slope steeper than three feet horizontal to one foot vertical distance.
2. All buildings, structures and equipment shall be entirely removed from the property within one year after operations cease.
3. Dikes, or other approved barriers, and drainage structures shall be provided to prevent silting of natural drainage channels or waterways in the surrounding area.
4. Where required and in accordance with an approved landscaping plan submitted to the Planning Commission, suitable plant material shall be placed and maintained to screen operations from public view.
5. There shall be no open storage of discarded machinery, trash or junk that would present an unsightly appearance.
6. Must be operated so as to keep dust and noise to a minimum. Access roads shall be maintained as dust-free surfaces 100 feet from the public street.
7. Must meet all applicable federal, state and other local regulations.
8. No signage shall be lighted at any time.

In addition to the preceding performance standards for Quarries, Pits and Mines, the Planning Commission requires the following information:

1. A USGS topographical quadrangle map, or maps, to include the proposed site and the man-made and natural features within one mile of this site.
2. Plan for protection of surrounding land, environment and wildlife from dust, noise, vibration and other undesirable effects from the operation.

G. WECS Towers over 35 feet in height

- a. Shall meet the requirements of Section 3.15 of this *Ordinance*.

H. Any other use deemed compatible, consistent and of the same character as those listed as Special Land Uses.

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SECTION 6.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Industrial District.

- A. LOT AREA – The minimum lot area in the General Industrial District is one (1) acres, when there is public water and sewer service to the lot. For lots not on public water and sewer, the minimum lot area is two (2) acres.
- B. LOT WIDTH - The minimum width in the General Industrial District is one hundred and fifty (150) feet.
- C. YARD SETBACKS –
 - 1. Front Yard – The minimum front yard setback is thirty (30) feet.
 - a. Accessory structures are not allowed in the front setback area.
 - 2. Side Yard – The minimum side yard setback is thirty (30) feet.
 - a. Accessory structures must be placed a minimum distance of twenty (20) feet from the side lot line.
 - 3. Rear Yard – The minimum rear yard setback is thirty (30) feet.
 - a. Accessory structures must be placed a minimum distance of thirty (30) feet from the rear lot line.
- D. MAXIMUM LOT COVERAGE –
 - 1. The maximum lot coverage in the General Industrial District is seventy-five (75) percent.
- E. MAXIMUM IMPERVIOUS SURFACE COVERAGE
 - 1. The maximum impervious surface coverage in the General Industrial District is eighty-five (85) percent.
- F. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.
- G. MAXIMUM HEIGHT
 - 1. The maximum permitted height in the General Industrial District is sixty (60) feet.

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SECTION 6.05 - SITE PLAN APPROVAL

A building permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 14. All new structures and uses in the Industrial District require site plan review.

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ARTICLE 7 – MIXED DENSITY RESIDENTIAL DISTRICT

SECTION 7.01 – PURPOSE

The Mixed-Density Residential (M-R) District is generally located where all of the facilities for urban living, including community sewer and water facilities, are available. This area offers a full range of housing choices including higher intensity multi-family residential uses, attached townhouses and condos, mobile home parks, small lot single-family, and larger-lot single family generally in a traditional neighborhood context. District regulations are designed to encourage a suitable social and civic environment for family life, and convenient access to essential products and services, by including small, non-residential, neighborhood-serving uses compatible with existing residential form. The appropriate amount of open spaces and recreational opportunities are provided. This District is intended to promote a sense of community and neighborhood vitality. A framework of well-connected, grid street systems with sidewalks within a compact form allow the efficient provision of infrastructure. This District is meant to encourage a diversity of housing types for various income levels, and to encourage affordable housing options. Provisions for pedestrian and bicycle circulation is very important in this district, as are related pedestrian-scale infrastructure and amenities.

SECTION 7.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Mixed-Density Residential District:

- A. Single and Two Family detached dwellings.
- B. Multi-Family Dwellings
- C. Churches and other facilities normally incidental thereto.
- D. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- E. Home occupation to give instruction in a craft or fine art within a residence.
- F. Accessory buildings, structures and use customarily incidental to the above principle uses.
- G. State licensed or approved family day care facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.
- H. Essential Services

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SECTION 7.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more; any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
- B. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
- C. Home occupation:
 - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto;
 - 2. Not more than two people outside the family shall be employed in the home occupation;
 - 3. There shall be no exterior display;
 - 4. No other exterior indication of the home occupation or variation from the residential character of the principle building;
 - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated;
 - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood;
 - 7. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit;
 - 8. One nine (9) square foot sign is permitted on site.
- D. Parking lots for other uses than residential.
- E. Bed & Breakfast.
- F. Small WECS on lots of 5 acres or more, including conditions of approval.

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G. Community Gardens

1. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
2. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community gardens; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Township.
3. The site is designed and maintained so that water and fertilizer will not drain onto adjacent property.
4. There shall be no retail sales, except for produce grown on the site.
5. No building or structures shall be permitted on the site except sheds for storage of tools; greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated; benches; bike racks; raised/accessible planting beds; compost or waste bins; picnic tables; seasonal farm stands; fences; garden art; rain barrel systems; and children's play areas. The combined area of all buildings or structures shall not exceed 15 percent of the garden site lot areas.
6. The urban garden use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
7. Beekeeping is allowed as accessory to the urban garden use, limited to two hives per parcel. Hives must be located in the rear third of the lot with a five foot setback from side and rear lot lines. Hives must be screened so that the bees must surmount a six foot barrier, which may be vegetative, before leaving the property.

SECTION 7.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Mixed-Density Residential District.

- A. LOT AREA – The lot area in the Mixed-Density Residential District varies by use as follows:
 1. Single-Family Residential – Six-thousand (6,000) square feet

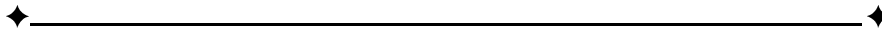
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2. Duplexes – Ten-thousand (10,000) square feet
 3. Multi-Family Residential – Twelve-thousand (12,000) square feet
 4. Non-Residential or Mixed-Use – Five-thousand (5,000) square feet
 5. Lots not served by public water and sewer shall be one (1) acre
- B. LOT WIDTH - The minimum width for the Mixed-Density Residential District varies by use as follows:
1. Single-Family Residential – Fifty (50) feet
 2. Duplexes – Seventy-five (75) feet
 3. Multi-Family Residential – One-hundred (100) feet
 4. Non-Residential or Mixed-Use – Seventy-five (75) feet
- C. YARD SETBACKS -
1. Front Yard – The front yard setback in the Mixed-Density Residential District varies by use as follows:
 - a. Single-Family Residential and Duplexes– Fifteen (15) feet
 - b. Multi-Family Residential – Twenty (20) feet
 - c. Non-Residential or Mixed-Use – Fifteen (15) feet

Maximum front setback in the Mixed-Density Residential District is twenty-five (25) feet, except that when the existing front setback of all adjacent principal structures facing the same street are greater than the maximum front setback, then the maximum front setback shall be no greater than the average of the existing front setback of the adjacent principal structures.
 2. Side Yard - The side yard setback in the Mixed-Density Residential District varies by use as follows:
 - a. Single-Family Residential and Duplexes– Five (5) feet
 - b. Multi-Family Residential – Eight (8) feet
 - c. Non-Residential or Mixed-Use – Five (5) feet one side, except the minimum side yard requirements do not apply to attached structures (zero setback in that case).
 3. Rear Yard - The rear yard setback in the Mixed-Density Residential District varies by use as follows:
 - a. Single-Family Residential and Duplexes– Twenty (20) feet

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- b. Multi-Family Residential – Thirty (30) feet
- c. Non-Residential or Mixed-Use – Twenty-five (25) feet

The Zoning Administrator may authorize an administrative departure for up to five (5) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

- D. **MAXIMUM LOT COVERAGE** – The maximum lot coverage in the Mixed-Density Residential District varies by use as follows:
 - 1. Single-Family Residential and Duplexes– Forty (40) percent
 - 2. Multi-Family Residential – Sixty (60) percent
 - 3. Non-Residential or Mixed-Use – Sixty (60) percent
- E. **MAXIMUM IMPERVIOUS SURFACE COVERAGE** - The maximum impervious surface coverage in the Mixed-Density Residential District varies by use as follows:
 - 1. Single-Family Residential and Duplexes– Sixty-five (65) percent
 - 2. Multi-Family Residential – Seventy-five (75) percent
 - 3. Non-Residential or Mixed-Use – Seventy-five (75) percent
- F. **MAXIMUM HEIGHT** – The maximum height in the Mixed-Density Residential District varies by use as follows:
 - 1. Single-family residential and duplexes – Two and a half (2.5) stories or thirty-five (35) feet
 - 2. Multi-Family residential uses – Three (3) stories or forty-two (42) feet
 - 3. All other uses – Two (2) stories or thirty-five (35) feet
- G. **MINIMUM FLOOR AREA** – The minimum floor area in the Mixed-Density Residential District varies by use as follows:
 - 1. Single-Family residential – Seven hundred and fifty (750) square feet per single unit
 - 2. Duplex – Seven-hundred (700) square feet per single unit
 - 3. Multi-Unit Dwelling – Five-hundred (500) square feet per single unit

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4. All other uses – No minimum floor area required.
- H. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

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ARTICLE 8 –RESIDENTIAL DISTRICT

SECTION 8.01 – PURPOSE

The Residential District provides for one- to two-story larger-lot single-family residential development and conservation subdivision (cluster or open space) development in areas that begin a transition to rural forest or agricultural areas and wetlands in the neighboring Township. This District is meant to support a more rural setting with greater building setbacks and preservation of natural landscape features and open space. This District also allows for food production and limited agricultural pursuits close to urban areas. Pedestrian circulation systems such as sidewalks or trail systems and amenities are supported. Some carefully located and managed neighborhood-serving mixed-uses may be allowed for the convenience of residents.

SECTION 8.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Residential District:

- A. Single and Two Family detached dwellings.
- B. Open Space/Cluster Developments
- C. Public, parochial or private elementary, intermediate, and/or high schools
- D. Churches and other facilities normally incidental thereto
- E. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- F. Home occupation to give instruction in a craft or fine art within a residence.
- G. Accessory buildings, structures and use customarily incidental to the above principle uses.
- H. State licensed or approved family day care facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.
- I. Essential Services
- J. Community Gardens
- K. Agriculture on lots larger than 5 acres

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SECTION 8.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more; any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
- B. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
- C. Home occupation:
 - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto;
 - 2. Not more than two people outside the family shall be employed in the home occupation;
 - 3. There shall be no exterior display;
 - 4. No other exterior indication of the home occupation or variation from the residential character of the principle building;
 - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated;
 - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood;
 - 7. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit;
 - 8. One nine (9) square foot sign is permitted on site.
- F. Parking lots for other uses than residential.
- G. Bed & Breakfast
- H. Small WECS on lots of 5 acres or more, including conditions of approval.
- I. Self-storage facilities
- J. Small scale non-commercial agriculture on lots less than five (5) acres:

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1. No person shall keep any rooster.
2. No person shall keep more than four (4) chickens.
3. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fence enclosure at all times.
4. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.
5. No person shall keep more than two (2) bee hives per parcel.

SECTION 8.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Residential District.

- A. LOT AREA - Minimum lot size in the Residential District for lots served by public water and sewer, is ten-thousand (10,000) square feet. The minimum lot size with private well and septic is one (1) acre.
- B. LOT WIDTH - The minimum lot width in the Residential District is one hundred (100) feet.
- C. YARD SETBACKS –
 1. Front Yard – Minimum front setback in the Residential District is twenty (20) feet. There is no maximum front setback in the Residential District.
 - a. Accessory Structures – Accessory structures are not allowed in the front setback.
 2. Side Yard – Minimum side yard setback in the Residential District
 - a. Accessory Structures – Accessory structures must be placed a minimum distance of five (5) feet from the side lot line.
 3. Rear Yard - Minimum rear yard in the Residential District is twenty (20) feet. The Zoning Administrator may authorize an administrative departure for up to five (5) feet in a rear yard setback to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.
 - a. Accessory Structures – Accessory structures must be placed a minimum distance of ten (10) feet from the rear lot line.
- D. MAXIMUM LOT COVERAGE – The maximum lot coverage in the Residential District is twenty-five (25) percent.

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- E. MAXIMUM IMPERVIOUS SURFACE COVERAGE - The maximum impervious surface coverage in the Residential District is forty (40) percent.
- F. MAXIMUM HEIGHT – The maximum height in the Residential District is two and a half (2.5) stories or thirty-five (35) feet.
- G. MINIMUM FLOOR AREA – The minimum floor area in the Residential District is seven hundred and fifty (750) square feet per single unit.
- H. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

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ARTICLE 9 – AGRICULTURAL DISTRICT

SECTION 9.01 - PURPOSE

The Agricultural District is established for which the principle use of the land is for agricultural uses such as farming, dairy, and plant nurseries. The intent of this District is to:

- Promote and encourage the use of the land for agricultural operations.
- Encourage local small scale agriculture.
- Prohibit certain commercial or industrial uses of the land that would substantially interfere with the continuation of sound agricultural uses.
- Promote the conservation of agricultural land.

SECTION 9.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Agriculture District:

- A. Single and Two Family detached dwellings.
- B. Camps and Cabins
- C. Nursery Farms
- D. Farms, farm dwellings and related structures, including roadside stands, home occupations and portable sawmills
- E. Public, parochial or private elementary, intermediate, and/or high schools
- F. Churches and other facilities normally incidental thereto
- G. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- H. Home occupation to give instruction in a craft or fine art within a residence.
- I. Organized Camps & Campgrounds for tents/recreational vehicles.
- J. Accessory buildings, structures and use customarily incidental to the above principle uses.
- K. Essential Services

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- L. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
- M. Community Gardens

SECTION 9.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more; any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
- B. Home occupation:
 - 1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto;
 - 2. Not more than two people outside the family shall be employed in the home occupation;
 - 3. There shall be no exterior display;
 - 4. No other exterior indication of the home occupation or variation from the residential character of the principle building;
 - 5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated;
 - 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood;
 - 7. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit;
 - 8. One nine (9) square foot sign is permitted on site.
- C. Parking lots for other uses than residential.
- D. Bed & Breakfast
- E. Open Space/Cluster Development

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- F. Small WECS on lots of 5 acres or more, including conditions of approval.
- G. Self-storage facilities
- H. Commercial Agriculture or Horticulture

Refers to the commercial production, harvesting, and storage of farm products on a farm, and the farm operations typically attendant thereto, as "farm" is defined in the *Michigan Right to Farm Act*. Includes but is not limited to commercial nurseries, greenhouses, and aquaculture systems, etc. Commercial Agriculture and Horticulture operations (dairy and dairy products; poultry and poultry products; livestock breeding and grazing of cattle, swine, captive deer, equine, and similar animals; horse riding stables; nurseries; greenhouses; apiaries; annelic farms; mushrooms; aquaculture; fish hatcheries, similar agricultural enterprises; and the usual farm buildings associated with such uses).

- Generally accepted agricultural and management practices (GAAMPs) according to policy determined by the Michigan Commission of Agriculture per the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended*.
- Applicable provisions of the *Michigan Right to Farm Act, P.A. 93 of 1981, as amended*.
- Applicable provisions of the *Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, MCL 324.101 to 324.90106*.
- Applicable standards of the Health Department and MDNR/MDEQ.
- No outdoor storage or loading activities shall be permitted within one hundred (100) feet of any lot line.
- Site shall be designed and maintained so that all wastes will not drain onto adjacent property.

I. Quarries, Pits and Mines -

1. Explosives shall be used only between sunup and sundown. Unless otherwise determined by the Planning Commission, the land areas exposed by the operation shall not have a final cut slope steeper than three feet horizontal to one foot vertical distance.
2. All buildings, structures and equipment shall be entirely removed from the property within one year after operations cease.
3. Dikes, or other approved barriers, and drainage structures shall be provided to prevent silting of natural drainage channels or waterways in the surrounding area.
4. Where required and in accordance with an approved landscaping plan submitted to the Planning Commission, suitable plant material shall be placed and maintained to screen operations from public view.

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5. There shall be no open storage of discarded machinery, trash or junk that would present an unsightly appearance.
6. Must be operated so as to keep dust and noise to a minimum. Access roads shall be maintained as dust-free surfaces 100 feet from the public street.
7. Must meet all applicable federal, state and other local regulations.
8. No signage shall be lighted at any time.

In addition to the preceding performance standards for Quarries, Pits and Mines, the Planning Commission requires the following information:

1. A USGS topographical quadrangle map, or maps, to include the proposed site and the man-made and natural features within one mile of this site.
2. Plan for protection of surrounding land, environment and wildlife from dust, noise, vibration and other undesirable effects from the operation.

SECTION 9.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Agricultural District.

- A. LOT AREA - Every lot occupied by dwelling hereafter erected shall contain an area of not less than 8,000 square feet, where the lot is served by public water supply and sanitary sewerage systems. For lots served by on-site sewer and water systems, the minimum lot size shall be two (2) acres.
- B. LOT WIDTH - The minimum width in the Agricultural District shall be one hundred (100) feet.
- C. FLOOR AREA OF DWELLING - No dwellings, shall be erected or altered which provides less than 480 square feet of floor area at the first floor level, exclusive of any garage areas or areas in any accessory building.
- D. YARD SETBACKS
 1. Front Yard – A 25 foot minimum front yard depth shall be required.
 2. Side Yard - A 10 foot minimum width, except where adjoining a street or highway in which case the front yard requirements will apply.
 3. Rear Yard - A 10 foot minimum rear yard depth shall be required.

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- E. WELL AND SEPTIC TANK REQUIREMENTS - Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

SECTION 9.05 – SIGNS, OFF PREMISES

Off premise signs shall be prohibited in the Agricultural District.

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ARTICLE 10 – CONSERVATION/RECREATION DISTRICT

SECTION 10.01 - PURPOSE

The Conservation and Recreation (CR) District is intended to protect both unsubdivided natural areas and publicly-owned lands generally used for recreation. This will allow the Township to retain some contiguous natural areas that can be utilized for greenbelts, wetlands, scenic areas, wildlife habitat, and low intensity outdoor recreation along with the higher intensity outdoor recreation areas and facilities. Environmentally-conscious regulations are intended to protect water quality and sensitive environmental resources by providing a buffer of low-intensity uses. Typical uses include forest and wildlife management, riparian buffers, parks, trails, and playgrounds.

SECTION 10.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Conservation/Recreation District, unless otherwise provided in this Article:

- A. Public or private forest preserve, game refuge, park, playground, or other recreational purpose.
- B. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- C. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and provided that any parcel that is kept as idle cropland shall be treated as to prevent soil erosion by wind or water.
- D. Riding academy or stable
- E. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be re-seeded after stripping by fall of the year in which it was stripped so to reduce the actual or potential erosion of soil.
- F. The raising or growing of plants, trees, shrubs, and nursery stock
- G. Cabin
- H. Boarding House
- I. Bed and Breakfast (B&B)
- J. Fire Control Structures

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- K. Private airports provided that the private airport serves no more than two (2) aircraft.

SECTION 10.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

A. Campground/Resort

1. A 100 foot buffer strip shall be in place as measured from any public street or lot line.
2. Subject to all federal, state, and local regulations regarding waste treatment, drainage, and provisions of other facilities, such as gas and electric hook-up.

B. Home Occupations

1. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto;
2. Not more than two people outside the family shall be employed in the home occupation;
3. There shall be no exterior display;
4. No other exterior indication of the home occupation or variation from the residential character of the principle building. No signage shall be lighted at any time;
5. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated;
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood;
7. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit;
8. One sixteen square foot sign is permitted on site.

C. Sawmill

1. Saw or other machinery shall not be less than 50 feet from any property line or public street.

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2. All power saws and machinery shall be secured against tampering.
- D. Plant Nursery or Greenhouse
1. Retail sales are limited to the sale of plants and the commodities used in the direct care of plants.
- E. Golf Course
1. No target hole (green) is located within 100 feet of a property line or street. Accessory uses may include an on-site pro shop, driving range, and maintenance facilities as part of the development plan.
- F. Archery and/or Shooting Range
1. An indoor or outdoor archery, rifle, skeet, or trap, or other similar shooting range may be permitted subject to the provisions of federal, state and local laws, and may be of either a commercial or a private nature.
 2. The use of automatic weapons shall not be permitted. The range shall be constructed in a manner as to eliminate any danger from firearms to persons or property outside the facility.
- G. Small WECS on lots of 5 acres or more, including conditions of approval (See Section 3.14).
- H. Large WECS installations (see Section 3.15)

SECTION 10.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Conservation/Recreation District.

- A. LOT AREA - Every lot occupied by a dwelling hereafter erected shall contain an area of not less than 20 acres.
- B. LOT WIDTH - The minimum width for parcels in the Conservation/Recreation District shall be 300 feet.
- C. FLOOR AREA OF DWELLINGS - No dwellings, shall be erected or altered which provides less than 480 square of floor area at the first floor level, exclusive of any garage or accessory structure.

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D. YARD SETBACKS

1. Front Yard - A 75 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
2. Side Yard - A 25 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.
3. Rear Yard - A 50 foot minimum rear yard depth shall be required.

SECTION 10.05 - WELL AND SEPTIC TANK REQUIREMENTS

Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

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ARTICLE 11 – FOREST RESOURCE DISTRICT

SECTION 11.01 - PURPOSE

The Forest Resource District is established to provide a variety of different uses which are resource based. The intent of this district is to:

- Promote and encourage the use of the land for forestry operation, hunting, fishing, camps and other natural resource based uses.
- Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
- Promote the conservation of large tracts of forestland.

SECTION 11.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Forest Resource District, unless otherwise provided in this Article:

- A. Logging operations including portable sawmills
- B. Tree Farms
- C. Nursery Farms
- D. Commercial Stable
- E. Private airports provided that the private airport serves no more than two (2) aircraft
- F. Fire control structures
- G. Bed-and-Breakfast (B&B)
- H. Boarding House
- I. Cabin

SECTION 11.03 – SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Section 13 of this *Ordinance*:

- A. Animal Hospitals, Veterinary Clinics

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1. No part of any building, pen, or run shall be within one hundred (100) feet of any lot or property line.
 2. One sign is permitted not to exceed 18 square feet.
- B. Animal boarding places and kennels
1. No part of any building, pen, or run shall be within one hundred (100) feet of any lot or property line.
 2. One sign is permitted not to exceed 18 square feet.
- C. Airport - (three or more aircraft) In the Agricultural District, an airport shall be permitted provided the following standards are met;
1. The proposed location and placement is in accordance with the requirements of the Federal Aviation Administration, the Aeronautic Administration of Michigan and any other rightfully involved governmental agency.
 2. Any buildings, hangars, or other structures shall be at least 100 feet from any street or lot line.
 3. No application shall be considered, unless it is accompanied by a site plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of owners of abutting properties; proposed layout of runways, flight patterns, landing strips or areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the locations and height of all buildings, structures, trees, and overhead wires falling within the airport approach zones and within 500 feet of the boundary lines of the airport; other pertinent data such as topography and grading plan, drainage, water, and sewerage, etc.
- D. Campground/Resort
1. A 100 foot buffer strip shall be in place as measured from any public street or lot line.
- E. Golf Course
1. No target hole (green) is located within 50 feet of a property line, and that no target hole (green) is located within 150 feet of a street.
- F. The Raising or Keeping of Fur Bearing Animals
1. There shall be a minimum of 100 feet from any portion of the operation to the nearest property line.

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2. All waste disposal shall be approved by the Planning Commission.
- G. Small WECS on lots of 5 acres or more, including conditions of approval (See Section 3.14).
- H. Large WECS Installations (see Section 3.15)
- I. Home occupation:
2. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto;
 3. Not more than two people outside the family shall be employed in the home occupation;
 4. There shall be no exterior display;
 5. No other exterior indication of the home occupation or variation from the residential character of the principle building;
 6. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated;
 7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood;
 8. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit;
 9. One sixteen (16) square foot sign is permitted on site.
- J. Quarries, Pits and Mines -
1. Explosives shall be used only between sunup and sundown. Unless otherwise determined by the Planning Commission, the land areas exposed by the operation shall not have a final cut slope steeper than three feet horizontal to one foot vertical distance.
 2. All buildings, structures and equipment shall be entirely removed from the property within one year after operations cease.
 3. Dikes, or other approved barriers, and drainage structures shall be provided to prevent silting of natural drainage channels or waterways in the surrounding area.

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4. Where required and in accordance with an approved landscaping plan submitted to the Planning Commission, suitable plant material shall be placed and maintained to screen operations from public view.
5. There shall be no open storage of discarded machinery, trash or junk that would present an unsightly appearance.
6. Must be operated so as to keep dust and noise to a minimum. Access roads shall be maintained as dust-free surfaces 100 feet from the public street.
7. Must meet all applicable federal, state and other local regulations.
8. No signage shall be lighted at any time.

In addition to the preceding performance standards for Quarries, Pits and Mines, the Planning Commission requires the following information:

1. A USGS topographical quadrangle map, or maps, to include the proposed site and the man-made and natural features within one mile of this site.
2. Plan for protection of surrounding land, environment and wildlife from dust, noise, vibration and other undesirable effects from the operation.

SECTION 11.04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Forest Resource District.

- A. **LOT AREA** - Every lot occupied by a dwelling hereafter erected shall contain an area of not less than ten (10) acres.
- B. **LOT WIDTH** - The minimum width for parcels in the Forest Resource District shall be 200 feet.
- C. **FLOOR AREA OF DWELLINGS** - No dwellings, shall be erected or altered which provides less than 480 square of floor area at the first floor level, exclusive of any garage or accessory structure.
- D. **YARD SETBACKS**
 1. **Front Yard** - A 25 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
 2. **Side Yard** - A 15 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.

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3. Rear Yard - A 25 foot minimum rear yard depth shall be required.

SECTION 11.05 - WELL AND SEPTIC TANK REQUIREMENTS

Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other approved waste disposal system.

SECTION 11.06 - SIGNS, OFF PREMISES

Off premise signs shall be prohibited in the Forest Resource District.

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ARTICLE 12 – RESOURCE PROTECTION OVERLAY ZONE

SECTION 12.01 – PURPOSE

In establishing this Overlay District, L'Anse Township recognizes that the economic and environmental well being of the community. As well as the importance of preserving the natural areas near the rivers, streams, and bluffs associated with Keweenaw Bay and Lake Superior. The specific intent of the overlay zone is to:

- Protect riparian and aquatic ecosystems and their chemical, physical, biological, economic, and social attributes.
- Prevent the degradation of water quality or excessive unnatural sedimentation into Lake Superior by protecting the rivers, streams, and floodplains of the Township.
- Provide for the infiltration of stormwater runoff to remove pollutants before they negatively impact water resources.
- Maintain the base flow of water courses.
- Protect the integrity of the steep slopes and bluffs that provide a scenic view of Keweenaw Bay and are a distinctive and valuable natural feature in the L'Anse Township.
- To minimize bluff instability to avoid the erosion, undermining, slumping, or collapse of steep slopes.
- Preserve maintenance-free native vegetation and protect natural features including trees, wildlife habitat, and environmentally sensitive areas within the overlay zone.
- Preserve the tree canopy to shade streams and promote desirable aquatic organisms.
- Contribute to the organic matter that is a source of food and energy for the aquatic ecosystem.
- Encourage coordination between local government, county, state, federal, and tribal agencies concerned with natural resources.
- Assist landowners and developers to implement more sustainable land management practices.
- To supplement other laws and regulations impacting the protected areas.

SECTION 12.02 – BOUNDARIES

The Resource Protection Overlay Zone is shown in general as the black dot area on the Official Zoning Map of the L'Anse Township. The provisions of this Article apply in addition to all the provisions of the underlying zoning districts and other applicable general standards of this *Ordinance*. In the event that regulations imposed by this Article conflict with regulations of an underlying zoning district, the regulations established by this Article shall prevail to the extent of the conflict and no further. The Zoning Administrator shall make a determination regarding the application of the boundaries based on the data supplied by the applicant or a qualified professional specializing in a profession related to the natural resource of concern, environmental science, or natural resource management.

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SECTION 12.03 – REGULATIONS AND STANDARDS

A. SETBACKS

1. Properties Adjacent to Keweenaw Bay/Lake Superior

For properties adjacent to Keweenaw Bay / Lake Superior, the following setback requirements shall apply (this does not apply to pump houses, recreational docks, stormwater and erosion control devices, picnic tables, benches, recreational watercraft, wooden stairways, and unpaved walkways):

- a. No structure shall be allowed within seventy-five (75) feet of the ordinary high water mark;
- b. On lots with coastal wetlands, a setback of seventy-five (75) feet shall be maintained from the wetland's edge.
- c. If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply.
- d. Where the imposition of the setbacks above precludes the location of a dwelling or other primary structure, the applicant may request a variance, however, no variance shall be granted for any use or structure in violation of the intent and purpose of this Article.

2. Buffers from Riparian (River and Stream) Systems

For properties adjacent to rivers and streams in the Resource Protection Overlay Zone, structures shall be setback as required by the front setback, side yard, and rear yard standards of the underlying zoning district, except that the prescribed setback shall be measured from the edge of the riparian buffer as calculated in Subsection C below, rather than from the property line.

B. MAXIMUM IMPERVIOUS SURFACE COVERAGE

Maximum impervious surface coverage in the Resource Protection Overlay Zone is as follows:

1. Areas with average slopes up to ten (10) percent shall be governed by the impervious surface coverage requirements of the underlying zoning district.
2. Areas with average slopes between ten (10) and twenty-five (25) percent shall not exceed an impervious surface coverage of twenty-five (25) percent.
3. Areas with average slopes twenty-five (25) percent or greater shall be preserved in their natural state and maintained as permanent open space.

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C. RIPARIAN BUFFER STANDARDS

1. Zone 1: Streamside Zone:

Zone 1: Streamside Zone begins at the edge of the active channel of the water course and extends twenty-five (25) feet landward.

a. Permitted Uses Zone 1:

- i. Flood control structures
- ii. Utility right-of-ways
- iii. Unpaved footpaths
- iv. Road crossings where permitted

b. Prohibited Uses Zone 1:

- i. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
- ii. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
- iii. Presence of livestock
- iv. Use of motor vehicles
- v. Construction of permanent structures

2. Zone 2: Outer Zone:

Zone 2: Outer Zone begins at the outer edge of the Streamside Zone and extends twenty-five (25) feet landward.

a. Permitted Uses Zone 2

- i. Flood control structures
- ii. Utility right-of-ways
- iii. Unpaved footpaths
- iv. Road crossings where permitted
- v. Surfaced biking or hiking paths
- vi. Approved stormwater management facilities
- vii. Approved recreation facilities

b. Prohibited Uses Zone 2

- i. Soil disturbance (grading, stripping, filling, dumping), except minor filling or grading for the establishment of shoreline access paths.
- ii. Use of pesticide or fertilizer (except for management of invasive species as approved by the planning commission in consultation with the appropriate agency)
- iii. Presence of livestock

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- iv. Use of motor vehicles
- v. Construction of permanent structures

D. TREE PROTECTION STANDARDS

1. These standards apply to lots that contain the Overlay Zone:
 - a. Development shall be designed so that the maximum number of trees is preserved by the clustering of structures in existing cleared areas and natural clearings.
 - b. Grading, contouring, and paving may not detrimentally affect the root zone aeration and stability of existing trees.
 - c. Development shall not reduce the existing crown cover greater than thirty (30) percent.
 - d. The removal of trees seriously damaged by storms or other acts of God, or diseased trees, is permitted.
 - e. In cases where native vegetation does not exist within a buffer zone, the landowner is encouraged to replant the buffer zone with native plant species.
2. These standards apply to lots with a view of Keweenaw Bay/Lake Superior that contain the Overlay Zone. Selective tree removal and pruning and thinning of natural vegetation may be allowed within a defined location to promote a view of the shoreline, subject to the following requirements:
 - a. Only the minimal alteration of vegetation necessary to obtain a view is permitted (clear cutting is not permitted).
 - b. A plan must be submitted showing the location of the proposed view corridor with respect to view points from a dwelling or other viewing area.
 - c. On residential lots of two (2) acres or less, only one (1) view corridor is typically considered acceptable.
 - d. View corridors shall not affect more than twenty-five (25) percent of the length of the property as measured along the shoreline.

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ARTICLE 13 – SPECIAL LAND USES

SECTION 13.01 - PURPOSE

This *Ordinance* is based on the division of the Township into districts in each of which certain uses are permitted by right. In addition there are certain other uses that are appropriate and compatible with the uses permitted by right, but not at every, or any location therein, without conditions being imposed to secure compatibility with neighboring properties. These uses are identified as special land uses.

This *Ordinance* therefore requires approval of uses listed in the several zoning districts as special land uses and specifies in this section the procedures and standards to be followed in approving permits for such uses. If compliance with the procedures and standards for a special land use is found, the right to a special land use permit shall exist, subject to conditions that may be imposed. No special land use shall commence until a special land use permit is issued in accordance with this *Ordinance*.

SECTION 13.02 - AUTHORITY TO GRANT PERMITS

The L'Anse Township Planning Commission shall have the authority to grant special land use permits, subject to such conditions of design and operation, and safeguards as it may determine for all conditions uses specified in the various district provisions of this *Ordinance*.

SECTION 13.03 - DATA, EXHIBITS, AND INFORMATION REQUIRED IN AN APPLICATION

An application for a special land use permit shall contain the following:

- A. Applicant's name, address, and phone number
- B. Names and addresses of all record and known owners and proof of ownership.
- C. Legal description, address and tax parcel number of the property.
- D. A detailed description of the proposed use.
- E. A Site Plan meeting the requirements of Article 14.

SECTION 13.04 - PUBLIC HEARING

The Planning Commission shall hold a public hearing upon any application for a special land use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing.

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Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question

Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

The notice shall do all of the following:

- A. Describe the nature of the request.
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- C. State when and where the request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

SECTION 13.05 - REQUIRED STANDARDS AND FINDINGS FOR MAKING DECISIONS

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

- A. The property subject to the application is located in a zoning district in which the proposed special use is allowed.
- B. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
- C. The proposed special use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- D. The proposed special use will not place demands on public fire and police resources in excess of current capacity.
- E. The proposed special use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

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- F. The proposed special use complies with all specific standards required under this *Ordinance* applicable to it.

SECTION 13.06 - ADDITIONAL DEVELOPMENT REQUIREMENTS

No application for a special land use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid or the Township Attorney by a written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.

SECTION 13.07 - CONDITIONS

In approving a special land use the Planning Commission may impose conditions it deems necessary to achieve the purposes and standards of this *Ordinance*. Failure to comply with any such conditions shall be a violation of this *Ordinance*. An approved special land use permit, including all conditions, shall run with the land and shall be binding upon all successors in the property. The conditions shall remain unchanged except upon mutual consent of the Planning Commission and landowner. Any such changes shall be entered into the minutes of the Commission meeting at which the action is taken. A public hearing shall be held on any proposed change, as required for an original application.

Any conditions imposed, however, shall meet all of the following requirements:

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

SECTION 13.08 - SITE PLAN APPROVAL OF SPECIAL LAND USES

Any approval of a special land use shall require site plan review.

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ARTICLE 14 - SITE PLAN REVIEW

SECTION 14.01 - PURPOSE

It is recognized by this *Ordinance* that there is a value to the public in establishing a safe, orderly, and beneficial development pattern; there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this *Ordinance* requires site plan review and approval by the Township Planning Commission for certain buildings, structures and projects that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage, and on the character of future development. It is important that consultation and cooperation between the applicant and the Township Planning Commission take place in order that applicant may accomplish their objectives in the utilization of their land and the public interest is upheld.

SECTION 14.02 - BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW

A site plan shall be submitted for review and approval to the Township Planning Commission for the following uses:

- A. An apartment building containing three (3) or more dwelling units.
- B. More than one multiple-family building on a lot, parcel or tract of land, or a combination of lots under single ownership.
- C. Mobile Home Park
- D. Subdivision consisting of four or more dwellings.
- E. Any new principle commercial, office, industrial, business, recreational or institutional structure/use.
- F. All other uses requiring site plan review and approval as required by this *Ordinance*.

SECTION 14.03 - APPLICATION PROCEDURE

An application for site plan review shall be made to the Township Clerk along with a fee as required. The application shall, at a minimum, contain the following information:

- A. The applicant's name, address, phone number and signature.
- B. The property owner's address, phone number and signature.
- C. The project address and parcel number.

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D. Project description.

The Township Clerk, upon receipt of the application and related materials, drawings, other necessary data, and payment of required fee, shall forthwith transmit the copies to the Planning Commission.

Within sixty (60) days of receipt of all required information, a meeting of the Planning Commission shall take place in which the site plan is approved, denied or approved with conditions. Written notice shall be sent to the applicant stating the time and place of the review of the site plan by the Township Planning Commission. All meetings of the Planning Commission shall conform to the provisions of the Open Meeting Act, Act 267 of the Michigan Public Acts of 1976 as amended.

SECTION 14.04 - SITE PLAN CONTENT

Site Plans submitted for review shall be drawn at a scale of 1 inch = 200 feet or greater and shall contain the following information:

- A. Vicinity map illustrating the location of the site within the Township.
- B. Date site plan was prepared.
- C. Name, address or preparer and professional seal of preparer.
- D. North arrow.
- E. Legal description based upon most current survey.
- F. Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site.
- G. Direction of storm water drainage and how storm water runoff will be handled.
- H. Location of existing and proposed buildings, their intended use, the length, width and height of each building and the square footage of each building.
- I. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet of the site.
- J. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields and utility easements.
- K. Location of all sidewalks, bike paths, and other walkways.

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- L. Location and size of any walls, fences or other screening provisions.
- M. Location of all proposed landscape materials, including size and type of planting. Location of significant trees and other important landscape features on the site.
- N. Location of all proposed accessory structures, including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters and recycle areas, signs, and existing and proposed utility poles.
- O. Proposed parking areas and access drives showing number and size of spaces and aisles, and loading areas.
- P. Location and type of significant existing vegetation, water courses and water bodies including county drains and manmade surface drainage ways, and wetlands.
- Q. Statement of FEMA floodplain map of flood hazard to include FEMA flood insurance rate map number.
- R. Zoning of the site.
- S. Zoning of adjacent sites.
- T. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, hazardous materials as well as any containment structures or clear zones required by this *Ordinance* or any other state or federal agencies.

SECTION 14.05 - STANDARDS

The Planning Commission shall review each site plan according to the standards for site plan review and any other applicable regulations of this *Ordinance*. In addition, the Planning Commission is empowered to seek the review and recommendations of appropriate county, state or federal agencies, Baraga County Sheriff's Office, Township Fire Department, other Township officials, other professionals, consultants, or agencies, as the Planning Commission deems necessary to assist it in its review in establishing a safe, orderly and beneficial development pattern.

The Planning Commission shall review the site plan for compliance with the requirements of this *Ordinance* and conformance with the following general standards:

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

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- B. Electric, telephone and cable television liens on site shall be underground where practicable. Any utility installations remaining aboveground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications that result in greatest harmony with adjacent areas.
- D. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- E. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located herein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
- G. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- H. There shall be provided a pedestrian circulation system that is insulated as completely as reasonably possible from vehicular circulation system.
- I. All loading and unloading areas and outside storage areas including areas for the storage of trash shall be screened by a vertical buffer consisting of structural and/or plant materials no less than six (6) feet in height.
- J. Exterior lighting shall be designed and constructed in such a manner to insure that all glare and lighting is confined to the development site; that any point light sources are not directly visible from beyond the boundary of the site.
- K. All streets shall be constructed in accordance with the requirements and specifications of the Baraga County Road Commission.
- L. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary State and Federal permits before final approval is granted.
- M. Site plans shall conform to the Township Master Plan.

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SECTION 14.06 - EXPIRATION OF SITE PLAN

The site plan approval shall expire and be invalid one hundred eighty (180) days after the date of approval, unless a building permit has been issued. The site plan approval shall expire, and be invalid 2 years after the date of approval, if construction has not begun on the site.

SECTION 14.07 - REVOCATION OF SITE PLAN APPROVAL

The Planning Commission may, upon notice and hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Administrator to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not resume until the Planning Commission approves an amended site plan.

SECTION 14.08 - AMENDMENT OF AN APPROVED SITE PLAN

Amendments to an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more than ten (10) feet.
 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of any required parking.
 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

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- B. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

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ARTICLE 15 - SIGNS

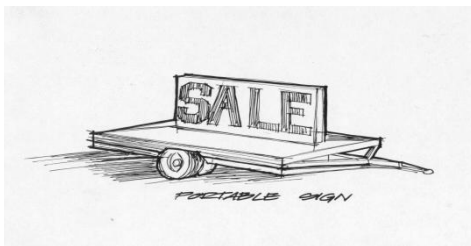
SECTION 15.01 - PURPOSE

This section is intended to protect the public health, safety and general welfare by permitting such signs as will not, by reason of their size, location, construction or manner of display, endanger the well being of people, to confuse, distract or mislead traffic, or obstruct vision necessary for traffic safety. To regulate such permitted signs in such a way as to create land use patterns and uses compatible with the surrounding areas and to protect property values.

SECTION 15.02 PROHIBITED SIGNS

The following types of signs are expressly prohibited:

- A. Portable signs.



- B. Roof signs.



- C. Balloon signs.



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SECTION 15.03 - SIGNS EXEMPTED

The following sign types are exempted from the provisions of this *Ordinance*.

- A. Government signs.
- B. Interior window signs.
- C. Memorial signs.
- D. Murals.
- E. Political campaign signs announcing candidates seeking public political office. Political signs advocating a position on a proposal that will be voted upon at a general or special election. Political campaign signs must be removed seven (7) days after the election date.
- F. Nameplates two square feet or less.
- G. Flags or insignia of any nation, state, city, township, community organization or educational institution and flags of a non-commercial nature.

SECTION 15.04 - SIGNS NOT NEEDING A PERMIT

The following signs are allowed in all zoning districts and shall not require a permit but shall be subject to all other applicable regulations of this *Ordinance*.

- A. Government signs.
- B. Non-commercial signs.
- C. Directional signs.
- D. Construction signs.
- E. Signs for residential yard and garage sales not to exceed two (2) weeks a calendar year.
- F. Real estate signs advertising the premise (on which the sign is located) for sale, rent, lease, if such signs are not more than six square feet in area.

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SECTION 15.05 - SIGN PERMITS AND APPLICATION

- A. A sign permit shall be required for the erection, use, construction or alteration of all signs except those exempted herein. For the purposes of this section, alteration shall mean any change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign.
- B. An application for a sign permit shall be made to the Township Clerk for review by the Zoning Administrator along with an approved fee. The application shall include, at a minimum, the following:
 - 1. Name, address and telephone number of the applicant and the person, firm or agent erecting the sign.
 - 2. If the applicant is other than the property owner, the signature of the property owner concurring in submittal of said application is required.
 - 3. Address of property where sign is to be located.
 - 4. An accurate scale drawing of the property showing location of sign.
 - 5. Complete description and scale drawing of the sign, including all dimensions and the area of the sign in square feet.
- C. All signs shall be inspected by the Township Zoning Administrator for conformance with this *Ordinance* prior to placement on the site.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit being issued.

SECTION 15.06 – REGULATIONS APPLICABLE TO ALL SIGNS

- A. Signs shall be structurally sound and designed in compliance with all applicable building and electrical codes.
- B. Signs shall be located so as to pose no reasonable threat to safe vehicular and pedestrian circulation or public safety signals and signs. Except for necessary traffic signs, all signs will be located outside the clear vision area. Specific examples include:
 - 1. No sign shall obstruct the vision of drivers at any driveway, parking lot, or other route providing access to any land use.
 - 2. No signs shall be located on any street, intersection, or street corner which would obscure the vision of drivers and pedestrians using said streets, or conflict with traffic control signs or signals in any location.

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3. A sign, other than a traffic sign installed by a governmental entity, shall not simulate or imitate the size, lettering, or design of any traffic sign in such manner as to interfere, mislead, or confuse the public.
- C. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- D. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
- E. No sign shall be placed in a drainage, utility, or other easement without first obtaining all applicable authorizations.
- F. Swinging signs shall be permitted only as under-canopy signs designed to a pedestrian scale and on swinging-style sidewalk signs.
- G. Illuminated signs as permitted in the zoning districts are subject to these standards:
 1. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served; and
 2. Light sources shall be shielded from all adjacent buildings and streets; and
 3. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.
 4. All property owners are encouraged to turn off all unnecessary lighting after hours.
- H. No sign shall have exposed electrical wires, and electrical service to signs shall be concealed wherever possible to preserve aesthetic values.
- I. Cutting or killing vegetation growing on public rights-of-way (or below the ordinary high water mark of navigable streams) to enhance visibility of a sign is prohibited.
- J. No signs shall be located in wetlands except governmental signs, warning signs, or signs that interpret natural, historical, or cultural features.

SECTION 15.07 – MEASUREMENT STANDARDS

A. DETERMINING SIGN AREA AND DIMENSIONS:

1. For a wall sign which is framed or has a background for the sign display, the area and dimensions shall include the entire portion within the background or frame.

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2. For a wall sign comprised of individual letters, figures or elements on a wall of a building or structure, the area and dimensions of the sign shall encompass a regular geometric shape or a combination of regular geometric shapes, which form or approximate the perimeter of all elements in the display, the frame and any applied background that is not part of the architecture of the building. This ensures that “air space” or “background wall” is generally not included in area measurements so that uniquely shaped sign elements do not constitute a penalty and so that architectural components of historic buildings are not obscured. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas as above, but including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator, shall not be included in the total area of a sign.
3. For a Freestanding sign, the sign area shall include the frame (if any) but shall not include:
 - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed to constitute a display device or a part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
4. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When a sign has more than two display surfaces, the sign area is the area of the largest display surface that is visible from any single direction.
5. In the event of a dispute in calculating the area or dimensions of any sign, a negative decision of the Zoning Administrator may be appealed by formal submission of an application to the Planning Commission for review.

B. DETERMINING SIGN HEIGHT:

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, or that is located in a depression below the adjacent street grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

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2. Vertical clearance shall be measured as the smallest distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.

C. DETERMINING BUILDING FRONTAGES AND FRONTAGE LENGTHS

1. The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
2. The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
 - a. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
 - b. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection (1) above.
3. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Administrator as clearly unrelated to the frontage criteria.
4. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
5. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

SECTION 15.08 - SIGN REGULATIONS BASED ON SIGN TYPE

DISTRICT	R-1	R-2	AG	M-1	M-2	I	CR	FR
Canopy & Marquee Sign		*		*	*	*		
Electronic Message/Changeable Copy Sign					*	*		
Freestanding Sign	*	*	*	*	*	*	*	*
Illuminated Signs	*	*	*	*	*	*	*	*
Projecting Sign	*	*	*	*	*	*	*	*
Sidewalk Sign				*				
Wall Murals		*	*	*	*	*	*	*
Wall Sign	*	*	*	*	*	*	*	*
Window Signs	*	*	*	*	*	*	*	*

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A. CANOPY AND MARQUEE SIGNS:

1. Canopy or marquee signs shall not be placed less than eight (8) to ten (10) feet above the sidewalk.
2. Canopy and marquee signs shall not be located closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.
3. Signs that are attached to the face of a marquee or canopy and are parallel to the flow of traffic shall meet the requirements of wall signs. Signs that are attached to the sides of a marquee or canopy and are not parallel to the flow of traffic shall meet the requirements of projecting signs.
4. The sign may not project more than six (6) inches from the face of the canopy or marquee.
5. Sign height shall not exceed three (3) feet.
6. Illuminated Canopy and Marquee signs shall meet the requirements of Illuminated Signs Section of this *Ordinance*.
7. A sign may hang from the underside of a canopy, marquee, or porch provided it does not present a hazard to ingress/egress and public safety, and does not exceed the total area requirements for each district. The following conditions shall also apply:
 - a. Shall not be greater than six (6) square feet.
 - b. Shall not be more than one (1) such sign per business.
 - c. Shall be no less than seven (7) feet above the grade or floor, depending on the context district.
 - d. Shall not be located closer than two (2) feet to the vertical plane of the face of a street curb or closer than three (3) feet to the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.
 - e. May swing provided that the distance between the top of the sign and the underside of the canopy, marquee, or porch is not greater than four (4) inches.

B. ELECTRONIC MESSAGE/CHANGEABLE COPY SIGNS:

1. Changeable copy by non-electronic means may be utilized on any permitted sign.
2. Signs with changeable copy shall have characters securely attached to the sign face.

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3. Only one (1) electronic message sign is permitted per visible street frontage for each lot in the appropriate zoning districts.
4. Electronic message signs are permitted in specific zoning districts as listed in Table 15-1.
5. The copy on electronic message signs shall not change more than once every five (5) seconds.
6. The electronic message sign shall not exceed fifty (50) percent of the total sign area permitted on the site.
7. All electronic message signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

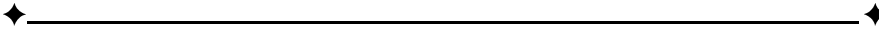
C. FLEXIBLE SIGNS:

Signs of fabric, thin plastic, or other flexible material may be erected as freestanding or wall signs provided that all requirements for those types of signs are met in addition to the requirements for flexible signs. The outer perimeter of the flexible sign shall be contained in a frame. No ropes or guy wires may be fastened so as to cause a hazard. Flexible signs shall be removed at the first evidence of wear or deterioration.

D. FREESTANDING SIGNS:

1. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
2. A maximum of one (1) freestanding sign is allowed per interior lot or parcel within the applicable districts. Through lots and lots with multiple street frontages may have one (1) additional sign per street frontage.
3. The area beneath and around a freestanding sign shall be landscaped with plants, ground cover, and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation, and natural features of the landscape. For every two (2) square feet of sign, one (1) square foot of planting or lawn must be provided and maintained at the base of the sign.
4. The property surrounding any freestanding sign shall be maintained by the property owner in a clean and sanitary condition free from weeds, rubbish, and flammable material.
5. For any freestanding sign that is within ten (10) feet of the curb of a public street, there shall be a minimum unobstructed distance of ten (10) feet between the bottom of any display area and the ground. For every two and a half (2.5) feet the sign is set back from the right-of-way, the base of the display area may be

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lowered by one (1) foot provided there is enough ground area for the required landscaping.

6. For every additional ten (10) feet that a sign is set back from the required front yard, the area of the ground sign may be increased by ten (10) percent. The required landscaping at the base of the sign must be adjusted for the increased sign area. This increase in size shall not apply to off-premise signs.
7. The allowable sign height for freestanding signs shall be as specified in Table 15-2

TABLE 15-2: Height of Freestanding Signs			
Freestanding Sign Height Allowances	Maximum Height (Feet)		
District	Ground Only	15'	20'
Residential (R-1)	*		
Mixed Density Residential (R-2)	*		
Agricultural (AG)	*		
Mixed-Use Cluster (M-1)	*		
Mixed-Use Corridor (M-2)		*	
Industrial (I)			*
Conservation Recreation (CR)			*
Forest Resource (FR)	*		

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8. The allowable sign height for freestanding signs shall be as specified in Table 15-3.

TABLE 15-3: Area of Freestanding Signs				
Freestanding Sign Area Allowances	Maximum Area (Square Feet)			
District	16	32	40	100
Residential (R-1)	*			
Mixed Density Residential (R-2)		*		
Agricultural (AG)	*			
Mixed-Use Cluster (M-1)			*	
Mixed-Use Corridor (M-2)				*
Industrial (I)				*
Conservation Recreation (CR)	*			
Forest Resource (FR)			*	

E. ILLUMINATED SIGNS:

In order to reduce glare and the general overwash of light to public rights-of-way and residential uses, and to promote the protection of the dark sky, all illuminated signs shall be designed and constructed to meet or exceed the following standards.

1. Flashing, rotating, and intermittent lighting and exposed bulbs are prohibited, except time and temperature signs and electronic message centers as regulated in Section B above.
2. Internally illuminated signs are required to have a dark face or opaque background. Only the message shall be lit, not the entire sign. Internally illuminated signs shall have back-lighted individual letters or objects softly silhouetted against the background from a diffused light source inside each letter or object.
3. External illumination must be downcast, directed only to the face of the sign, and screened from all adjacent residences. No sign lighting shall project beyond the building premises. No exposed bulbs or unshielded flood lamps are permitted.

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Illumination will also be arranged so as not to adversely affect driver visibility on adjacent thoroughfares.

4. With the exception of directional and “no vacancy” signs, no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises are open for business.

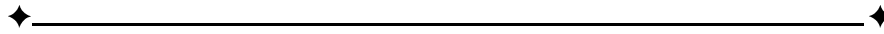
F. PROJECTING SIGNS:

1. No portion of a projecting sign shall be less than eight (8) feet or greater than fourteen (14) feet above grade as measured as the vertical distance between the bottom of the sign or support structures and the grade or floor immediately below the sign.
2. No sign shall be located closer than ten (10) feet to any intersecting rights-of-ways.
3. The sign shall be located no closer than two (2) feet to the vertical plane of the face of a street curb, or no closer than three (3) feet to the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.
4. Projecting signs shall be spaced at least fifteen (15) feet apart.
5. A sign shall not project more than eight (8) feet from any structure.
6. A projecting sign shall not exceed eight (8) square feet.
7. No sign may project over an alley or private access lane.
8. All projecting signs shall be designed, installed, and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.

G. SIDEWALK SIGNS:

1. Sidewalk signs shall be permitted in the applicable zoning district during the hours a business is open to the public, but in no instance may a sign be placed on the street earlier than 8:00 a.m. nor later than 9:00 p.m.
2. Sidewalk signs shall be of A-frame or swinging-style construction that shall be sturdy, stable, and of heavy enough construction on its own to withstand typical winds without flipping over or sliding.
3. A sidewalk sign shall have no moving parts, including wheels.

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4. The maximum height shall be four (4) feet and the sign shall not occupy more than nine (9) square feet of sidewalk. The base of the sign shall not exceed thirty-six (36) inches wide. The required dimensions shall include the support structure and shall be measured along the widest or highest section of the sign.
5. The surfaces of sidewalk signs shall be durable and weather-resistant. Loose paper faces, cardboard, paper, fabric, and non-rigid material shall not be permitted.
6. Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.
7. At all times of the year, sidewalk signs shall be placed directly in front of the business holding the permit for the sign, a minimum of two (2) feet away from the vertical plane of the face of a street curb, or three (3) feet away from the edge of the street (if there is no curb) or parking lot as determined by the Zoning Administrator.
8. The sign placement shall allow a minimum of five (5) feet of unobstructed sidewalk for pedestrians.
9. Sidewalk signs shall not be placed within twenty (20) feet of an intersection.
10. During the winter months, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
11. A sidewalk sign shall not obstruct the clear vision area, vehicular/bus stops, benches, fire hydrants, or other features legally located in the right-of-way.
12. The owner of the sign and the owner of the site upon which it is located must sign a statement assuming all liability for damage and injury caused by the sign.
13. Sidewalk signs shall be exempt from the total sign area calculation.
14. There shall be one sidewalk sign allowed for each tenant provided that all of the requirements of this section are met.

H. WALL SIGNS:

1. No wall sign shall cover, wholly or partially, any wall opening nor shall any sign project beyond the ends or top of the wall to which it is attached.
2. Sign position will avoid obscuring architectural ornament and detail.
3. A wall sign shall not project more than twelve (12) inches from the wall.

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4. Wall sign area is counted toward the total area requirements; however, the minimum sign area for each tenant, including those without outside frontage, shall not be less than two (2) square feet.
5. For any commercial or mixed-use building containing more than one tenant, a directory sign containing the names of all tenants may be located at each common public entrance to the building, not to exceed a maximum size of twenty (20) square feet for each directory. Directory and restaurant menu signs not exceeding two (2) square feet need not be included in the sign area calculations.
6. Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs for that tenant space or use (not including building directories and menu boards as above).
7. Additional wall sign area is permitted for a secondary frontage which shall be equal to one-hundred (100) percent of the primary sign area allowance.
8. Fifteen (15) square feet of bonus area is permitted on each of the building's primary and secondary frontages for a building with two (2) or more floors. The bonus sign must be placed at the height for which the bonus has been granted.
9. No wall sign shall have a length greater than eighty (80) percent of the length of the tenant space, or for single tenant buildings, the length of the building frontage.

I. WINDOW SIGNS:

1. Window signs shall not exceed twenty-five (25) percent of the area of a window, except when the window is covered by a single mural or photo, and in that case, the display shall not exceed seventy-five percent of the window area.
2. Window signs shall be counted in the total allowable sign area calculation.
3. Business hours, open/closed signs, and other similar information are exempt from the total allowable window sign square footage calculation.

SECTION 15.09 - NONCONFORMING SIGNS

- A. All legal permanent signs which do not conform to the size, location or zoning district requirements of this *Ordinance* as of the date of the adoption of this *Ordinance*, are hereby deemed nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.

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- C. For the purposes of this *Ordinance*, a nonconforming sign may be reduced in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.

SECTION 15.10 - ILLEGAL SIGNS

Any of the following: (1) a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use; (2) a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises; (3) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (4) a sign that is a danger to the public or is unsafe; or (5) a sign that pertains to a specific event that has not been removed within five days after the occurrence of the event.

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ARTICLE 16 - ZONING BOARD OF APPEALS

SECTION 16.01 - MEMBERS, PER DIEM EXPENSES AND REMOVAL

A. MEMBERSHIP:

1. The five (5) members of the Township Board shall serve as the Zoning Board of Appeals for the L'Anse Township.
2. There shall also be an alternate member, selected from the electors of the L'Anse Township and residing within the zoning jurisdiction of the Township, serving the same term as regular members.

SECTION 16.02 - ALTERNATES

The Township Board shall appoint two alternate members who shall serve in the case of the following: 1) when the regular member will be unable to attend two (2) or more consecutive meetings, 2) when the regular ZBA member will be unable to attend meetings for a period of more than thirty (30) consecutive days, or 3) when the regular ZBA member has a conflict of interest on a particular case.

SECTION 16.03 - MEETINGS OF THE ZONING BOARD OF APPEALS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedures may specify. The Chairman, or in his or her absence the acting Chairman, may administer oaths and compel the attendances of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. A minimum of two regular meetings shall be held and open to the public each calendar year. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be public record.

SECTION 16.04 - JURISDICTION

- The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all the powers of the office or body from whom the appeal was taken, but no more.
- The Board of Appeals may issue or direct the issuance of a permit if, following a review of the facts, the relevant *Ordinance* requirements, and the prior decision of the Zoning Administrator/Building Inspector or Planning Commission, the Board of Appeals concludes the *Ordinance* requirements were not properly applied. The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this *Ordinance* may be equitably

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achieved in order that there shall be uniform interpretation and flexibility in the enforcement of this *Ordinance* or to fulfill any other responsibilities bestowed upon the Board of Appeals by this *Ordinance*. At the same time, the Board of Appeals shall be aware that this responsibility does not extend to creating regulations, only to applying regulations, which is a narrow quasi-judicial responsibility, and not a legislative one. The power to adopt land use regulations rests solely with the Township Board, per the appropriate process. For example, the Board of Appeals shall not have the power (except within their capacity as Township Board members) to alter or change the zoning district classification of any property or to authorize any use of land not expressly permitted in the district, nor to make any change in the terms or intent of this *Ordinance*; these powers are reserved to the Township Board.

SECTION 16.05 - VARIANCES

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

- A. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants economic difficulty.
- B. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- D. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

SECTION 16.06 - CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure the 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

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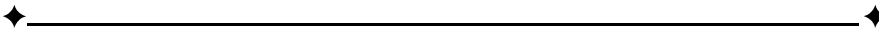
compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- C. Be necessary to meet the intent, spirit, and purpose of the *Zoning Ordinance*.

SECTION 16.07 - PROCEDURE

- A. An appeal for variance from any ruling of the Zoning Administrator, or other administrative officer administering any portion of this *Ordinance* may be taken by any person, partnership, corporation, or any governmental department affected or aggrieved.
- B. The appeal fee shall be determined by resolution of the Township Board. A fee is required and shall accompany the application at the time it is submitted to the Township.
- C. Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the *Zoning Ordinance* or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:
 - 1. For an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person filing the appeal and to the Zoning Administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.
 - 2. For a request seeking an interpretation of the *Zoning Ordinance*, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing.
 - 3. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, a notice stating the nature of the variance being requested

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and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery 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 all structures within 300 feet of the boundary of the property in question.

- D. Upon the date of the hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served or for further consideration of the matter involved. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides, provided however, any adjournment shall be stated at the hearing giving the date, time and place to which adjournment is made.

SECTION 16.08 - DECISIONS OF THE BOARD

The Zoning Board of Appeals shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant, and Zoning Administrator. The Township Zoning Administrator shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant when the Board authorizes a permit.

In the event the Zoning Board of Appeals grants a variance, the applicant or appellant or his or her successor in interest shall not use the property in question such that it would exceed those rights given by the *Zoning Ordinance* or the variance or fail to follow any condition placed thereon by the Board. In the event the use of the property exceeds those rights given by the *Zoning Ordinance* or the variance, or fails to follow the conditions placed upon the variance, the variance shall be repealed. The applicant or appellant or his or her successor in interest may appeal the decision of the Zoning Administrator or other official making the determination to the Zoning Board of Appeals.

SECTION 16.09 - STAY OF PROCEEDINGS

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

SECTION 16.10 - TIME LIMIT FOR APPROVED VARIANCES

Each variance granted under the provisions of this *Ordinance* shall become void unless the construction, occupancy or other actions authorized by such variance have commenced within one (1) year of the granting of such variance.

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Upon written application filed prior to the termination of the one year time period, the Zoning Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one (1) year upon the finding of the Board that the original circumstances creating the need for the extension were largely beyond the control of the applicant.

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ARTICLE 17 - ADMINISTRATION AND ENFORCEMENT

SECTION 17.01 - ADMINISTRATION

The Township Board shall appoint a Zoning Administrator to administer and enforce the provisions of this *Ordinance*. The Zoning Administrator or his/her agent shall have the authority to receive applications, inspect premises for violations, issue zoning compliance permits, and institute proceedings for enforcement of this *Ordinance*. The Zoning Administrator or his/her designated agent is specifically authorized to issue and serve appearance tickets, based on reasonable cause, on any person, business or organization in violation of any of the provisions of this *Ordinance*.

SECTION 17.02 - BUILDING PERMIT REQUIRED

No building permit shall be issued without first having obtained a Certificate of Zoning Compliance and all other applicable permits. All building permits shall indicate by the signature of the Zoning Administrator that required zoning compliance has been verified. If such verification is not present, the building permit shall not be valid and no construction activity may commence.

SECTION 17.03 - FEES, CHARGES AND EXPENSES

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
1. Zoning Permits.
 2. Special Land Use Permits.
 3. Appeals to or requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Classification of unlisted property uses.
 5. Requests for variances from the Zoning Board of Appeals.
 6. Requests for rezoning of individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee.
 7. Site plan reviews.

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8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- B. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.

SECTION 17.04 - VIOLATIONS AND PENALTY

- A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this *Ordinance* or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this *Ordinance* are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined in Section 13.05.1 above or who violates or fails to comply with this *Ordinance* or any permit issued pursuant to this *Ordinance* shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this *Ordinance*. Nothing in this section shall exempt the offender from compliance with the provisions of this *Ordinance*.
- C. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this *Ordinance* to appear in court.
- D. In addition to enforcing this *Ordinance* through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this *Ordinance*.

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SECTION 17.05 - COMPLIANCE WITH PERMITS, APPROVALS AND CERTIFICATES

Building permits, approvals and certificates issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, of construction. Use, arrangement, or construction at variance or approval with that authorized shall be deemed a violation of this *Ordinance*, and punishable as provided in Section 17.04, herein.

SECTION 17.06 - APPEAL

- A. In the event a person or entity called upon to escrow moneys under this section becomes aggrieved based upon the administration of this Section, such person or entity may appeal decisions made in the administration of this Section to the Zoning Board of Appeals, provided such appeal must be taken within fifteen (15) days of the item to be appealed by submitting a letter or other writing to the Township Clerk requesting the appeal.
- B. An appeal of a site plan decision rendered by the Planning commission shall be made to the Township Board within fifteen (15) days of such decision of the item to be appealed by submitting a letter or other writing to the Township Clerk requesting the appeal.

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ARTICLE 18 - AMENDMENT PROCEDURE

SECTION 18.01 - INITIATING AMENDMENTS AND FEES

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provision and regulations herein established, whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fees established by the Township Board. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation to the Township Board.

SECTION 18.02 - INFORMATION REQUIRED

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property or site, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner(s) of the site.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of the petitioner(s) and owner(s) certifying the accuracy of the required information.

SECTION 18.03 - PUBLIC HEARING

The Planning Commission shall hold a public hearing upon any application for a map or text amendment, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing.

Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question

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Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

The notice shall do all of the following:

- A. Describe the nature of the request.
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- C. State when and where the request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

If an individual property of 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under this section.

If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required, except for the individual mailing of notices within 300 feet requirements and no individual addresses of properties are required to be listed.

SECTION 18.04 - FINDINGS OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whereupon the requested zoning change is justified by a change in conditions since the original *Ordinance* was adopted or by an error in the original *Ordinance*.
- B. The precedent, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The ability of the Township or other governmental agencies to provide services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on the condition and/or value of property in the Township or in adjacent jurisdictions.

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- E. Effect of approval of the petition on adopted development policies of L'Anse Township and other governmental units.

All findings of fact shall be made part of the public records of the meetings of the Planning Commission and the Township Board. A petition shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of L'Anse Township.