
**YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN**

Published in 2007 by Order of the Township Board of Trustees

Originally effective November 29, 1979



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OFFICIALS

of the

TOWNSHIP OF

YANKEE SPRINGS, MICHIGAN

AT THE TIME OF THIS PUBLICATION

Township Board of Trustees

Township Manager

Township Board of Zoning Appeals

Janice Lippert

Township Clerk

PREFACE

This volume contains the Zoning Ordinance of the Township of Yankee Springs, Barry County, Michigan, originally effective November 29, 1979.

The zoning ordinance, as amended through April 14, 2005, has been printed as submitted by the Township except the sections and subsections have been renumbered and/or relettered as directed by the Township. Amendatory ordinances subsequent to April 14, 2005, have been included. Obvious misspellings and punctuation errors have been corrected without notation. Words or phrases added by the editor for purposes of clarification are enclosed in brackets.

Amendatory Legislation

A feature of this publication that is particularly useful is the Table of Amendments located at the back of this volume. Any amendatory legislation may be located therein by number and date of enactment, and the sections or subsections amended will be listed. In addition, the sources of any amendments to a section are listed in a parenthetical history note following the amended section. The absence of such a note indicates that the section is derived unamended from the zoning ordinance as originally submitted for publication.

Index

As part of the publication project, a comprehensive index was prepared. Each particular subject has been placed under several headings, some couched in lay phraseology and others in legal terminology. There are numerous cross references within the index which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

Another special feature of this volume is the supplemental service, by which the publication will be periodically kept up to date. Upon the final passage of amendments, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the publication with instructions for the manner of inserting the pages and deleting the obsolete pages. The instruction sheet for the most current supplement should be placed in the front of the volume, and it is recommended that deleted pages be saved and filed for historical reference.

Acknowledgments

This volume is presented for the use and benefit of the citizens of the Township of Yankee Springs. This publication was under the direct supervision of Linda Davis, Supplement Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers would also like to extend their sincere appreciation to Janice Lippert, Township Clerk, for her cooperation and assistance throughout the publication of the volume.

	MUNICIPAL CODE CORPORATION Tallahassee, Florida 2007
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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Included/Omitted	Supp. No.
10-01-10	10-14-2010	Included	5
09-01-11	9- 8-2011	Included	6
05-05-11	5-12-2011	Included	7
09-01-12	9-13-2012	Included	8
09-02-12	9-13-2012	Included	8
09-03-12	9-13-2012	Omitted	8
07-24-13	7-24-2013	Included	9
12-01-13	12-12-2013	Omitted	10
06-01-14	6-12-2014	Included	10
04-01-2015	4- 9-2015	Included	11
10-01-2015	10- 8-2015	Included	12
02-01-2016	2-11-2016	Included	13
07-01-2017	7-13-2017	Included	14
10-01-2017	10-12-2017	Included	14
09-01-2018	9-13-2018	Included	15
05-01-2019	5- 9-2019	Included	16
02-11-2021	2-11-2021	Omitted	17
03-02-21	3-11-2021	Included	17
03-04-21	3-11-2021	Included	17
05-02-21	5-13-2021	Included	17

ARTICLE I - TITLE AND PURPOSE

Sec. 1.1. - Title.

This ordinance shall be known and cited as the Yankee Springs Township Zoning Ordinance.

Sec. 1.2 - Purpose.

In the interest of public health, safety, and general welfare and pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, the purpose of this ordinance is:

1. To establish zoning districts within the township of Yankee Springs. Within these districts the use of land for agriculture, recreation, residences, industry, trade, conservation, soil conservation, water supply, et cetera, may be encouraged, regulated or prohibited.
2. To divide portions of Yankee Springs Township into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the act.
3. To adopt in each district provisions designating and limiting the location, height, number of stories, size of dwellings, buildings and structures, that may hereafter be erected or altered, including manufactured homes, and the specific uses for the dwellings, buildings and structures, including manufactured homes, which may hereafter be erected, altered, or used:
To adopt regulations for the area of yards, courts and other open spaces.

To assure that sanitary, safe and protective measures shall be required for such dwellings and buildings and for the designation of the maximum number of facilities which may be housed in buildings, dwellings and structures, including manufactured homes, hereafter erected or altered.

- a. To provide for a method of amending said ordinance.
- b. To provide for the administering of the ordinance.
- c. To provide for resolving conflicts with other acts, ordinances or regulations.
- d. To provide for the collection of fees for the furtherance of the purposes of this ordinance.
- e. To provide for a method of appeals.
- f. To provide for the organization of the Yankee Springs Township Zoning Board of Appeals.
- g. To provide penalties for the violation of this ordinance.

(Ord. No. 03-01-07, § I, 3-8-2007)

ARTICLE II - DEFINITIONS

Sec. 2.1. - Usage.

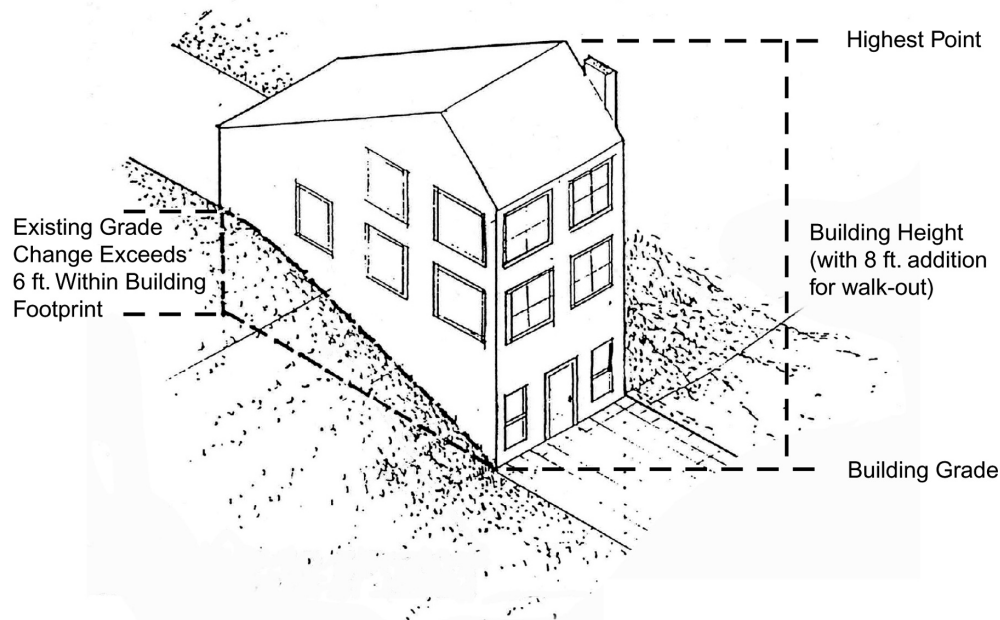
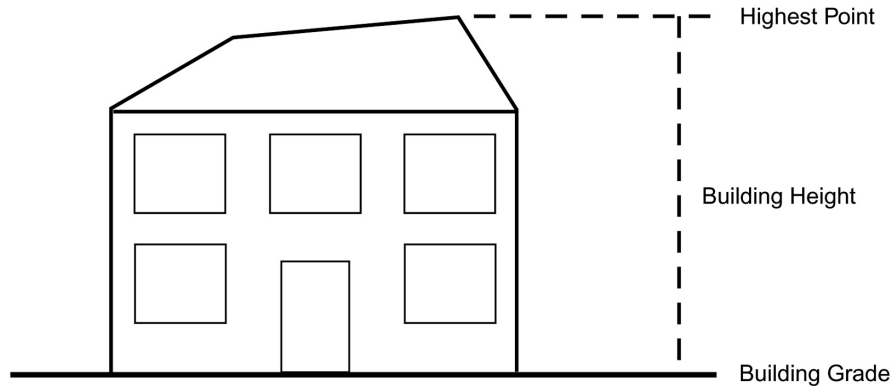
[The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

1. *Access property*: A property, parcel, or lot abutting a lake, pond, stream, or river and used or intended to be used for providing access by pedestrian or vehicular traffic to and from other property to the lake, pond, stream, or river.
2. *Accessory building*:
 - a. Subordinate building or portion of a main building, the use of which is incidental to that of the main building.
 - b. Any stables, barns, or other buildings erected upon lands being used for farming and truck gardening and for the purpose of carrying on such business upon the premises.
3. *Accessory uses*: The use of a building, lot or portions thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
4. *Adult foster care facility*: See *Care facilities*.
5. *Animal*: Animal shall mean bird, cat, dog, fish, mammal or any other dumb creature.
6. *Animal unit*: Animal unit shall be defined as a unit of measurement of any animal feeding operation calculated by adding the following numbers: the number of cattle and horses multiplied by 1.0, plus the number of swine, sheep and goats multiplied by .5, plus the number of poultry and fowl by .02, plus the number of turkeys and ducks multiplied by .04, plus all other livestock multiplied by 1.0 per one thousand (1,000) pounds of mature body weight.
7. *Apartment house*: A building used and/or arranged for rental occupancy or cooperatively owned by its occupants and with a yard, compound, service or utilities in common.
7. 1. *Basement*: A portion of a building partly or wholly below the finished grade level and so located that the vertical distance from said grade level to the floor along at least three (3) walls of the basement is greater than the vertical distance from said grade level to the ceiling of the basement.
8. *Bed and breakfast inn*: A private residence, owned and occupied by the innkeeper, that offers sleeping

accommodations to transient tenants in five (5) or fewer rooms for rent, is the residence in which the innkeeper resides while renting the rooms and he or she provides a continental breakfast at no extra cost to the tenants.

9. *Boarding house:* A dwelling in which lodging or meals or both are furnished to paying guests.
9. 1. *Boathouse:* A structure built in place and permanently located along the shoreline or in the water and providing enclosure on one or more sides of the watercraft and/or marine equipment excluding commercially manufactured boatlifts.
10. *Building:* A structure having a roof and designed for the shelter, support or enclosure of persons, animals, or property.
11. *Building coverage:* That part or percent of the lot area (not counting road rights of way or easements, bodies of water, or wetlands) that is covered by all roofed building and/or structures, including accessory buildings and structures, and fully roofed porches, decks and patios.
11. 1. *Building, existing:* An existing building is any building actually constructed or the construction of which is started previous to the effective date of this ordinance, provided that the construction of such building continues uninterrupted and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.
12. *Building height:* The vertical distance, measured from the adjoining curb level:
 - a. To the highest point of the ceiling of the top story in the case of a flat roof.
 - b. To the deck line of a mansard roof.
 - c. To the mean height level between the eaves and ridge of a gable, hip or gambrel roof.
 - d. To the highest point of the roof peak.

Provided however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

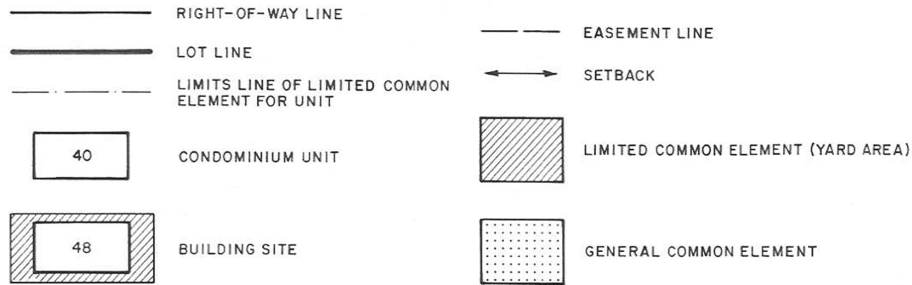
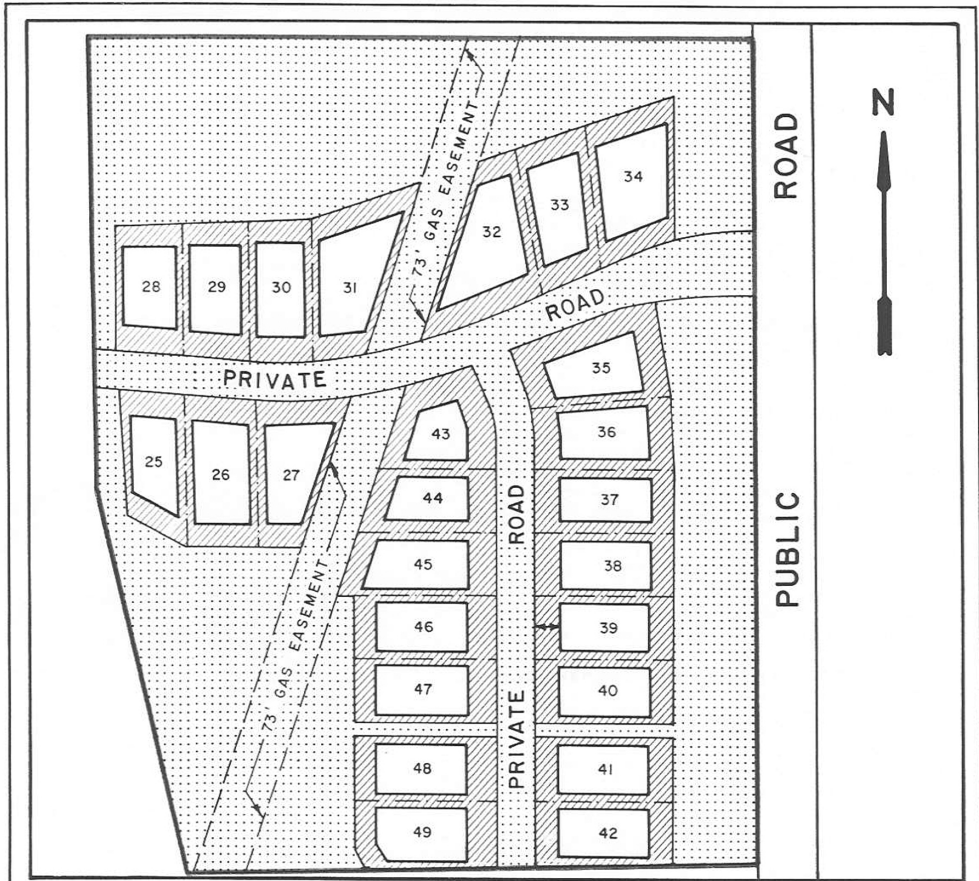


Building Height

13. *Building line:* A line beyond which the foundation, wall, enclosed porch, vestibule or other portion of a building shall not project.
14. *Building site:* A lot, or a two-dimensional condominium unit or land (i.e. envelope - surface covered by a building footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have access to public or private roads.
15. *Care facilities:*
 - a. *Adult day care facility:* A facility that provides care for more than twelve (12) adults for less than twenty-four (24) hours per day.
 - b. *Adult foster care facility (residential):* A residential structure licensed to provide room, board, and supervised care, but not continuous nursing care, for unrelated adults eighteen (18) years of age or older, in accordance with Public Act 218 or 1979, as amended.

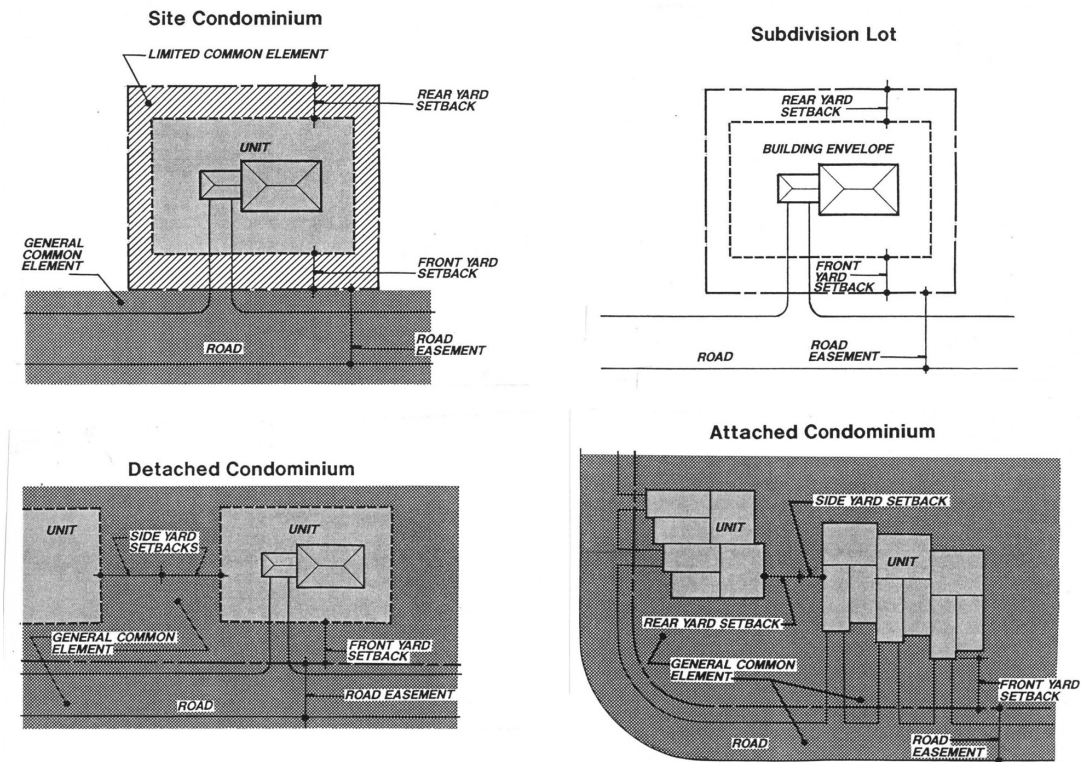
- (1) *Adult foster care congregate facility*: An adult foster care facility with the approved capacity to receive more adults to be provided with foster care.
 - (2) *Adult foster care facility*: A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care family homes 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. Adult foster care facility does not include any of the following: a licensed nursing home, a home for the aged, a hospital, a hospital for the mentally ill or developmentally disabled operated by the department of community health, a county infirmary, a child caring institution, a foster family home, an alcohol or substance abuse rehabilitation center, a residential facility for persons released from a correctional institution, or a maternity home.
 - (3) *Adult foster care family home*: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
 - (4) *Adult foster care large group home*: An adult foster care facility with the approved capacity to received at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
 - (5) *Adult foster care small group home*: An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- c. *Child care organization*: A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State of Michigan under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the state department of social services. Such care organizations are classified below:
- (1) *Child care center or day care center*: A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (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 (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following: a Sunday School or other course conducted by a religious institution for a brief duration, a facility operated by a religions organization where children are cared for while the persons responsible for the children attend religions services, a program providing focused training on a specific subject, or a program that is primarily an incident of group athletic or social activities.
 - (2) *Child care institution*: A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four-hour basis, in a building maintained for that purpose, which operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
 - (3) *Foster family home*: A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

- (4) *Foster family group home*: A private home in which more than four (4) but less than seven (7) children, who an adult member of the household by blood, marriage or adoption, are provided care twenty-four (24) hour: or more consecutive weeks, unattended by a parent or legal guardian.
 - (5) *Family day care home*: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
 - (6) *Group day care home*: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- 16. *Commercial use*: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintaining of offices, or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted of residential premises are hereby deemed a commercial use, if sales are conducted on more than two (2) occasions during any consecutive twelve-month period or if either of said two (2) sales lasts for more than six (6) days.
 - 17. *Commercial vehicle*: Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.
 - 18. *Common elements*: See "Condominium terms."
 - 19. *Condominium*: A type of land development, approved by Yankee Springs Township, in which more than one (1) dwelling, building and/or structure are located on a tract or parcel of land. The land is usually owned by all of the owners of the development and the individual units are privately owned.
 - 20. *Condominium, site*: A type of land development, approved by Yankee springs township in which more than one (1) dwelling, building and/or structure is located on a tract or parcel of land. The land surrounding each building is designated for the exclusive use of the owner(s) of the building.



NOTE: ALL LIMITED COMMON ELEMENT AREAS ARE CONVERTIBLE AREAS

Site Condominium Terminology



Condominium Terminology

21. Condominium terms:

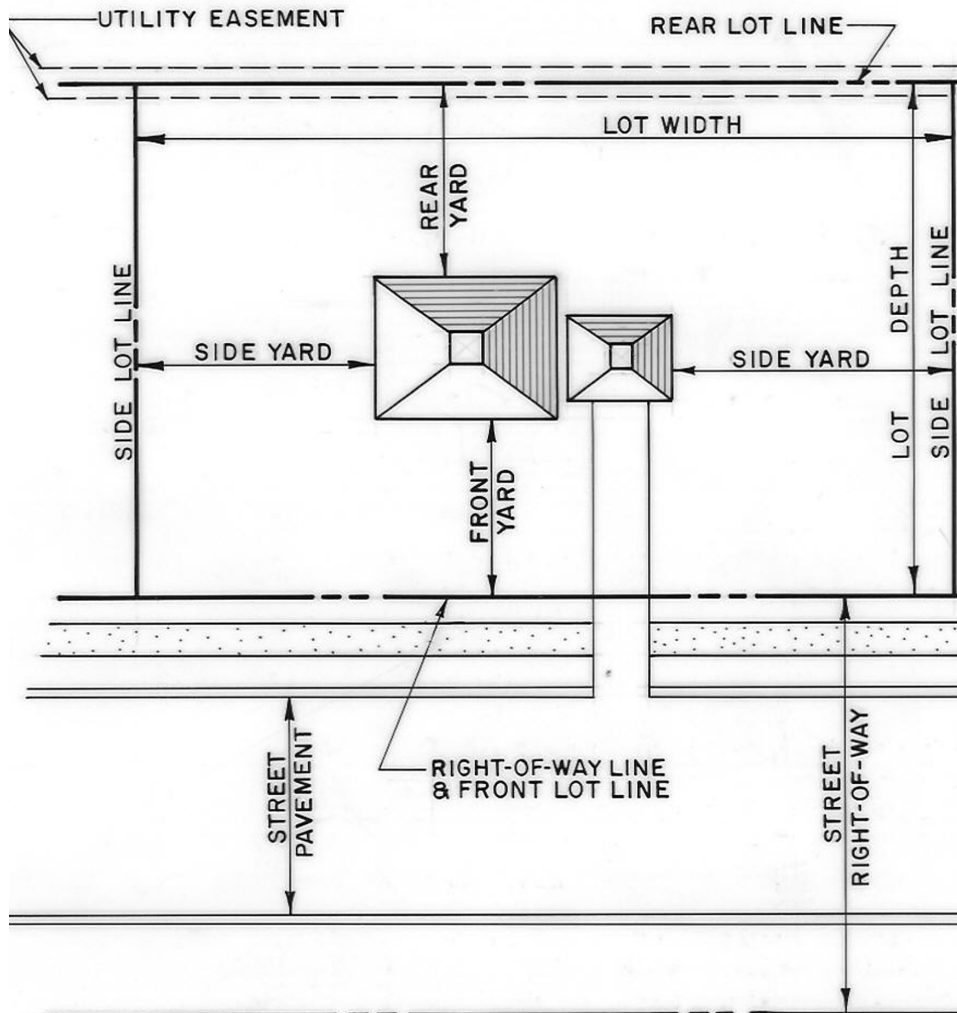
- a. *Building site:* The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot is used as a reference in the zoning ordinance.
 - b. *Common area or element:* A portion of the plan or project designated in the master deed for use by all the occupants and owners of the development.
 - c. *Limited common area or element:* A portion of the plan or project reserved in the master deed for the exclusive use of less than all of the occupants or owners of the development.
 - d. *Master deed:* A document, approved by Yankee Springs Township, stating the restrictions and operating regulations concerning the condominium development.
 - e. *Plan:* The drawings and technical information prepared in compliance with the Yankee Springs Township Zoning Ordinance and the Michigan Condominium Act, including all the requirements listed in Article VIII.
 - f. *Project:* A plan or project consisting of not less than two (2) single-family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.
 - g. *Unit:* That portion of the condominium project 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, or any other type of use approved by the Michigan Department of Commerce.
22. *Deck:* A patio or platform without a roof that is anchored to the ground or attached to and/or extending in a permanent fashion from the exterior wall or walls of an existing dwelling or structure.
 23. *Dog kennel:* See Article IV, Dog Kennels, for definitions pertaining to dog kennels.
 24. *Dump:* See *Waste disposal facility*.

25. *Dwelling, types of:*
- a. *Efficiency:* An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of a bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, providing not less than three-hundred (300) square feet of floor area.
 - b. *Single-family:* A residence containing only one (1) dwelling unit.
 - c. *Two-family:* A residence containing two (2) dwelling units.
 - d. *Multifamily:* A residence containing three (3) or more dwelling units.
26. *Dwelling unit:* A structure designed for use by one (1) family or occupant, whether seasonal, year round, temporary, or other use and shall include multiple dwelling units designed for multi-family or multiple individual occupancy, including but not limited to homes, manufactured homes, multi-unit complexes, condominiums, motels, hotels, cooperatives or any similar use.
- 26.1 *Earth removal:* The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for carrying on a business or manufacturing operation. Does not mean grading or filling incidental to improvement of the land.
27. *Easement:* Any portion of land dedicated by the owner(s) or previous owner(s) for the use of a public utility(s) or to other people to use for a specified purpose.
27. 1. *Eave:* The projecting lower edges of a roof overhanging the wall of a building.
28. *Efficiency unit:* See *Dwelling, types of.*
29. *Essential services:* The operation and/or maintenance by public utilities or municipal bodies, of underground or overhead gas, electrical, steam, water, communications, supply or disposal, transmission, distribution or collection systems, utilizing poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and regulator building and other similar equipment and accessories in connection therewith
- 29.1. *Existing grade:* The grade prior to excavating, filling, regading, or other similar changes or improvements to the land. On an individual, vacant lot that is between two (2) adjacent improved properties, the established existing grade shall be based in part on the established grade of the adjacent properties. For subdivisions, site condominiums, PUDs, and similar developments that require the approval of a grading plan for the overall development, preliminary grading in accordance with the approved grading plan shall be permitted prior to establishing the existing grade on the lots or units within the development.
30. *Family:*
- a. An individual, or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, nonprofit, housekeeping unit in a dwelling unit.
 - b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single, nonprofit, housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.
31. *Farming:* An agricultural activity or the raising of poultry, livestock or small animals as a source of income.
32. *Fence:*

- a. A barrier intended to prevent escape or intrusion or to mark a boundary. This type of fence shall not be considered a structure.
 - b. An enclosure other than a building, used to protect materials or animals from theft, such as a dog run or commercial storage area. This fence shall be considered a structure.
- 32.1. *Finished grade:* The level of the ground adjacent to the walls of the building after excavating, filling, grading, or other similar changes or improvements to the land. If the finished grade is more than two (2) feet greater than the existing grade, for purposes of determining building height, the finished grade shall be measured five (5) feet away from the building walls.
- 32.2. *Firewood:* Firewood means trunks and branches of trees and bushes.
33. *First story of a building:* A first story is the lowest story of a building:
- a. The ceiling of which is more than four (4) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls or
 - b. At least fifty (50) percent of the exterior walls are exposed above grade level.
34. *Frontage:*
- a. The length of the property line of a lot, tract or parcel of land abutting a public or private road which is the sole means of ingress and egress for two (2) or more properties under separate ownership.
 - b. In the "residential, lake front" and "Gun Lake Residential Lake Front" zoning districts it shall be the length of the lot abutting the body of water and running from one (1) side yard lot line to the other.
35. *Garage:*
- a. *Automotive commercial:* Any premises available to the public and used solely for the storage of automobiles or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.
 - b. *Automotive, residential:* A residential garage is an attached or detached building or other structure designed for the housing of automobiles which have been purchased or leased for the use of the occupant(s) of the property.
- 35A. *Gazebo:* A freestanding accessory structure no larger than three hundred (300) square feet, which may be enclosed by screening and shall be used for outdoor and recreational use only and not for habitation.
- 35.1. *Grade:* The surface of the land including the surface contours and slope. The grade is depicted by elevations of the surface of the land.
36. *Green belt:* A row of trees, shrubs and natural growth at least six (6) feet in height and not exceeding eight (8) feet on centers.
37. *Height of building:* See *Building height*.
38. *Home occupation:* An occupation engaged in by residents in their home, dwelling or garage and complying with the conditions listed in Article XVII.
39. *Hotel:* A building in which lodging is provided and offered to the public, with or without meals, for compensation but not including kitchen facilities in individual rooms, and is not a resort as herein defined.
- 39.1. *Impervious surface:* Surfaces that prevent the percolation of water into the ground.
40. *Junk yard:* See *Waste recycling facility*.
41. *Kennel:* An establishment on which more than three (3) dogs, six (6) months of age or older are housed or cared for.

42. *Kennel, types of:*

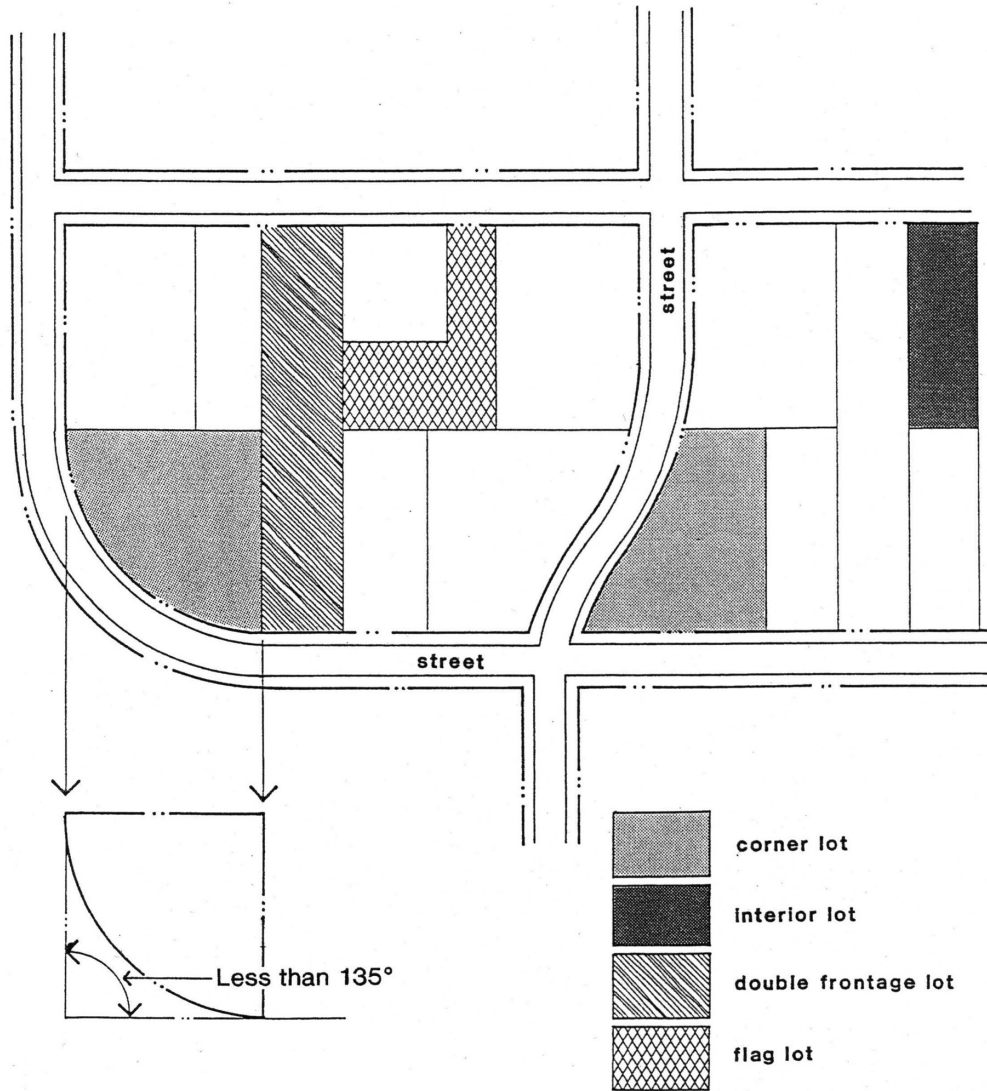
- a. *Boarding:* A kennel used to house, for remuneration, more than three (3) dogs owned by someone other than the kennel owner or his relatives for short periods of time, usually not more than one (1) month.
- b. *Breeding:* A kennel used to house and/or breed three (3) or more dogs for purchase or sale. The dogs are usually registered dogs of breeds recognized by the American Kennel Club or a similar organization.

43. *Land fill:* See *Sanitary land fill*.44. *Limited common elements:* See *Condominium terms*.45. *Lot:* A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a street or road either dedicated to the public or designated on a recorded subdivision.

Lot Terminology

46. *Lot area:* The horizontal area included within lot lines, provided that where a lot line is the center of the road and lies in part or in whole in the right-of-way, the lot area shall not include that portion of the lot in use or to be used as a road right-of-way.

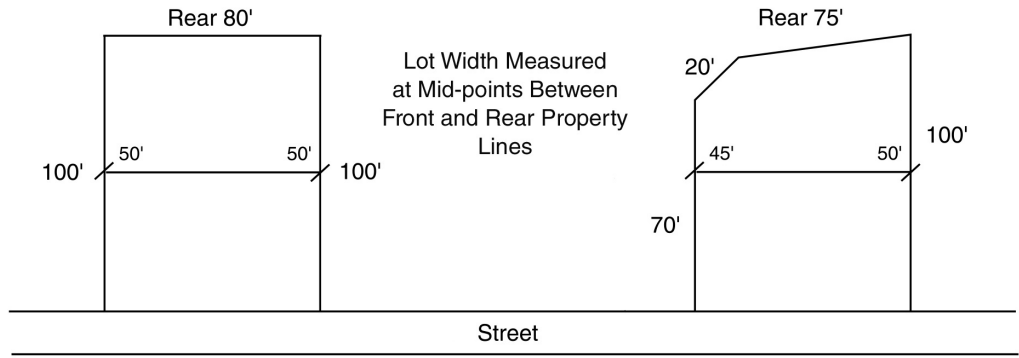
- 46.1. *Lot depth:* The horizontal distance between the front and the rear lot lines, measured from the midpoints of the front and rear property lines.
- 47. *Lot, corner:* A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty- five (135) degrees.



Corner, Interior and Double Frontage Lots

- 48. *Lot coverage:* That part or percent of the lot area (not counting road right of way or easements, bodies of water, or wetlands) that is covered by all roofed buildings and/or structures, including accessory buildings and structures.
- 49. *Lot lines:*
 - a. *Front:* The exterior line or right-of-way of a road on which a lot fronts or abuts. For lots with water frontage, the ordinary high water mark at the water's edge shall serve as the front lot line.
 - b. *Rear:* Any lot line, other than a front lot line, which is parallel, or nearly parallel, to the front lot line.

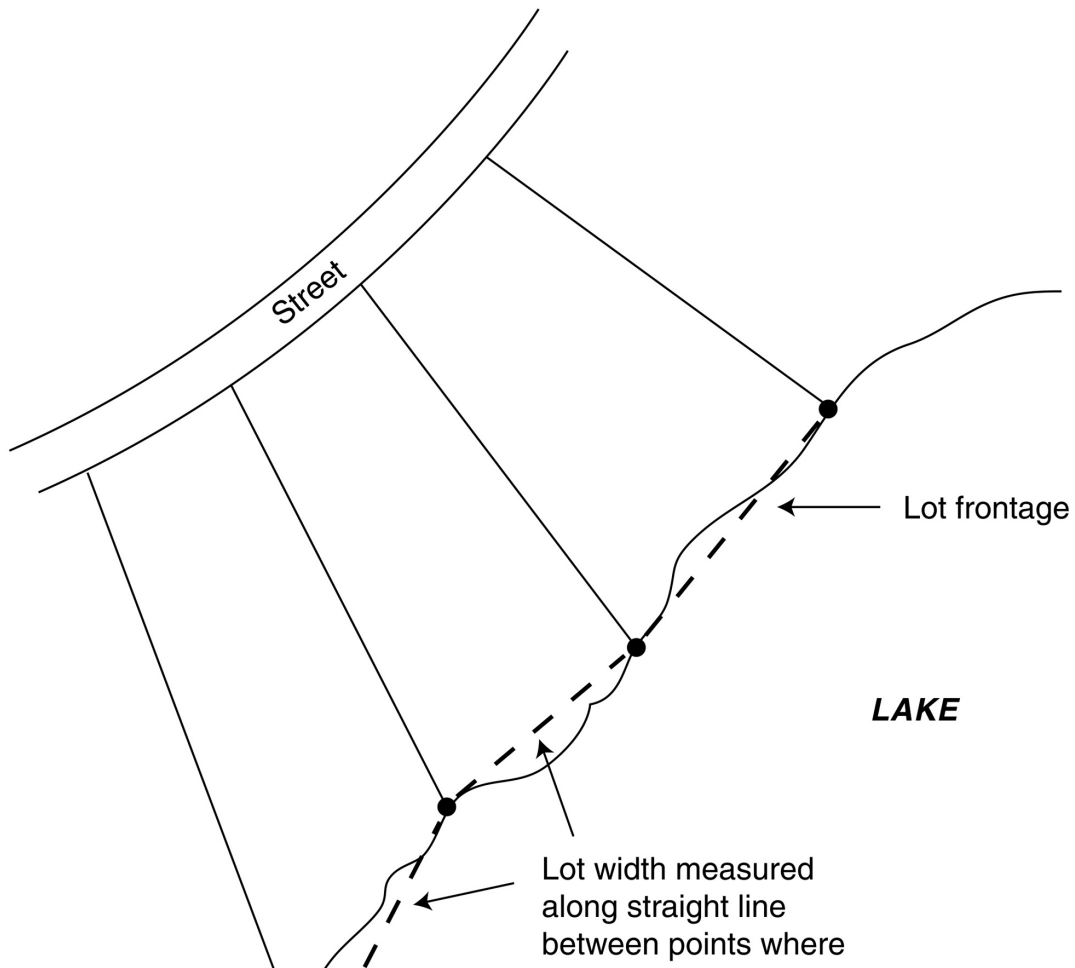
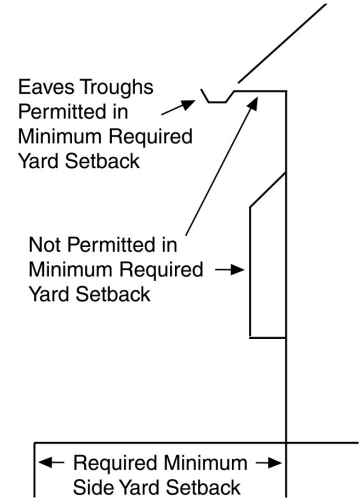
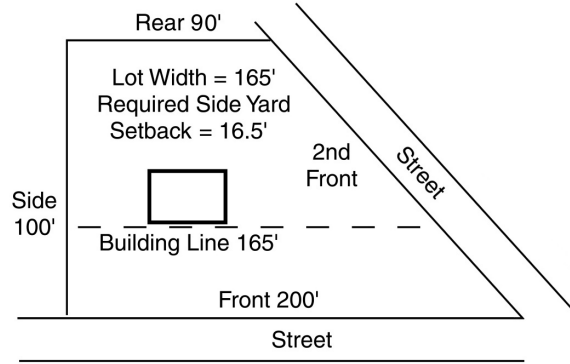
- c. *Side*: Any lot lines, other than a front or rear lot line.
50. *Lot of record*: A lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
51. *Lot width*: The straight-line distance between side lot lines, measured at the mid-points between the front and rear property lines. In instances where there are multiple segments to a particular side property line, the lengths of the segments shall be added together in order to find the mid-point along those segments on that particular side. In instances where there is only one (1) side property line, lot width shall be measured at the building line.

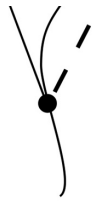


Lot Width = 80'
Required Side Yard
Setbacks = 8'

Lot Width = 85'
Required Side Yard
Setback = 8.5'

Lot Width and Setback

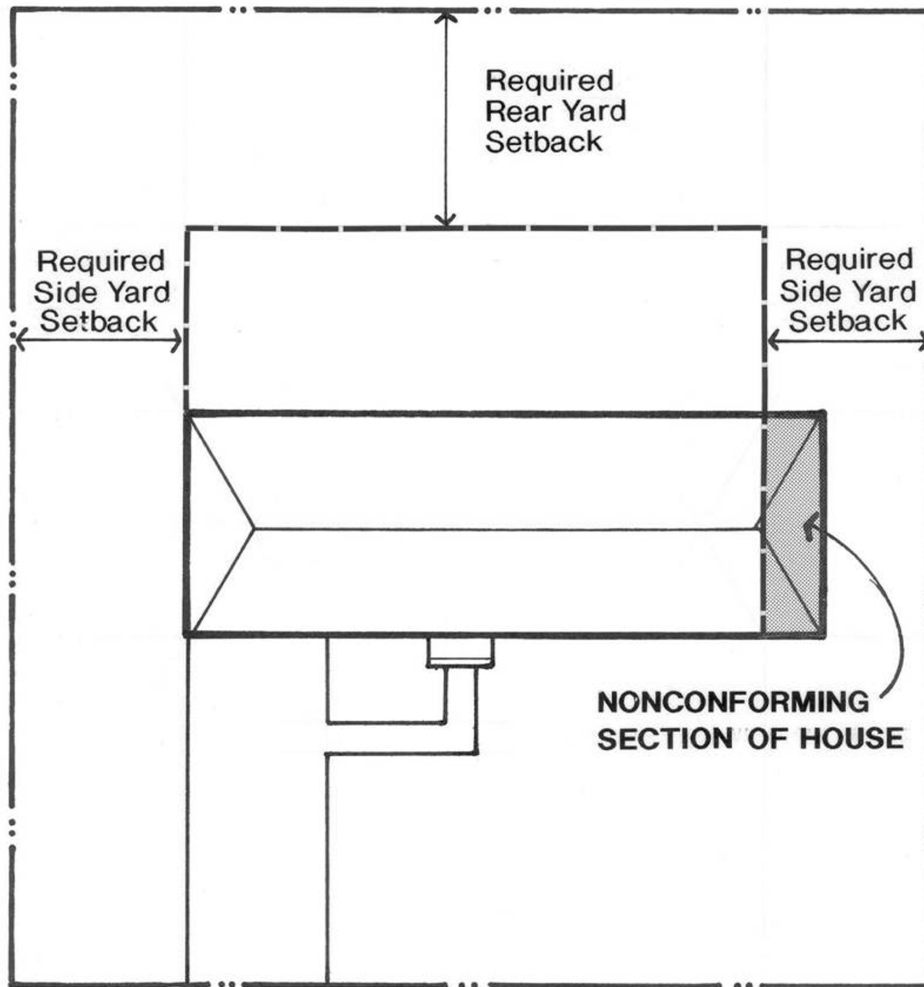




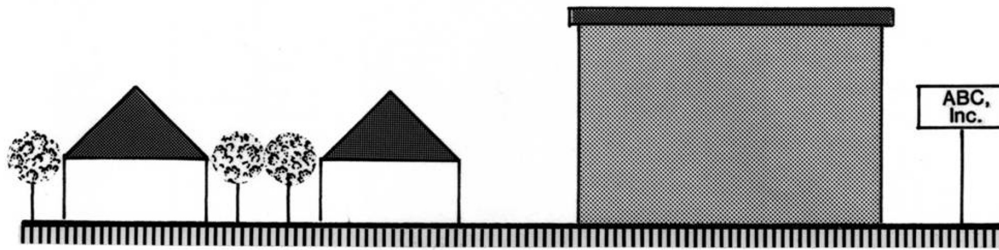
property lines cross
ordinary high water
mark.

Waterfront Lot Width

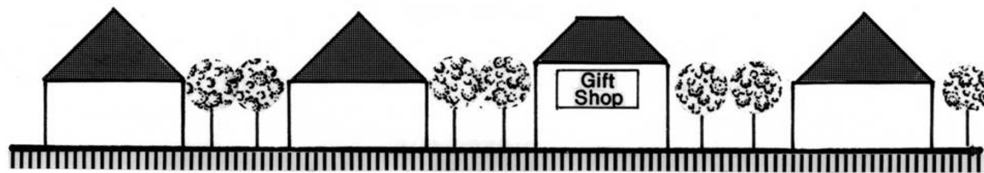
52. *Lot, zoning:* A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this ordinance with respect to area, size, dimensions and frontage as required in the zoning district in which the zoning lot is located.
53. *Manufactured house:* A factory assembled structure or structures, not equipped with the necessary service connections to allow it to be readily moved as a unit or units on its own running gear. Designed to be placed on a permanent crawl space or basement with at permanent foundation.
54. *Margin:* A border or edge.
55. *Marina:* A commercial facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and/or securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina, provided there are three (3) or more waterfront slips under a single control.
56. *Mobile home:* A factory assembled structure or structures equipped with the necessary service connections to allow it to be readily moved as a unit or units on its own running gear and designed to be used as a dwelling unit without permanent foundation. The phrase "without a permanent foundation" indicates that the manufactured mobile home placed thereon will be moved from time to time at the convenience of the owner.
57. *Motel:* A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.
58. *Nonconforming:*
 - a. *Building:* Any building or portion thereof lawfully existing at the time this ordinance, or an affecting amendment, became effective and which does not comply with its regulations.
 - b. *Lot of record:* A lot lawfully existing at the effective date of this ordinance or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.
 - c. *Structure:* A structure, or portion thereof, lawfully existing at the effective date of this ordinance, or affecting amendment, and which fails to meet the minimum yard set back requirements of the zoning district in which it is located.
 - d. *Use:* A use lawfully existing in a building or on land at the effective date of this ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.



Nonconforming Structure



Nonconforming Building and Use



Nonconforming Use

(Residence converted to commercial use in residential district)

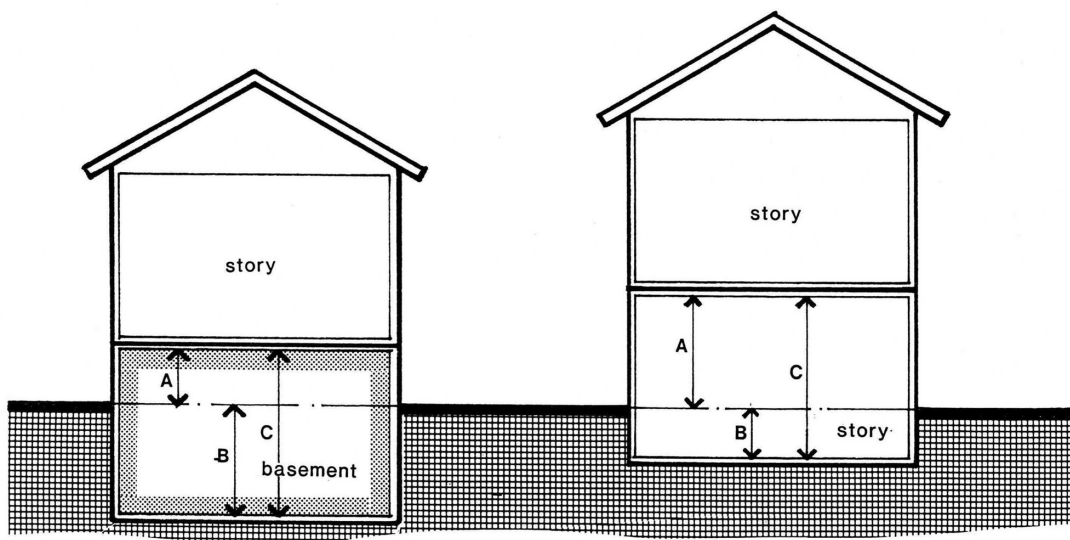
Nonconforming Uses

59. *Nuisance*: The word "nuisance" shall be held to embrace public nuisance as known at common law, or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health. Also any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewage, drained, cleaned or lighted in reference to its intended or actual use. Whatever renders air or human food or drink unwholesome, are also severally, in contemplation of the ordinance, nuisances and all such nuisances are hereby declared illegal.
60. *Nursing home*: A facility designed to provide special care for the elderly and for convalescents.
61. *Off-street parking*:
 - a. *Accessory area*: Any parking area located on the same property it is intended to serve, or across an alley therefrom, and within a zoning district which is not of greater restriction than the property it is intended to serve.
 - b. *Lot*: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
62. *Outbuildings*: An outbuilding shall include all non-attached buildings and structures including, but not limited to,

gazebos, pole barns, carports, storage buildings and sheds, green houses and screened in structures. It shall not include dwellings

63. *Outdoor furnace*: An outdoor furnace means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or heating or water. Outdoor furnaces also include, but are not limited to, devices referred to as outdoor boilers and outdoor stoves.
64. *Parcel*: A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted under this ordinance, and having its frontage on a public or private road or street.
65. *Parent parcel*: A parcel or tract of land in existence on April 1, 1997.
66. *Planning commission*: The planning commission shall mean the Yankee Springs Planning Commission and have all powers granted under the authority of the Township Planning Act, P.A. 168 of 1959, as amended, and the Michigan Zoning Enabling Act, P.A. 110 of 2006.
67. *Portable structure*: Any structure, trailer, vehicle, tent or similar structure that is intended to be moved from time to time and which is not secured to a foundation. A mobile home shall not be considered a portable structure.
68. *Principal building*: A building in which is conducted the principal use allowed on the lot in the zoning district in which it is situated.
69. *Principal use*: The primary or main use of the property.
70. *Public utility*: A public utility is a person, firm, corporation, municipal department or board duly authorized to furnish, or furnish under regulation, and/or maintain to the public, electricity, gas, steam, communication, transportation, drainage, sewer or water services
71. *Resorts*: One (1) or more structures containing temporary accommodations which are available for periods of time (e.g., daily, weekly, monthly) on a rental, lease, membership or similar basis and associated recreational facilities for use solely by residents and guests of housing units.
72. *Road or street (paved), private*: A private right-of-way reserved for the use of the occupants of the abutting structures. Said private street shall have a minimum of twenty-two-foot paved width.
73. *Road or Street, public*: A public right-of-way of sixty-six (66) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including space for pavement and sidewalks.
74. *Road or street*:
 - a. *Private*: A right-of-way which has been dedicated to the exclusive use of the occupants, owners and friends of the abutting properties and structures.
 - b. *Public*: A right-of-way which has been dedicated to the public for the purpose of providing access to abutting private lots of land as well as to other public or private roads or streets.
75. *Sanitary land fill*: Any approved premises used primarily for the disposal, by abandonment, discarding, dumping, reduction, burial, incineration or other means, and for whatever purpose, of trash, refuse or waste material of any kind.
76. *Saw mill*: One (1) or more portable, or permanent pieces of equipment, and building(s) used to convert wood logs into rough boards.
77. *Setback*: The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof, including eaves, is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

78. *Sign*: See Article XVII for all definitions pertaining to signs.
79. *Site condominium project*: See *Condominium terms*.
80. *Spark arrestor*: A device designed to keep sparks from escaping, as at a chimney opening.
81. *Special exception use permit*: The granting to a petitioner, by the Yankee Springs Township Planning Commission, certain uses of land and/or buildings because of their particular nature and under the conditions listed in article v of this ordinance.
82. *Special exception uses*: Use of land or buildings because of their particular nature and due to certain circumstances are designated as exceptions and may be permitted to become established within those zoning districts as specified in this ordinance.
83. *Story of a building*: That portion of a building included between the surface of any floor, and the surface of the floor above or below it. Uppermost floors in residential structures that do not contain habitable space, have limited access, contain no unnecessary utilities, and have vertical clear space of less than seven (7) feet, six (6) inches, shall not be considered a story for the purposes of determining height limits.



"A" is less than "B" along at least 3 sides

"C" is a basement

"A" is greater than "B" along two or more sides

"C" is a story

Basement

84. *Street*: See *Roads and streets*.
85. *Structural changes or alterations*: Any change in, including replacement of, the supporting members of a building, such as bearing walls, columns, beams, or girders or any substantial change in the roof.
86. *Structure*: Anything constructed, assembled, or erected, which requires location on the ground or attachment to something having location on or in the ground and extends above the ground at least eighteen (18) inches high. Tanks, trailers, advertising devices, bins, tents, lunch wagons, dining cars, camp cars, and/or equipment on wheels or other buildings used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles, frames of electrical or telephone utilities, either above or below ground, or to fences.
87. *Travel trailer, motor home or recreational vehicle*: A vehicle type structure, other than a manufactured home, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted or drawn by another vehicle which is self-powered.
88. *Untreated lumber*: Untreated lumber means any dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or

other substance.

89. *Use*: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
90. *Variance*: The granting of relief from the standards of the zoning ordinance by the Yankee Springs Township Zoning Board of Appeals. Where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in practical difficulty.
91. *Walk-out basement*: A basement having one (1) side with an exterior door that opens at the finished grade elevation.
92. *Waste recycling facility*: Any land or building used for commercial storage and/or sorting of paper, rags, scrap metal or other discarded materials for the purpose of reintroducing the materials into the economy.
93. *Wetland*: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.
94. *Wireless communication facility*: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; cellular telephone and paging devices, telephone devices and exchanges; microwave relay towers, telephone transmission equipment buildings; and commercial mobile radio service facilities. (Not included are facilities for citizen band radio, ham and amateur radio, television reception antennae; satellite dishes, and government facilities which are subject to state and federal law). Wireless communication facilities shall be specifically excluded from the definitions of "essential services" and "public utilities."
95. *Wireless communication support structure*: Any structure used to support attached wireless communication facilities, or other antennae or facilities, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above ground or roof mounted pole, momotube, or similar structures which support wireless communication facilities.
96. *Yard*: That part of a parcel not occupied by a structure or building, open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
 - a. *Front yard*: That portion of a yard on the same lot with a building, located between the front lot line and the building and extending from one (1) sideline to the other.
 - b. *Rear yard*: That portion of a yard, on the same lot with a building, located between the rear lot line and the building and extending from one (1) side lot line to the other.
 - c. *Side yard*: That portion of a yard, on the same lot with a building, located between the side lot line and the building and extending from the front lot line to the rear lot line.
97. *Zoning board of appeals*: Shall mean the Yankee Springs Township Zoning Board of Appeals, the members of which have been duly appointed by the Yankee Springs Township Board of Trustees and which is authorized, as a body, to interpret, hear appeals, and grant variances only in accordance with the provisions of this ordinance.

(Ord. No. 09-01-06, § I, 9-1-2006; Ord. No. 01-02-07, §§ I, II, 1-11-2007; Ord. No. 03-01-07, § II, 3-8-2007; Ord. No. 04-01-08, § II, 4-10-2008; Ord. No. 09-02-09, § I, 9-2-2009; Ord. No. 10-01-10, § I, 10-14-2010; Ord. No. 09-01-11, § I, 9-8-2011; Ord. No. 10-01-2017, § I, 10-12-2017; Ord. No. 09-01-2018, § I, 9-13-2018; Ord. No. 03-02-21, § I, 3-11-2021)

ARTICLE III - ZONING DISTRICTS

Sec. 3.1. - Use Districts; Division of Township.

For the purpose of this ordinance, the Township of Yankee Springs is hereby divided into the zoning districts listed below. Within such districts no building or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as permitted uses under each separate zoning district classification, or hereinafter set forth as special exception uses under each zoning district classification; subject, however, to such prior approval as is hereinafter required to be obtained from the planning commission.

Rural/Agriculture

Rural Residential

Suburban Residential

Residential Multi-Family

Residential Single-Family

Residential Lake Front

Resort and Recreation

C-1, Commercial, Office District

C-2, Commercial, Zoning District

C-3, Commercial, Business District

LT-1, Light Industrial District

I-1, Industrial District

Manufactured Housing Community

Sec. 3.2. - Zoning Map.

The location and boundaries of the zoning districts, established in Yankee Springs Township, shall be shown on a map entitled "Zoning Map of Yankee Springs Township." Since the zoning map may be amended subsequent to its adoption, said map, section or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein. The official copy of the zoning map shall be in the custody of the Yankee Springs Township Zoning Administrator.

Sec. 3.3. - Rural/Agriculture Zoning District.

- A. *Purpose of the district:* To preserve lands best suited for rural/agricultural use from the encroachment of incompatible uses, and to preserve land suited to eventual development in other uses, pending proper timing for the economic provision of utilities, major streets and other facilities, in order to attain compact, orderly development. Vacant land, fallow land and wooded areas also are included where such areas are interspersed among farms. Any change of zoning districts should be gradual and should be based upon the master plan for the township.
- B. *Permitted uses:*

1. Farming. However, no building or structure shall be used for the purpose of housing livestock or poultry within one (100) feet of any dwelling.
 2. The sale of farm or dairy produce that has been raised on the farm from which it is to be sold.
 3. Single-family dwellings.
 4. Accessory uses and outbuildings.
 5. Cemeteries.
 6. Schools.
 7. Green houses and nurseries.
 8. Publicly owned and operated buildings and uses including community buildings and public parks, play grounds and other public recreational areas.
 9. Religious institutions.
 10. Signs.
 11. Essential services.
 12. Adult foster care family home.
 13. Family day care home.
 14. Foster family home.
 15. Foster family group home.
- C. *Special exception uses:* (See the conditions and requirements in Article IV.)
1. Bed and breakfast inns.
 2. Condominiums. (Subject to the provisions in Article VIII.)
 3. Conservation clubs.
 4. Group day care home.
 5. Dog kennels.
 6. Gravel processing, mining and commercial excavation, earth removal and commercial excavation, or for quarrying or gravel processing.
 7. Home occupations.
 8. Open space zoning. (Subject to the provisions in Article VII.)
 9. Planned unit developments. (Subject to the provisions in Article IX.)
 10. Sanitary land fills and solid waste disposal facilities.
 11. Saw mills.
 12. Veterinarian hospitals.
 13. Wireless communication facilities.
- D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.4. - Rural Residential Zoning District.

- A. *Purpose of district:* This district is composed of land intended for rural residential estates where it is intended to preserve the rural character of the area and yet allow it to be used for residential purposes. The primary purpose is to provide attractive residential areas solely for low-density residential use.

B. *Permitted uses:*

1. Single-family dwellings.
2. Accessory uses and outbuildings.
3. Cemeteries.
4. Roadside stands, which sell only agricultural products raised upon the same parcel of property.
5. Schools.
6. Religious institutions.
7. Signs. (Subject to the provisions in Article XVII.)
8. Woodlots, orchards, vineyards, blueberry farms and gardens where the owner lives upon the same parcel of property.
9. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other public recreational areas.
10. Essential services, subject to the following conditions and limitations:
 - a. All such "services", which are above ground must be located within a fully enclosed building when such enclosure is reasonably possible.
 - b. All buildings must be compatible in appearance, design and size with the residential type structures.
 - c. No electric substations shall be allowed which supply voltage greater than forty-six thousand (46,000) volts.
 - d. No waste material or disposal, dumping or landfill operation shall be allowed.
11. Adult foster family home.
12. Family day care home.
13. Foster family home.
14. Foster family group home.

C. *Special exception uses:* (See the conditions and requirements in Article IV.)

1. Bed and breakfast inns.
2. Group day care home.
3. Condominiums. (Subject to the provisions in Article VIII.)
4. Farm animals.
5. Home occupations.
6. Open space zoning. (Subject to the provisions in Article VII.)
7. Planned unit developments. (Subject to the provisions in Article IX.)

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.5. - Suburban Residential Zoning District.

A. *Purpose of the district:*

1. This district is intended to provide areas designated primarily for residential use, consisting of single-family dwellings located on individual lots. The requirements are intended to protect and stabilize the basic qualities of low density residential living environments.
2. The general character of this residential district is single-family dwellings set on large building sites or lots.

Nonresidential uses will be restricted to those community facilities which:

- a. May be appropriately located in residential areas to provide recreational, religious, health, educational, and other essential services; or
- b. Can perform their activities more effectively in a residential environment, unaffected by adjacent industrial or general service uses; and
- c. Do not generate large amounts of non-residential or through traffic; and
- d. Are otherwise considered accessory to a part of a low density residential living environment.

B. *Permitted uses:*

1. Single-family dwelling units.
2. Accessory uses and outbuildings.
3. Cemeteries.
4. Religious institutions.
5. Schools.
6. Signs. (Subject to the provisions in Article XVII.)
7. Publicly owned parks and playgrounds, including buildings.
8. Essential services, not including wireless communication facilities.
9. Adult foster care family home.
10. Family day care home.
11. Foster family home.
12. Foster family group home.

C. *Special exception uses:* (See conditions and requirements listed in Article IV.)

1. Bed and breakfast inns.
2. Group day care home.
3. Condominiums. (Subject to the provisions in Article VIII.)
4. Farm animals.
5. Home occupations.
6. Open space zoning. (Subject to the provisions of Article VII.)
7. Planned unit developments. (Subject to the provisions in Article IX.)

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.6. - Residential Multi-Family Zoning District.

- A. *Purpose of district:* This district is composed of certain land in areas presently of a residential character where medium-density residential development has occurred or appears likely to occur. The regulations for this district are designed to protect and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for persons to live in single-family residential units or two-family residential units and, in certain instances, in small apartment buildings. To these ends, development is restricted to low and medium-density residential use consistent with rural type facilities and services.

B. *Permitted uses:*

1. Single-family dwellings.
 2. Duplexes and two-family residential dwellings.
 3. Accessory uses and outbuildings.
 4. Cemeteries.
 5. Religious institutions.
 6. Schools.
 7. Signs. (Subject to the provisions in Article XVII.)
 8. Publicly owned buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
 9. Essential services, subject to the following conditions and limitations:
 - a. All such services which are above ground must be located within a fully enclosed building when such enclosure is reasonably possible.
 - b. All buildings must be compatible in appearance, design and size with a residential structure.
 - c. No electric substation shall be allowed which supplies voltage higher than forty-six thousand (46,000) volts.
 - d. No waste material or disposal, dumping or landfill operation shall be allowed.
 10. Adult foster care family home.
 11. Family day care home.
 12. Foster family home.
 13. Foster family group home.
- C. *Special exception uses:*
1. Three- and four-family apartments.
 2. Bed and breakfast inns.
 3. Group day care home.
 4. Condominiums. (Subject to the provisions in Article VIII.)
 5. Home occupations.
 6. Nursing homes.
 7. Open space zoning. (Subject to the provisions in Article VII.)
 8. Planned unit developments. (Subject to the provisions in Article IX.)
- D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.7. - Residential Single-Family Zoning District.

- A. *Purpose of district:* This district is composed of certain land areas presently of a low-density residential character where residential development has occurred or appears likely to occur. Regulations for this district are designed to promote and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for single-family residential use. To these ends, development is restricted to such low-density residential use consistent with rural type facilities and services.
- B. *Permitted uses:*
1. Single-family dwellings.

2. Accessory uses and outbuildings.
 3. Religious institutions.
 4. Schools.
 5. Signs. (Subject to the provisions in Article XVII.)
 6. Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
 7. Essential services, subject to the following conditions and operation limitations:
 - a. All such services which are above ground must be located within a fully enclosed building when such enclosure is reasonably possible.
 - b. All buildings must be compatible in appearance, design and size with residential type structures.
 - c. No electric substations shall be allowed which supplies voltage greater than forty-six thousand (46,000) volts.
 - d. No waste material or disposal, dumping or landfill shall be allowed.
 8. Adult foster care family home.
 9. Family day care home.
 10. Foster family home.
 11. Foster family group home.
- C. *Special exception uses:* (See the conditions and requirements in Article IV.)
1. Bed and breakfast inns.
 2. Group day care home.
 3. Home occupations.
- D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.8. - Residential Lake Front Zoning District.

- A. *Purpose and intent:* This section establishes the RLF residential lake front zoning district to manage the riparian development around inland lakes in Yankee Springs Township. This district recognizes that lakefront residential areas differ in character from residential developments found in other portions of Yankee Springs Township. The regulations of this district seek to standardize the location and use of land, buildings, and structures for the dual purposes of accommodating the unique relationship between development and the lakefront while providing protection to and preservation of the precious natural resources. The lakefront shores are a very productive yet fragile area for fish and other wildlife. Therefore, all disturbances to the lakefronts should be minimized.
- B. *Special definitions:*
1. *Front yard:* The area between the lake's edge and the house extending from one side yard lot line to the other.
 2. *Rear yard:* The area between the road right-of-way and the house extending from one side yard lot line to the other.
- C. *Permitted uses:* The following uses are permitted in the lakefront district:
1. Single-family residential dwellings for year around and/or seasonal occupancy.
 2. Accessory uses and outbuildings. (Subject to the requirements listed in Article XII.)
 3. Decks and porches. (Subject to the requirements listed in Article XII.)

4. Fences. (Subject to the requirements listed in Article XII.)
 5. Religious institutions.
 6. Signs. (Subject to the provisions in Article XVII.)
 7. Essential services. Subject to the following conditions and limitations:
 - a. All such "services" which are above ground must be located within a fully enclosed building when such enclosure is reasonably possible.
 - b. All buildings must be compatible in appearance, design and size with residential type structures.
 - c. No electric substations shall be allowed.
 - d. No waste material or disposal, dumping or landfill operation shall be allowed.
 8. Adult foster care family home.
 9. Family day care home.
 10. Foster family home.
 11. Foster family group home.
- D. *Uses not permitted:*
1. Boat houses shall not be permitted.
- E. *Special exception uses:* (See the conditions and requirements in Article IV.) The following uses are permitted in the residential lakefront district by special exception use permit only.
1. Bed and breakfast inns.
 2. Home occupations.
 3. Recreational facilities that are publicly owned and operated, including but not limited to community buildings, parks, playgrounds and boat launches.
 4. Group day care home.
- F. *Area, height, placement and setback regulations:* (See the conditions and requirements in Article XII.)
- G. *Docks and other temporary boat shelters:* Docks and other temporary boat shelters, which are dismantled during the winter months, may be assembled and placed into the water beyond the high-water line.

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.8.1. - Gun Lake Residential Lake Front Zoning District.

- A. *Purpose and intent:* This section establishes the GLRLF residential lake front zoning district to manage the riparian development around Gun Lake in Yankee Springs Township. This district was developed based on the consensus recommendations of the joint planning committee consisting of representatives of the four (4) townships surrounding Gun Lake. The committee was formed with the purpose of evaluating the existing zoning of the communities surrounding Gun Lake and reaching consensus on one (1) set of zoning standards that can be applied to parcels surrounding the lake.

These standards are very similar to the Residential Lake Front zoning district standards that apply to lakefront parcels throughout the rest of the Township. Where there are differences between the regulations, the reason is to maintain consistency with the standards of the other municipalities that also have frontage along Gun Lake and maintain a consistent set of standards on the lake. This coverage is provided for Gun Lake because of its unique location in four (4) townships and two (2) counties.

The regulations of this district seek to standardize the location and use of land, buildings, and structures for the dual purposes of accommodating the unique relationship between development and the lakefront while providing protection to and preservation of the precious natural resources. The lakefront shores are a very productive yet fragile area for fish and other wildlife. Therefore, all disturbances to the lakefronts should be minimized.

B. *Special definitions:*

1. *Front yard:* The area between the lake's edge and the house extending from one (1) side yard lot line to the other.
2. *Rear yard:* The area between the road right-of-way and the house extending from one (1) side yard lot line to the other.

C. *Permitted uses:* The following uses are permitted in the lakefront district:

1. Single-family residential dwellings for year around and/or seasonal occupancy.
2. Accessory uses and outbuildings. (Subject to the requirements listed in Article XII.)
3. Decks and porches. (Subject to the requirements listed in Article XII.)
4. Fences. (Subject to the requirements listed in Article XII.)
5. Religious institutions.
6. Signs. (Subject to the provisions in Article XVII.)
7. Essential services. Subject to the following conditions and limitations:
 - a. All such "services" which are above ground must be located within a fully enclosed building when such enclosure is reasonably possible.
 - b. All buildings must be compatible in appearance, design and size with residential type structures.
 - c. No electric substations shall be allowed.
 - d. No waste material or disposal, dumping or landfill operation shall be allowed.
8. Adult foster care family home.
9. Family day care home.
10. Foster family home.
11. Foster family group home.

D. *Uses not permitted:*

1. Boat houses shall not be permitted.

E. *Special exception uses:* (See the conditions and requirements in Article IV.) The following uses are permitted in the residential lakefront district by special exception use permit only.

1. Bed and breakfast inns.
2. Home occupations.
3. Recreational facilities that are publicly owned and operated, including but not limited to community buildings, parks, playgrounds and boat launches.
4. Group day care home.

F. *Area, height, placement and setback regulations:* (See the conditions and requirements in Article XII.)

G. *Docks and other temporary boat shelters:* Docks and other temporary boat shelters, which are dismantled during the winter months, may be assembled and placed into the water beyond the high-water line.

(Ord. No. 10-01-10, § II, 10-14-2010)

Sec. 3.9. - Resort and Recreation Zoning District.

- A. *Purpose of district:* The primary uses of this district are intended to be outdoor recreational uses that take advantage of the natural environment. All other uses, including residences, will be secondary to, related to, and only in conjunction with, the principal uses.

It is intended that as many natural features of the landscape shall be retained as possible particularly where they furnish a barrier or buffer between the proposed development and adjoining properties used for dissimilar purposes and where they assist in preserving a resort nature and appearance of the neighborhood or help control erosion or the discharge of storm waters and the appropriate management of wetlands and surface waters.

It is intended that the activities, structures, and entryways proposed to be located in this district are so situated and designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood including both public and private roadways, as approved by the township.

B. *Permitted uses:*

1. Public parks, playgrounds and outdoor recreational use (without boat ramp or launching site).
2. Golf courses, subject to the following conditions and limitations:
 - a. Pro shops, clubhouses, including structures where the sale of food and beverages take place, shall be allowed, but they must be set back a minimum of two hundred fifty (250) feet from adjoining residentially developed or zoned land.
 - b. Adequate public restrooms and other facilities shall be constructed and properly maintained.
3. Religious institutions.
4. Signs. (Subject to the provisions in Article XVII.)
5. Single-family dwelling unit, as an accessory to an approved Permitted or Special Exception Use, subject to the following conditions and limitations:
 - a. No more than one (1) such dwelling unit shall be permitted.
 - b. The dwelling unit shall be for the private use of the owner of the property or for the manager, owner, or similar employee of the use. It is not intended that the dwelling unit be used for rental purposes or be developed for sale to a third party.

C. *Special exception uses:* (See the conditions and requirements in Article IV.)

1. Bed and breakfast inns.
2. Commercial riding academy or stables.
3. Indoor recreational uses.
4. Planned Unit Developments (PUD). PUDs shall satisfy the requirements and be developed in accordance with the procedures in Article IX. The primary use of the PUD shall be related to an outdoor recreational use, such as but not limited to horseback riding, swimming, hiking, golfing, skiing, or similar pursuits. Secondary uses within the PUD may include the following:
 - a. Resorts. Resort units may be rented, leased, or owned but may not be used as a permanent residence.
 - b. Seasonal tent and recreational vehicle campgrounds.
 - c. Single-family dwelling units. Single-family dwelling units for permanent residence may be approved through the PUD process in the resort and recreational district associated with a primary outdoor recreational use in accordance with the regulations and conditions herein.

- i. Density and development standards for the residential development shall be based on those for the suburb rural residential, or rural agricultural districts, as determined by the planning commission. The determination on the location of the proposed development and the zoning of the surrounding properties.
- ii. The area dedicated to the recreational use (i.e., golf course, stable, etc.) may exceed the twenty (20) percent limit on the amount of developed area dedicated to commercial uses in a PUD per Article IX.

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

E. *Additional development standards:*

1. All waterfront developments in this zoning district with the exception of resorts shall comply with the requirements of Article XVII (Riparian Lot Use Regulations).
 - a. Waterfront resorts, campgrounds, and B&B inns shall be permitted to provide access to the water for all guests of the establishment for the purposes of sunbathing and swimming.
 - b. Only one (1) dock for the personal use of the owner/on-site manager of a resort, campground, or B&B inn shall be permitted. Guests of the resort, campground, or B&B inn may launch watercraft at the public launch sites only.
 - c. No beaching or docking of watercraft launched at a public launch site shall be permitted at a use provided for in this district unless otherwise provided for by the appropriate agency.
2. Storage of refuse containers shall be screened from view from adjacent properties or roadways by fencing.
3. There shall be a minimum building setback of twenty-five (25) feet from property lines where the adjacent property is in a different zoning district, unless otherwise stated herein.
4. The setback from the road shall be landscaped to screen the proposed use and diminish the intensity of development. Existing landscaping may be utilized for this purpose. This requirement may be waived by the planning commission in the case of golf courses, parks and similar low-intensity developments.
5. Adjacent to parking areas and drives within twenty-five (25) feet of residentially zoned or used property, landscape screening, berms, and/or fencing six (6) feet in height shall be used to screen the development.
6. If multiple buildings are constructed they shall be separated by a minimum of twenty (20) feet.
7. Parking shall satisfy the requirements of Section 12.10 with the minimum spaces required for "motels, hotels" provided for any overnight tourist use.
8. Signage shall be in accordance with the requirements of Section 17.6.A.3.
9. Exterior lighting shall be the minimum necessary to provide for the safety and security of the development. Lights shall be cut-off fixtures and be no taller than twenty (20) feet from the grade beneath them. The lighting plan shall be designed such that no additional light or glare trespasses onto adjacent properties, roadways, or water.

(Ord. No. 04-01-08, § I, 4-10-2008)

Sec. 3.10. - C-1 Commercial Office Zoning District.

- A. *Purpose of district:* The C-1 office district is intended to permit those office and personal service uses which will provide modern office buildings in landscaped settings, incorporating appropriate screenings, adjacent to residential areas, establishing an appropriate district for uses which do not generate large volumes of traffic, traffic congestion, and parking problems and which will promote the most desirable use of land in accordance with the land use development plan. This district is intended to encourage clustering of office buildings and discourage linear strip development.

B. *Permitted uses:*

1. Banks, savings and loan institutions, and similar financial establishments serving local residents.
2. Professional offices, such as architects, engineers, designers.
3. Insurance agents and real estate brokers.
4. Funeral homes.
5. Medical and dental offices.
6. Photo studios, art galleries & studios.
7. Religious institutions.
8. Signs. (Subject to the provisions in Article XVII.)
9. Veterinarian offices for small animals only, without boarding facilities.

C. *Special exception uses:* (See the conditions and requirements in Article VI.)

1. Child care center or day care center.
2. Portable businesses.
3. Other similar retail businesses and service establishments as authorized by the planning commission. In consideration of such authorization, the planning commission shall review the following standards:
 - a. The size, nature and character of the proposed use to the proximity of the proposed use of adjoining properties:
 - b. The parking facilities provided for the proposed use:
 - c. Any traffic congestion or hazard which could be occasioned by the proposed use:
 - d. How well the proposed use harmonizes and enhances the adjoining properties:
 - e. The need or necessity for the proposed use to service the needs of the neighborhood; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007; Ord. No. 05-05-2011, § I, 5-12-2011)

Sec. 3.11. - C-2 Commercial Zoning District.

- A. *Purpose of the district:* The C-2 commercial zoning district is intended to provide a zoning district for retail sales and service businesses from within a building wherein local service and convenient shopping facilities can be optimally located and centralized so as to best serve the local community. This district is meant to encourage cluster development and otherwise discourage costly commercial strip or linear development, especially along major thoroughfares. Facilities are to be aesthetically and functionally compatible with adjacent properties.
- B. *Permitted uses:* All uses permitted in the C-1 district excluding special exception uses, unless listed below.
 1. Retail stores including:
 - a. Bakery, dairy products, books, stationary, greeting cards, newspapers, clothing and dry goods stores.
 - b. Variety, furniture, hardware, grocery, drug and pharmaceutical, TV sales, gifts, antiques, hobby, "rent-to-own" stores.
 2. Service shops including:
 - a. Barber, beauty, tailor, dressmaking, shoe sales and repair, TV repair, gun sales and repair shops.
 - b. Laundromats, restaurants without drive-up windows, photography studios, flower shops selling artificial

flowers, live plants, cut flowers, and similar materials from within a building, dry cleaning shops.

3. Child care center or day care center.
4. Emergency medical facilities.
5. Health clubs.
6. Publicly owned buildings, community buildings.
7. Religious institutions.
8. Signs. (Subject to the provisions in Article XVII.)

C. *Special exception uses:* (See the conditions and requirements in Article IV.)

1. Essential services.
2. Music/dance schools.
3. Portable businesses.
4. Private clubs.
5. Other similar retail businesses and service establishments as authorized by the planning commission. In consideration of such authorization, the planning commission shall review the following standards:
 - a. The size, nature and character of the proposed use to the proximity of the proposed use to the adjoining properties;
 - b. The parking facilities provided for the proposed use;
 - c. Any traffic congestion or hazard which could be occasioned by the proposed use;
 - d. How well the proposed use harmonizes and enhances the adjoining properties;
 - e. The need or necessity for the proposed use to service the needs of the neighborhood; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007)

Sec. 3.12. - C-3 Commercial Zoning District.

- A. *Purpose of the district:* The C-3 commercial district is designed to provide a zoning district for retail businesses that traditionally require large parcels of land for indoor and/or outdoor sales areas, parking lots, and businesses selling products of a hazardous nature. This district is intended to encourage cluster development of similar uses and to discourage linear development.
- B. *Permitted uses:*
 1. All uses allowed in the C-1 and C-2 districts except special exception uses unless listed below.
 2. Auto wash facilities.
 3. Child care center or day care center.
 4. Convenience stores.
 5. Essential services.
 6. Greenhouses and nurseries.
 7. Grocery stores.
 8. Home improvement centers.
 9. Hospital and emergency medical facilities.

10. Indoor recreation type businesses.
 11. Motels, hotels, boarding and lodging houses and tourist courts.
 12. Music/dance schools.
 13. Private clubs.
 14. Publicly owned, community buildings.
 15. Religious institutions.
 16. Restaurants with drive-up windows.
 17. Reserved.
 18. Signs. (Subject to the provisions in Article XVII.)
 19. Theaters.
 20. Wholesale distributors within fully enclosed buildings not exceeding five thousand (5,000) square feet.
- C. *Special exception uses:* (See the conditions and requirements in Article IV.) Any establishment where alcoholic beverages will be sold, with or without food service. Such business shall not be located within five hundred (500) feet of a church or other building used for religious purposes, a hospital, school, or nursing home. Such use shall not adversely affect the use or enjoyment of adjoining or nearby residential property.
1. Auto repair and boating repair shops, must include outdoor, screened, storage area for vehicles waiting for parts or repair.
 2. Bowling alleys, commercial recreational enterprises, dance halls and skating rinks.
 3. Construction contractors.
 4. Drive-in theaters.
 5. Gasoline service stations.
 6. Manufactured home sales.
 7. Mini-golf courses.
 8. Mini-storage units.
 9. Photo processing laboratories.
 10. Portable businesses.
 11. Recycling centers.
 12. Wireless communication facilities.
 13. Other similar retail businesses and service establishments as authorized by the planning commission. In consideration of such authorization, the planning commission shall review the following standards:
 - a. The size, nature and character of the proposed use to the proximity of the proposed use to adjoining properties;
 - b. The parking facilities provided for the proposed use;
 - c. Any traffic congestion or hazard which could be occasioned by the proposed use;
 - d. How well the proposed use harmonizes and enhances the adjoining properties;
 - e. The need or necessity for the proposed use to service the needs of the neighborhood; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 14. Retail sales including: Automobiles, farm equipment, boats and boating equipment and repairs, manufactured homes, vehicle repair garages and dairies.

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

(Ord. No. 03-01-07, § III, 3-8-2007; Ord. No. 12-01-08, § I, 12-11-2008)

Sec. 3.13. - LI-1 Light Industrial Zoning District.

A. *Purpose of district:* The "light industrial" district is intended to provide a district wherein light industrial operations are permitted in a manner which is compatible with surrounding districts. Businesses that require extensive outdoor storage or operations are not consistent with the purpose of this district.

B. *Permitted uses:*

1. Religious institutions.
2. Signs. (Subject to the provisions in Article XVII.)

C. *Special exception uses:* (See the conditions and regulations in Article IV.)

1. Assembly operations.
2. Fabricating.
3. Auto body and paint shops.
4. Construction contractors.
5. Light manufacturing, compounding, assembling or treatment of articles or merchandise where all work is carried on within a fully enclosed building of not more than five thousand (5,000) square feet.
6. Testing and research laboratories.
7. Tool and die shops.
8. Warehousing of not more than ten thousand (10,000) square feet in fully enclosed buildings.
9. Other similar businesses and service establishments as authorized by the planning commission. In consideration of such authorization, the planning commission shall review the following standards:
 - a. The size, nature and character of the proposed use to the proximity of the proposed use to the adjoining properties;
 - b. The parking facilities provided for the proposed use;
 - c. Any traffic congestion or hazard which could be occasioned by the proposed use;
 - d. How well the proposed use harmonizes and enhances the adjoining properties;
 - e. The need or necessity for the proposed use to service the needs of the neighborhood; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

D. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

Sec. 3.14. - I-1 Industrial Zoning District.

A. *Purpose of district:* The I-1 industrial district is designed to provide a district wherein "clean" types of industrial activities can locate while producing a minimum amount of adverse effect on the adjoining properties. In this regard, no building or premises shall be used and no building shall hereafter be erected or altered within this district unless otherwise provided for in this ordinance.

B. *Permitted uses:*

1. Bus/truck terminals.
2. Offices and office buildings in conjunction with a permitted use.

3. Religious institutions.
4. Machinery/heavy equipment sales and/or repair.
5. Signs. (Subject to the provisions in Article XVII.)
6. Warehousing in fully enclosed buildings.
7. Wholesale distributors of goods and merchandise.

C. *Prohibited uses:*

1. Any business which emanates noise, smoke, odor, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding parcels. (Fly ash in excess of 0.15 grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit and smoke density in excess of Ringelmann Chart No. 1 are hereby declared such a nuisance).
2. The zoning board of appeals is hereby given the right and authority to determine any question of nuisance or annoyance which might arise hereafter, and such determination shall be exclusive.

D. *Special exception uses:* (See the conditions and requirements in Article IV.)

1. All the uses allowed in the light industrial district.
2. Adult entertainment businesses, including bookstores, theaters and similar businesses which limit their clientele to adults only.
3. Industrial manufacturing.
4. Industrial stamping operations.
5. Waste disposal and recycling businesses, including scrap metal, building materials, etc.
6. Other similar businesses and service establishments as authorized by the planning commission. In consideration of such authorization, the planning commission shall review the following standards:
 - a. The size, nature and character of the proposed use to the proximity of the proposed use to adjoining properties;
 - b. The parking facilities provided for the proposed use;
 - c. Any traffic congestion or hazard which could be occasioned by the proposed use;
 - d. How well the proposed use harmonizes and enhances the adjoining properties;
 - e. The need or necessity for the proposed use to service the needs of the neighborhood; and
 - f. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

E. *Restrictions:*

1. Outdoor storage. All operations shall be carried on within a fully enclosed building except:
 - a. Delivery operations to and from said business which do not involve excessive noise, fumes or create any excessive nuisance to adjacent neighbors.
 - b. Outdoor storage in the rear yard area of such buildings, which shall not exceed twenty (20) percent of the square foot area of the principal building. All storage areas must be screened from adjoining properties and public or private streets by an eight-foot high, opaque fence, which shall be maintained in good condition.

F. *Area, height, placement, and setback regulations:* (See the requirements in Article XII.)

Sec. 3.15. - MHC Manufactured Housing Community Zoning District.

- A. *Permitted use:* Any property in the MHC manufactured housing community zoning district may be used as a

manufactured housing community in accordance with the provisions of the Michigan Mobile Home Commission Act (Act 96 of the Public Acts of Michigan 1987, as amended) and the Administrative Rules promulgated pursuant to the Act.

(Ord. No. 01-02-07, § VI, 1-11-2007)

Sec. 3.16. - Chief Noonday Corridor Overlay District.

- A. *Purpose of district:* The chief noonday corridor overlay district is intended to promote the development of a consistent, attractive, inviting corridor along M-179, generally between Patterson Ave. and Briggs Rd., that provides an inviting gateway into the Yankee Springs community, serves the Township and surrounding area, is pedestrian friendly with a stable mix of uses, and is consistent with the vision, goals, and objectives of the Yankee Springs Township Land Use Plan.

The chief noonday corridor overlay district is further intended to:

1. Encourage innovative, quality development that serves the immediate and surrounding community.
 2. Maintain the rural, recreational character of the community through the design and development standards that are implemented along the corridor.
 3. Manage the development of businesses that disrupt the pedestrian environment, such as drive-in and drive-through businesses, automobile service stations, and outdoor display, sales, and storage establishments.
 4. Encourage connected and/or shared parking facilities to facilitate easier access from the highway for each individual use.
 5. Promote the application of higher development standards so as to create an overall higher level of development and a premier place for residents and visitors to interact, shop, dine, and work.
 6. Maintain the integrity of the surrounding residential areas and neighborhoods.
- B. *Applicability of zoning concept:* The chief noonday corridor overlay district is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district(s).

In an area where the overlay zone is established, the property is placed simultaneously in the two zones, and the property may be developed only under the applicable conditions and requirements of both zones. It is intended that existing uses maintain conformity with underlying zoning standards, but any expansion, redevelopment, or new development shall also conform to the chief noonday corridor overlay district standards. In the event there is a conflict between the requirements of the two zones, the requirements of the overlay district shall govern.

- C. *Creation of chief noonday corridor overlay district boundaries:* The chief noonday corridor overlay district boundaries shall be as established on the Official Zoning Map. The Overlay District may be established or amended according to the Zoning Ordinance procedures set forth in Article XIX.
- D. *Residential exemption:* Parcels located within the chief noonday corridor overlay district that are both zoned residentially (located in the rural residential (RR), suburban residential (RS), residential single family (RSF), or residential lake front (RLF) zoning district) and used residentially (developed with a single family home and/or associated accessory structures) shall be exempt from the requirements of this Section 3.16. In the event the property is rezoned or put to another use other than those identified above, the corridor overlay standards shall apply.
- E. *Permitted uses and structures.*
1. *Permitted principal uses:* The permitted principal uses shall be allowed as established in the underlying zoning district for the chief noonday corridor overlay district. In addition to the permitted principal uses, mixed-use

developments shall be permitted within the chief noonday corridor overlay district.

Mixed-use developments may contain a combination of residential and non-residential uses on the same parcel or within the same building. Mixed-use developments shall be designed as an integrated development.

Appropriate land uses that may be integrated into such a development include retail, commercial, office, civic, and residential uses. If a mixed-use development contains residential uses, it shall have no more than four dwelling units per acre, which may be attached and/or detached units.

2. *Permitted accessory structures/uses:* The permitted accessory structures/uses shall be allowed as established in the underlying zoning district of the chief noonday corridor overlay district.
 3. *Special exception uses:* The special exception uses permitted shall be as established in the underlying zoning district of each of the chief noonday corridor overlay district.
- F. *Development standards:* Buildings and uses in the chief noonday corridor overlay district are subject to the area, height, bulk, and placement requirements of the underlying zoning district as specified in Article XII, except as otherwise provided below.
1. *Setbacks.*
 - a. Except as identified below, setbacks in the chief noonday corridor overlay district shall maintain conformity with the setbacks required for the underlying zoning district.
 - b. Setbacks from M-179 and Patterson Road (from right-of-way):
 - i. Parking lots and interior drives — Forty (40) feet (measured to the edge of pavement).
 - ii. Buildings and structures — Seventy-five (75) feet.
 2. *Access.*
 - a. Ingress and egress from M-179 and Patterson shall only be achieved with the approval of MDOT and/or the Barry County Road Commission, including full compliance with their access management requirements, as applicable. Modification of an existing site or ingress/egress point shall require the approval of the appropriate authority.
 - b. A drive and cross-access easement shall be provided to connect the parking lot on the subject property with the parking lot(s) on the adjacent property(s). The arrangement shall allow for safe, efficient circulation between lots without requiring re-entry onto the main road.
 - i. Where the adjacent property is not yet developed, a stub drive and easement or an easement with an agreement to construct the connector upon development of the adjacent site shall be located on the subject property.
 - ii. This requirement may be waived by the planning commission in instances where there is no reasonable opportunity to provide a connection between adjacent parking lots or where it is extremely unlikely that the adjacent property will develop and/or have a parking lot.
 3. *Adjacent non-compatible land uses.*
 - a. Commercial and non-residential land uses adjacent to a residential zoning district shall satisfy one of the following bufferyard requirements:
 - i. All commercial and/or non-residential buildings or structures and parking shall be setback at least one hundred (100) feet from any property line dividing the property from a residential zoning district; or
 - ii. All commercial and/or non-residential buildings or structures and parking shall be setback at least fifty (50) feet from any property line dividing the property from a residential zoning district and in addition, shall provide one of the following:

- (a) A six-foot wood screening fence and six-foot evergreen trees, situated with one tree per twenty (20) feet line and arranged naturally along the fence line; or
 - (b) A ten-foot berm with a mixture of one evergreen tree and two shrubs per forty (40) feet of shared property line.
- b. Within a coordinated planned unit development incorporating both residential and non-residential uses, these requirements may be modified provided that the uses within the development will be designed and developed in a manner to be compatible with one another. However, the bufferyard requirement shall apply along the perimeter of the PUD development, as applicable.
4. *Landscaping.*
- a. Landscaping shall be provided on all undeveloped portions of the site with a particular emphasis along the M-179 road frontage and adjacent to property lines and parking lots.
 - b. Where there is existing landscaping that can be protected from the impacts of development, this is encouraged. This is of particular importance for larger, existing trees (six-inch diameter or larger, measured at a height of four (4) feet) and for trees existing along the M-179 road frontage.
 - c. Along the M-179 road frontage, one tree and one shrub shall be planted for every twenty (20) feet of frontage. The trees may be either evergreen or deciduous and shall have a height of six (6) feet at planting. The shrubs may be either evergreen or deciduous and shall have a height of two (2) feet at planting. The plantings should be arranged naturally in groups or clusters. Existing trees may count towards the overall requirement.
 - d. Within every parking area containing ten (10) or more proposed spaces, at least one (1) deciduous tree with at least one hundred (100) square feet of planting area shall be used for every ten (10) parking spaces, or fraction thereof, in addition to any other landscaping requirements. Landscaping shall be dispersed throughout the parking area in order to break up large expanses of pavement and help direct smooth traffic flow in a safe and efficient manner within the lot.
5. *Lighting.*
- a. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from adjacent properties or roadway(s).
 - i. Site and area lighting shall be designed such that light levels do not exceed 0.1 footcandles at any point along the perimeter of the property or along road right-of-way lines.
 - ii. Light fixtures shall not exceed a maximum height of twenty (20) feet and shall not exceed four hundred (400) watts per lamp regardless of lamp type. The lamp shall be a cut-off fixture.
 - iii. Wall-mounted lighting fixtures shall be full cut-off fixtures and shall not exceed one hundred seventy-five (175) watts per lamp regardless of lamp type and shall not exceed twenty-foot mounting height.
 - iv. Typical residential/agricultural light fixtures on residential and agricultural buildings and associated accessory buildings, including security lights, shall be exempt from these requirements.
 - b. Lighting used for external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property. The direct light source shall not be visible from streets or adjoining property.
 - c. Landscape light fixtures, including ground lighting for signs, flag poles, and statutes, shall not exceed one hundred seventy-five (175) watts per lamp and the source of the light shall not be visible from adjacent properties or the road right-of-way.

- d. All illumination of signs and any other outdoor feature shall not be of a flashing, moving, blinking, rotating, fluttering, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times with the exception of emergency lighting.
 - e. The following light fixtures and situations shall be exempt from these requirements:
 - i. Lighting required for a public good or public agency in order to satisfy regulatory standards (i.e. traffic control lights, tower lights).
 - ii. Lighting necessary by fire, police, rescue, or other emergency personnel for temporary emergency situations.
 - iii. Lighting required for construction on a temporary basis.
 - iv. Temporary lighting for holidays, limited to a maximum of thirty (30) days.
 - v. Unique situations such as stadiums and monuments. Lighting shall be installed to shield the lamp(s) from direct view to the greatest extent possible and to minimize upward lighting and light trespass.
 - f. For uses requiring site plan review, the proposed location and description of all outdoor light fixtures shall be provided with the site plan to document compliance with the requirements of this section. A photometric plan demonstrating that light will not trespass onto adjacent properties will also be required.
 - g. For uses requiring site plan review, lighting shall be reduced during non-operational building hours, limited to those necessary for security and safety purposes. The lighting plan submitted for Township review shall note when this will occur and to what level it will occur.
 - h. All lighting established prior to and existing as of the adoption of this ordinance shall be so arranged as to avoid glare or direct illumination on any portion of any adjacent highway or onto any adjacent premises.
6. *Signage.*
- a. Signage in the Chief Noonday Corridor Overlay District shall comply with the standards in Article XVII for the underlying zoning district.
 - b. All signs within a development shall be coordinated and have a consistent design scheme — materials, colors, sign type, size, illumination, etc., — with the exception of any franchise specific color or font choices.
7. *Storage and loading:* All storage and loading areas shall be to the side or rear of the structure and screened from view of the public. Areas designated for outdoor storage shall be limited and demonstrated on the site plan presented for approval. Such areas shall be located to the rear of the site, or if demonstrated that it is necessary, to the side of the site. In either case, the storage area shall be effectively screened with landscaping and fencing to provide a year-round visual barrier for the public on adjacent properties or roadway(s). Loading areas and bays shall also be limited to the rear or side of the property. If located on the side of the building, the loading and parking area shall be screened from view of the street(s).
8. *Construction character:* Development in the chief noonday corridor overlay district shall reflect the rural/recreational character of the community. Buildings should be designed at a residential scale with residential characteristics (i.e. peaked roof, natural/durable materials). Style and design should reflect the cottage, lodge, and prairie influences reflected in the quality structures existing within the community. This corridor is envisioned as a premier destination for locals seeking day to day convenience goods and meals as well as visitors taking advantage of the surrounding regional amenities.
- G. *Nonconforming uses and structures:* Lawful uses or structures and dwellings, in existence on the effective date of this ordinance or amendment thereto, which do not conform to the standards of this overlay district shall be allowed to continue subject to the terms and conditions provided in Article XVI of the Township Zoning Ordinance.
- H. *Modifications:* The requirements of this Section 3.16, the chief noonday corridor overlay district, are greater than

would normally be applied to development in the underlying zoning districts. The regulations have been designed to establish a high quality environment, a destination location, and a gateway to the township and the region, while still allowing for flexibility in use, site layout and design, architecture, and landscaping.

Unique site conditions or other factors may justify modifications from the development standards of the chief noonday corridor overlay district standards. It is the intent of this Section 3.16.F to establish a procedure by which the planning commission may modify these standards in Section 3.16. Except as modified through the site plan (or PUD) approval or amendment process, additional relief from any standard or provision of this Section 3.16 shall require a variance from the zoning board of appeals.

1. *Modification procedure.* The planning commission shall be the approving body for any requested modification to the standards of this Section 3.16. A request for modification shall be presented as part of a site plan (or PUD plan) for review and approval. The modification will be considered as part of the overall application when taking action on the site plan (or PUD).
2. *Standards for review.* In reviewing a requested modification, the planning commission shall consider all of the following:
 - a. The proposed development will still meet the purpose and intent of the chief noonday corridor overlay district as identified in Section 3.16.A if the requested modification is approved.
 - b. The applicant shall submit evidence demonstrating that compliance with the strict standards of the chief noonday corridor overlay district makes development impractical on the site, and that the modification is reasonably necessary to develop in accordance with the intent of this Section 3.16.
 - c. The applicant shall demonstrate that the requested modification is the smallest modification necessary.
 - d. The planning commission shall not approve any modification that reduces a standard below that which would be otherwise required in the underlying zoning district. (For example, the planning commission may not modify the front yard setback to less than the requirement in the underlying zoning district.) Such a modification shall require approval of the zoning board of appeals.
 - e. The size of the parcel or the location of existing structures on the site may make compliance with specific requirements of the overlay district unreasonable. These standards may be modified in these instances provided that the modification is the minimum necessary, that the modification is not beyond what would otherwise be required by the underlying zoning district, and that the proposed development still meets the purpose and intent of the Overlay District.
1. *Development review:* Site plan review and approval (Article V) is required for all uses in the chief noonday corridor overlay district unless specifically exempted by the requirements of Section 5.3. Where a proposed use is a special exception use, it shall also require approval of the special exception use (Article IV).

Developments on sites of ten (10) acres gross lot area or more shall be required to be developed through the Planned unit development (PUD) process (Article IX).

(Ord. No. 07-01-10, § I, 7-8-2010; Ord. No. 02-01-2016, § I, 2-11-2016; Ord. No. 05-02-21, §§ I, II, 5-13-2021)

ARTICLE IV - SPECIAL EXCEPTION USES

Sec. 4.1. - Special Exception Use Standards.

- A. In order to make this ordinance flexible and still afford protection of property values and orderly and compatible

development of property within Yankee Springs Township, the Yankee Springs Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as special exception uses within the various zoning districts, when set forth in the ordinance.

- B. These special exception uses have been selected because of the unique characteristic of the use which, in the particular zoning district involved, under certain circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly be detrimental thereto.
- C. With this in mind, the special exception uses are not permitted to be engaged in within the particular district in which they are listed unless and until the planning commission, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed, therefore, and imposed by the planning commission would be compatible with the other uses expressly permitted within said zoning district; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the uses of lands in accordance with their character and adaptability; and that the conditions required by the planning commission for the allowance of such special exception use can and will, in its judgment, be met at all times by the applicant.
- D. The burden of proof of facts, which might establish a right to a special exception use permit under the foregoing standards, shall be upon the applicant.
- E. The planning commission may not allow any use as a special exception use unless the same is specially authorized as a special exception use in a particular zoning district.

Sec. 4.2. - Special Exception Use Procedure.

- A. All applications for special exception use (S.E.U.) permits shall be filed with the zoning administrator and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a special exception use permit.
- B. The planning commission shall hold a public hearing on the request in accordance with the following procedures:
 - 1. A notice of the public hearing shall be published in a paper of general circulation in the township not less than fifteen (15) days before the hearing, describing the nature of the request for a special exception use permit, indicate the property that is the subject of the request including a list of all existing street addresses within the property (if none exist, other means of identification may be used), state when and where the request will be considered, and indicate when and where written comments may be submitted concerning the request.
 - 2. Notice shall be sent by mail or personal delivery not less than fifteen (15) days before the public hearing to the owners of the property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located within the township. If the name of the person is not known, the term occupant may be used in making notification.
 - 3. Following the hearing, the planning commission shall either grant or deny a permit for the special exception use. The planning commission shall state the reason for its decision, including all conditions, limitations and requirements upon which the permit is granted.
 - 4. The planning commission shall have the right to limit the duration of a special exception use permit where the use is temporary in nature. The commission may reserve the right of an annual review for any permit granted. Any use failing to comply with such conditions or limitations may be terminated by action of the planning

commission, after a public hearing.

5. The site plan, specifications, and all conditions, limitations, and requirements imposed by the planning commission shall be incorporated as part of the special exception use permit. Violations of any of these will cause revocation of the permit and the use for which the permit was granted shall cease to be a lawful use.
6. Any special exception use permit that has not been used for a period of six (6) months may be revoked, upon a hearing of the planning commission. Upon termination of the special exception use permit, the property shall be used only for permitted uses set forth in the zoning ordinance for the zoning district the property is located in.

(Ord. No. 03-01-07, § IV, 3-8-2007)

Sec. 4.3. - Annual Inspections.

The planning commission or its representative shall inspect each approved special exception use permit for compliance at least once each year. The holder of any special exception use permit failing to comply with the conditions of approval shall be requested to appear before the planning commission after which the use permit may be terminated.

Sec. 4.4. - Special Exception Use Conditions.

- A. The planning commission may impose such conditions or limitations, in granting approval, as may be permitted by state law and this ordinance, which it deems necessary to fulfill the spirit and purpose of this ordinance. Those conditions may include any condition necessary:
 1. To insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads.
 2. To protect the natural environment and conserve natural resources and energy.
 3. To promote the use of the land in a socially and economically desirable manner.
- B. The conditions imposed shall do all of the following:
 1. Be designed to protect natural resources, health, safety, and welfare, as well as 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.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The planning commission shall maintain a record of changes granted in conditions.

Sec. 4.5. - Types of Special Exception Use Permits.

A. *Apartment buildings:*

1. *Submittal requirements:*

- a. At least ten (10) days before the public hearing a plot plan shall be submitted by each applicant to the planning commission showing the location of all proposed buildings, driveways, parking areas, sidewalks, all utilities and the building setbacks from all lot lines.

The plan shall be reviewed by the planning commission and a determination shall be made by the commission that the above conditions and limitations have been met by the applicants. The planning commission shall add any additional conditions or limitations which are necessary to adequately protect the health, safety and welfare of the inhabitants and neighborhood, including adjoining property values, before a special exception use permit shall be issued.

b. Restrictions:

- (1) Such buildings shall be no more than two and one-half (2½) stories in height.
- (2) All apartment buildings shall be set back at least thirty-five (35) feet from all lot lines.
- (3) All apartment buildings shall be compatible in appearance with the surrounding residential area and shall be landscaped and maintained in an attractive, neat manner.
- (4) No more than twenty-five (25) per cent of the parcel area shall be occupied by a building or buildings.
- (5) All buildings, other than accessory buildings shall be set back from each other a minimum distance of thirty-five (35) feet.
- (6) A paved driveway, of at least fifteen (15) feet in width, shall be constructed and adequate parking with at least two (2) parking stalls shall be provided for each apartment unit.
- (7) Sidewalks shall be provided to the entrance or entrances of each building.

B. *Bed and breakfast inns:*

1. *Requirements:*

- a. Such a use may be allowed in the districts where such a use is listed as a special land use pursuant to a special exception use permit provided that:
 - b. It is operated in its entirety within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage, in the use of a residential type garage.
 - c. It is conducted only by the persons who own and occupy the premises.
 - d. It has no exterior evidence other than a permitted sign to indicate that the same is being utilized for any purpose other than that of a dwelling.
 - e. It does not involve alteration or construction not customarily found in residential dwellings.
 - f. It is clearly incidental and subordinate to the principal use of the premises for residential purposes.
 - g. It does not constitute an annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.
 - h. It does not utilize more than five (5) transient sleeping units with a minimum square footage for each unit of one-hundred (100) square feet for two (2) lodgers and fifty (50) square feet for each additional lodger to a maximum of four (4) occupants per room.
 - i. It's guests are not allowed to stay longer than fourteen (14) consecutive days or thirty (30) days in one (1) calendar year at any bed and breakfast inn location.
 - j. All bed and breakfast inns shall maintain on the premises a guest register and all guests shall be legibly registered and such register is subject to inspection during reasonable hours by the township constable or his designee.
 - k. All bed and breakfast permit holders shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations.
 - l. No building or structure either on the premises of the bed and breakfast inn or on property adjacent thereto

shall be removed in order to provide parking for the bed and breakfast inn.

- m. All required parking for any bed and breakfast inn shall be screened from adjacent residential uses in such form and manner as may from time to time be required by the planning commission.
- n. No bed and breakfast inn shall have on the premises any restaurant which is open to the general public or any gift shop, store or public meeting room or other sales, lease or rental operations.
- o. Sufficient off-street parking shall be required.
- p. It complies with all requirements of initial and subsequent fire safety inspection reports.
- q. Its lake front and other motor powered watercraft including jet ski type units, rowboats and fishing boats, sailboats, paddle boats pontoon boats and deck boats, are limited to two (2) watercraft per bed and breakfast inn. Such watercraft are further limited to rental or lease by the tenants only.
- r. Lake frontage and road frontage shall satisfy the minimum requirements of the zoning district in Article XII.
- s. Use of access lots in conjunction with a bed and breakfast inn shall be in compliance with Article XVIII. For the purpose of Article XVIII and determining the amount of land necessary for the access property, each room in the inn shall be considered a dwelling unit.
- t. On parcels with a minimum of ten (10) acres in the resort and recreation zoning district, horse rental may be permitted with a limitation of two (2) horses and/or carriages per bed and breakfast inn. No other type of rental will be considered.

C. *State licensed residential facilities:*

- 1. An adult foster care family home shall be considered a residential use of property and approved as such in all residential districts.
- 2. A family day care home shall be considered a residential use of property and approved as such in all residential districts.
- 3. A group day care home shall be granted a special exception use permit in any residential district if it satisfies all of the following conditions:
 - a. The facility is located not closer than one thousand five hundred (1,500) feet to any of the following:
 - (1) Another licensed group day care home.
 - (2) Another adult foster care small group home or large group home licensed under the adult foster care licensing act.
 - (3) A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people licensed under article 6 of the public health code.
 - (4) A community correction center, resident home, halfway house or similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - b. The facility has appropriate fencing for the safety of the group day-care home as determined by Yankee Springs Township.
 - c. The facility maintains the property consistent with the visible characteristics of the neighborhood.
 - d. The facility does not exceed sixteen (16) hours of operation during a twenty-four-hour period. The Township may limit but not prohibit its operation between the hours of 10:00 p.m. and 6:00 a.m.
 - e. The facility complies with all appropriate sign regulations.
 - f. The facility provides adequate off-street parking for its employees.

D. *Commercial riding academies or stables:* May be permitted upon issuance of a special land use permit, subject to the

provisions of this ordinance and the following special standards:

1. The minimum site size: Shall be twenty (20) acres where all riding will take place within an arena building. Forty (40) acres where riding will occur in open areas outdoors.
2. The applicant shall submit the following with his special exception use permit application:
 - a. Where riding is intended outdoors the applicant shall be required to submit a trail plan showing the general location of intended riding trails.
 - b. A manure management plan showing the location of all stored material.
 - (1) All areas for stockpiling of manure shall be screened from view.
 - (2) Shall not be located closer than two hundred fifty (250) feet to any property line.
 - (3) Shall not be allowed to become a nuisance.
 - c. Parking:
 - (1) Adequate off-street parking shall be provided for customers in the ratio of one (1) space for every two (2) horse boarding stalls.
 - (2) The parking area shall be paved, however, paving of the parking area may be altered to allow the substitution of a dust free, durable, water permeable, surface.
 - (3) All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall.
 - d. Restrooms: At least one (1) unisex/handicap accessible restroom shall be provided for public use.
 - e. Building design: A complete set of drawings showing the exterior views and floor plans of all buildings, including the style and size of the structures to determine that the project will be compatible and consistent with the surrounding residential areas.
 - f. Indication of the number of horses to be boarded.
 - g. Signs: All signs shall conform to article XVII of this ordinance. Drawings of such signs shall be submitted for approval.
 - h. Retail sales of associated goods. Retail sales of tack and other equipment associated with the operation shall require approval as part of this request.
- E. *Conservation clubs*: Provided the applicant can demonstrate the need for the facility to the planning commission and the property is suitable for the purpose.
- F. *Dog kennels*:
 1. *Regulations*: The purpose of the following is to provide for the construction and maintenance of dog kennels within the township so as to protect the general health, safety and welfare of the residents and property owners and to preclude any harmful effects of such land use from occurring in any zoning district where such use may be permitted.
 2. *Definitions*:
 - a. *Dog kennel*: An establishment on which more than three (3) dogs, six (6) months of age or older, are housed or cared for.
 - b. *Boarding kennel*: A kennel used to house, for remuneration, more than three (3) dogs owned by someone other than the kennel owner or his relatives under the following conditions:
 - (1) The dogs are housed for short periods of time, usually one (1) or two (2) weeks or for as long as one (1) month.

- (2) The dogs are usually over six (6) months of age.
- (3) The dogs all have dog licenses and have received their required vaccinations.
- c. *Breeding kennel*: A kennel used to house or breed three (3) or more dogs, for purchase or sale, usually registered dogs recognized by the American Kennel Club or a similar organization. Under the following conditions:
 - (1) The dogs are owned by the owner of the kennel.
 - (2) The dogs are usually bred for sale, sport or conformation purposes.
3. *Requirements*:
 - a. The building shall be constructed in accordance with the building regulations of the township.
 - b. The building shall contain heat, electricity, water and sanitary facilities.
 - c. The kennel shall not be occupied until the facilities have been approved by the township zoning official and building inspectors and Barry County Animal Control.
 - d. The kennel shall comply with public act 195 of 1969, of the state of Michigan, as amended.
 - e. Inside enclosures: The minimum size of the enclosures within the required kennel building shall be not less than three (3) feet by three (3) feet square and four (4) feet high. There shall be a door or gate at each enclosure which allows easy access for inserting or removing dogs. All enclosures shall have a sloped concrete floor to facilitate cleaning and drainage. There shall be a minimum of one (1) enclosure for any dog over eighteen (18) inches long and/or over fourteen (14) inches high.
 - f. Outside enclosures or runs: The exterior runs shall be a minimum of three (3) feet wide and ten (10) feet long and have direct access to the kennel building. The opening into the required kennel building shall have a sliding or other type of closing door. The dogs shall be kept in the kennel building from 10:00 pm. until 9:00 am. All exterior runs shall be sloped and paved with concrete to facilitate cleaning.
 - g. Enclosure fences: The outside enclosures or runs, etc., shall all have fencing, a minimum of six (6) feet high, made of cyclone or woven steel material. The gates in each run shall be equipped with locks and shall be self-closing.
 - h. Vision, noise and sound barrier: The dog runs, exercise yards and any places where dogs are kept either full or part time shall be enclosed with a vision, noise and sound barrier. The barrier may be constructed as an earth berm or opaque fence. The berm or fence shall be a minimum of six (6) feet, but not more than eight (8) feet high. The barrier shall be constructed to allow air to flow into the area where the dogs are kept.
 - i. Parking: Off-street parking shall be provided for each kennel with a minimum of one (1) parking space for each employee and five (5) spaces for visitors.
- G. *Farm animals*: Animals usually associated with farms may be allowed in the rural residential and suburban residential zoning districts by special exception use permit provided:
 1. The property is located in a rural area of the township.
 2. The property is at least one (1) acre in size for small animals such as chickens, turkeys or rabbits and two (2) acres for large animals such as goats, pigs or horses.
 3. Such animals are to be used as pets not to produce income. The by-products, such as eggs or meat shall not be sold.
 4. All barns and similar structures to be used in conjunction with any large animals shall be located at least eighty (80) feet from all property lines. The location of all other structures shall conform to the requirements of Article XII, General Requirements..., of this ordinance.

5. The area to be used as pasture shall be adequately fenced to prevent the animals from leaving the property.
6. The planning commission shall determine the maximum number of each type of animal allowed on the property as part of the approval process.
7. The applicant shall provide the planning commission with a site plan indicating:
 - a. All existing buildings located on the property and within three hundred (300) feet of the property.
 - b. The location of all proposed structures, either existing or to be constructed, to be used in connection with the animals.
 - c. The location of all waste storage areas and a disposal plan for removal of all waste from the property.
8. The applicant shall provide any additional information deemed necessary for the commission to approve or deny the request.

Animals to be used for 4-H or similar activities shall be governed by this use permit. Permits for such activities shall be limited to not more than one (1) year by the planning commission.

- H. *Gasoline filling and service stations:* All businesses dispensing gasoline, diesel fuel, or other types of flammable fuels shall be required to obtain a special exception use permit before locating their business within the Township of Yankee Springs.
1. *Restrictions:* The subject parcel is not located within two hundred (200) feet of a library, school, park, playground, cemetery, church, hospital, nursing home or home for the aged.
 2. *Conditions for approval:*
 - a. The driveway entrances and exits shall be located at least one hundred fifty (150) feet from any intersection.
 - b. Non-paved areas shall be attractively seeded and landscaped in a neat and pleasing manner.
 - c. Lighting shall be directed so as not to glare upon adjoining residences.
 - d. All driveways shall be paved with at least twenty (20) feet of width at the entrances and exits.
 - e. Gasoline dispensers shall be located at least twenty (20) feet from the property lines.
 - f. Automobile service stations shall not allow more than two (2) vehicles to be parked, outside, overnight while waiting to be repaired.
- J. *Earth removal, quarrying, gravel processing, mining and related commercial extraction businesses:* Shall be recognized as a special exception use in all zoning districts and controlled by the guidelines thereof. Before a special exception use permit shall be granted for this activity, the Planning Commission shall be satisfied that the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in this Ordinance or in any other Township Ordinance controlling such operations.
1. *Location.*
 - a. All such operations shall be located on a primary road, as defined by the Barry County Road Commission, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes.
 - b. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150) feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operations, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. Such setback may be temporarily reduced

to fifty (50) feet if reclamation of the land is promptly effected to increase the setback to at least one hundred fifty (150) feet in accordance with the reclamation plan approved by the Commission and adequate lateral support as set forth is at all times maintained.

- c. No such excavation operation shall be permitted within fifty (50) feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
 - d. The permanent processing plant and its accessory structures shall not be located closer than one hundred (100) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
 - e. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
2. *Screening.* Screening shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth.
3. *Nuisance Abatement.*
- a. Noise and vibration shall be minimized in their effect upon adjacent property by the use of modern equipment designed to accomplish such minimization and by proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
 - b. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
 - c. The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. The Planning Commission may permit operations beyond these time periods if the nature of the operation requires longer hours and the effect upon adjacent properties is minimized to an acceptable level appropriate for such extended hours of operation.
 - d. All dangerous excavations, pits, or pond areas shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
4. *Reclamation of Mined Areas.*
- a. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
 - b. The following standards shall control reclamation and rehabilitation:

- (1) All excavation shall be either to a water-producing depth of not less than five (5) feet below the average surmountable in the excavation, or shall be graded or back-filled with non-hazardous, non-flammable, and non-combustible:
 - (a) That the excavated area shall not collect stagnant water and not permit the same to remain therein;
or,
 - (b) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - (2) The banks of all excavations shall be sloped to the water line in a water-producing excavation at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical and three (3) feet horizontal.
 - (3) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches to support vegetation.
 - (4) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - (5) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
 - (6) A performance bond, cash, or bank letter of credit shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000.00 per acre proposed to be mined or excavated in the following twelve (12) months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) foot vertical to four (4) feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the Planning Commission. In no event shall such financial guarantee be less than \$3,000.00 in amount.
5. *Submission of Operational and Reclamation Plans.* No earth removal, quarrying, gravel processing, mining and related commercial mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
- a. A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all-weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

- b. The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
 - c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - e. In the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site, soil borings shall be made on the perimeter of the excavation site in sufficient number to disclose whether conditions exist satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site. Such written consent shall only be granted if the Planning Commission determines, in its absolute discretion, that the requested operation will not have a material adverse impact upon adjacent properties. Such written consent may be made subject to such reasonable conditions and limitations, as the Planning Commission deems appropriate.
 - f. A map of plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
6. *Public Hearing.* After receiving an application for a grant of a special exception use permit for an earth removal, quarrying, gravel processing, mining, or related commercial mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner as set forth in Article IV of this Ordinance pertaining to special exception uses. Following such hearing, the Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the general criteria set forth in Article IV of this Ordinance, as well as a consideration of the following:
- a. The most advantageous use of the land, resources and property.
 - b. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - d. The protection and preservation of the general health, safety, and welfare of the Township.
 - e. The scarcity or value of the resources sought to be processed as compared with the effect upon the adjacent community of the proposed operations.
 - f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
 - g. The extent and character of any existing permitted uses or non-conforming uses on the site.
 - h. In making any decision, the Planning Commission shall have the right and authority, as set forth in Article IV. of this Ordinance, to impose additional conditions and limitations with respect to the proposed special land use.
7. *Liability Insurance.* Except as otherwise provided herein, all parties receiving a special exception use permit hereunder shall be required to carry personal injury and property damage insurance while un-reclaimed or un-rehabilitated area exists, in the amount of not less than \$1,000,000.00 for each person or property injured or

damaged and not less than 4,000,000.00 for injury or damage to more than one (1) person or one (1) person's property arising out of one (1) occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon other properties as a result of conditions or activities existing upon the site.

The Planning Commission shall have the authority to increase this minimum liability insurance requirement at the time of granting the special exception use permit if the Planning Commission determines, in its sole reasonable discretion, that, because of unusual characteristics concerning the nature or location of the proposed operation, additional minimum liability insurance is necessary to adequately protect persons and property on or near the site of the operation. Similarly, the Planning Commission shall have authority to grant a partial waiver reducing the dollar amount of the insurance coverage required hereunder if the Planning Commission determines, in its sole reasonable discretion, that based upon the specific nature of the proposed operation, the property upon which it is located and/or the nature of the surrounding area, insurance coverage in such lesser dollar amount would adequately protect persons and property on or near the site of the operation.

A copy of the insurance policy shall be filed with the Township Clerk prior to commencing a special exception use approved hereunder. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Township Clerk in writing at least thirty (30) days before lapse or cancellation of the insurance for any reason.

- K. *Home occupations*: The planning commission, after a public hearing, may issue a special exception use permit to conduct a home occupation in any residential zoning district under the following conditions:
1. The zoning district must list home occupations as a permitted use under special exception uses.
 2. Only one (1) employee shall be allowed other than family members residing on the same property.
 3. The occupation shall not disturb the neighbors within three hundred (300) feet of the property.
 4. There shall be no outside storage of materials, parts or finished products.
 5. The home occupation shall be operated only during the hours and on the days approved by the planning commission.
 6. The exterior of the dwelling or accessory building shall not be changed, in any way, to identify it as a business site.
 7. The business shall be allowed only one (1) sign as called for in the sign article of this ordinance.
 8. Home occupations operated in the RSF, RLF, or RMF zoning districts shall be operated entirely within the dwelling in an area not to exceed the lesser of three hundred (300) square feet or twenty-five (25) percent of the dwelling area, excluding the garage.
 9. Home occupations operated in the AG, SR and RR zoning districts may be approved for operating in either the dwelling or within an accessory building. When operated within a dwelling the area used shall not exceed three hundred (300) square feet or twenty-five (25) percent of the dwelling area, excluding the garage.
 10. No special exception use permit shall be granted for a home occupation which involves the use of any flammable materials.
 11. All home occupations shall be subject to annual review by the planning commission.
- L. *Marina*.
1. Marinas: Prior to approval, by the Planning Commission, of a special exception use permit for a marina within the township, the planning commission shall make certain the following regulations and conditions are strictly complied with.

2. Definition. A commercial facility, including three (3) or more waterfront boat slips, which provides for the servicing, fueling, berthing, and/or securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina, provided there are three (3) or more waterfront slips under single control.
3. Regulations and Conditions.
 - a. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - b. Marinas shall be located only on parcels contiguous to, and with direct access to, navigable water.
 - c. Marinas shall not interfere with riparian interests or the integrity and quality of the water body.
 - d. Vehicular ingress and egress to the marina shall be within the riparian owner's interest area, or written authorization shall be secured from an adjacent property owner granting such access.
 - e. A Marina shall be similar in scale and character to adjacent structures and activities in the vicinity.
 - f. The increased use of the water body associated with the marina shall not create congestion, reduce safety, or aggravate existing congestion and safety problems currently recognized. Marinas shall not constitute any navigational hazards, as determined by the Planning Commission.
 - g. All Marinas shall provide watercraft sanitary holding tank pump out services, per Section 5 of Act 167 of 1970.
 - h. Onshore storage of boats and/or trailers may only be incorporated in a Marina special use approval where the Planning Commission is satisfied that such storage will be effectively screened from view from adjoining properties and rights-of-way.
 - i. A recreation carrying capacity analysis shall be required for the body of water where the marina is proposed. The analysis shall be conducted by a firm, organization, or group approved by the Yankee Springs Township Planning Commission, and shall include the following information:
 - 1) Estimated number of motorized boats that would utilize the proposed marina.
 - 2) Number of motor boats greater than twenty-five (25) horsepower that would utilize the proposed marina,
 - 3) The lake use rate as determined by an aerial flyover done on both a Saturday and a Sunday, with at least fourteen (14) days between the two (2) flyovers, done during the months of June, July, or August, and with the outside ground temperature above seventy (70) degrees and the weather not raining or overcast. One (1) of these flyovers shall be conducted between 10:00 a.m. and Noon, the other flyover shall be conducted between 2:00 p.m. and 4:00 p.m. Color photos shall be used to illustrate the survey of both flyovers.
 - 4) Shallowness ratio.
 - 5) Plant biomass.
 - 6) Usable lake area.
 - 7) Boat density per lake acreage.
 - 8) Topographic map of the lake.
 - 9) Total shoreline length.
 - 10) Unimproved shoreline footage for each parcel owner with ten (10) acres or more of land on the lake.
 - j. Such recreation carrying capacity shall demonstrate to the satisfaction of the Planning Commission that the proposed marina with the number of motorized boats proposed shall not exceed the carrying capacity of the lake.
 - k. All signs shall be in compliance with the provisions of Article 17 of this Ordinance.

- l. All off-street parking shall be in compliance with Section 12.10 of this Ordinance.
 - m. Landscaping shall be provided in accordance with Section 5.10.1.c.(3) of this Ordinance.
 - n. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a Special Use permit for a Marina.
 - o. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.
 - p. A Detailed Site Plan pursuant to Section 5.7, shall be required.
 - q. Approved Marina SEU to be issued for a specific number of boats, only approved slips will be used for the securing of boats, no additional boats to be moored at the property.
- M. *Master development plan for the resort and recreation zoning district:* In place of the required site plan review for each structure the planning commission may approve a master plan for development of a parcel of land within the resort and recreation zoning district under the following conditions:
1. The developer shall submit a five-year development plan incorporating all of the requirements of article V, pertaining to business site plan review including, but not limited to:
 - a. All of the present uses of the property.
 - b. All of the proposed uses of the property.
 - c. All of the existing structures on the property.
 - d. All of the proposed structures and other improvements to the property.
 - e. All of the existing and proposed exterior lighting on the property.
 - f. The location of all existing and proposed signs.
 - g. A drawing indicating the size and design of each proposed sign.
 - h. A time table for implementing the proposed plan.
 2. Prohibited developments: The development plan shall not include:
 - a. Any habitable dwellings or buildings.
 - b. Any camping or trailer sites.
 3. Amendments: Minor amendments to an approved master development plan may be approved in conformity with the requirements of article V, section 5.10. All other requests for amendments to the master development plan must be approved by the planning commission.
 4. Fees: The applicant shall pay the same fee for the master development plan as the township board of trustees has approved for other special exception use permits. No additional zoning permit fee shall be required for any part of the approved development during the five-year time period from the date of final approval by the planning commission.
- N. *Nursing homes:* Provided the applicant can demonstrate to the planning commission the need for the facility and the property is suitable for the purpose.
- O. *Portable business:* A portable business shall include, any business operated from a portable structure. Including, but not limited to, produce stands, buildings, trailers, mobile homes, concession trailers, motorized vehicles, tents, and similar structures.
1. *Produce stand exemptions:* A portable business shall not include produce stands located in the agriculture zoning district providing:
 - a. The produce stand is operated by the family living on the property; and

- b. All produce for sale at the stand is grown on the property.
 2. *Local non-profit/charitable use exemption:* A portable business associated with a local charitable or non-profit association and satisfying the conditions provided below shall be exempt from the special use requirements for portable businesses but subject to those specified below:
 - a. Portable businesses associated with local charitable or non-profit organizations and complying with the requirements of this subsection shall be subject to an administrative review and shall not be required to obtain special use approval. A reduced fee may be charged by the township board if assigned in the fee schedule by resolution.
 - b. Although exempt from the special use process, such portable businesses may still only be located in zoning districts that permit portable businesses.
 - c. An applicant desiring to establish a portable business for a local charitable or non-profit use must submit an application to the zoning administrator prior to establishing the use for administrative review.
 - d. In order to receive approval, the application materials shall demonstrate compliance with the setback, signage, licensing, hazardous products, and sound reproduction requirements for portable businesses as stated in the paragraphs below.
 - e. The maximum duration of sales to be conducted by a portable business qualifying for this exemption shall be three days. No more than three such exempt permits shall be granted per calendar year.
 - f. For the purposes of this section, a local charitable or non-profit organization is defined as a public institution, service club, organization with 501.c.3 status, or similar group or entity based in or around Yankee Springs Township.
 3. *Required setbacks:* All structures shall be located in conformity with the required setbacks for the property.
 4. *Restrictions:*
 - a. No hazardous products such as gasoline, fuel oil, or fire works shall be sold or used as a promotion on the property.
 - b. No sound reproducing systems shall be operated on the site.
 - c. The sale of fireworks shall be conducted in compliance with all applicable Federal, State and local regulations regarding the sale, display, storage, transportation and distribution of such fireworks. The applicant shall demonstrate that they have obtained all necessary permits and approvals from other agencies prior to final authorization.
 5. *Signs:* Providing there are no signs located on the portable structure, one (1) sign, not exceeding thirty-two (32) square feet, may be located near the structure in addition to any approved signs existing on the property. Such signs shall be located at least ten (10) feet from the road right-of-way.
 6. *Licensing requirements:* Before an operating permit is issued each business shall provide the township clerk with a copy of all permits and business insurance required by law.
- P. *Recreational facilities:*
1. Publicly owned and operated recreational facilities may be approved by the planning commission upon the submission of the following:
 - a. The results of a study by an independent third party demonstrating:
 - (1) The need for the facility and the number of people who can be expected to use the development on a daily basis.
 - (2) The addition of the facility will not be detrimental to the environment of the area including any bodies of

water.

- (3) The property on which the facility is to be developed is of adequate size to support the proposed facility and its users.
 - b. Conformation, in writing, from the Barry County Health Department and the Gun Lake Sewer and Water Authority indicating their approval of the site and development including the water and sewerage disposal plan.
 2. The development shall be connected to all public water and sewer utilities provided they are located within two hundred (200) feet of the property.
 3. All utilities shall be located underground.
- Q. *Sanitary landfills and solid waste disposal facilities:* Prior to the approval by the planning commission of a special exception use permit for a sanitary landfill facility, the commission shall be certain that the following conditions and limitations are or shall be strictly complied with, in addition to any other requirements contained elsewhere within the township zoning ordinance, or in any other township ordinance controlling such operations. The following rules and regulations shall apply specifically to each landfill area, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulations shall apply.
1. Application for this special exception use permit shall include the following:
 - a. The name(s), complete address(es) and telephone number(s) of the applicant(s).
 - b. The name(s), complete address(es) and telephone number(s) of the owner(s) of the property to be used as a landfill or disposal site.
 - c. The name(s), complete address(es) and telephone number(s) of three (3) people who will be responsible for the operation of the project and can be contacted at any time should it be necessary to do so.
 - d. The address and property identification number(s) of the property to be used as a landfill or disposal site.
 - e. A full, legal description of the parcel(s) wherein the landfill or disposal site is proposed.
 - f. A list of all of the types of equipment, including off-site trucks, to be used on the site during the complete operation including the restoration process. Only those types of equipment on the list shall be used on site.
 - g. The starting and completion dates of the project, if less than ten (10) years.
 - h. The type of materials to be allowed in the landfill or disposal site.
 - i. A topographic survey map(s) on a scale not less than one (1) inch equaling one hundred (100) feet, showing at five-foot intervals the:
 - (1) Existing grades of the site prior to any earth removal.
 - (2) Grades of any proposed excavation.
 - (3) The proposed finished grades after restoration.

No use of the land will be allowed outside of the agreed upon perimeters, including excavating of any kind, storage of equipment or stockpiling of any debris such as trees or stumps.

The topographic map(s) shall be amended annually to include each phase. Said map(s) shall be prepared and sealed by a registered civil engineer or land surveyor.
 - j. A map of the property, drawn by a registered surveyor, including:
 - (1) Dimensions of the property, including the number of acres and the location of the area of the property to be used during the each twelve-month period after the commencement of operations.
 - (2) The location of abutting streets and whether they are state or county primary roads.

- (3) The location of any new roads to be constructed on the site.
 - (4) All improvements to be constructed on site.
2. Pre-start-up meeting:
 - a. A pre-start-up meeting shall be held at least two (2) weeks before any equipment is moved onto the project site, and each year on the anniversary date of the project's beginning. The meeting shall include a representative of the township board of trustees, the township planning commission and the company holding the special exception use permit. It shall also include the on site-manager for the company doing the actual on-site work. The meeting shall be to review the conditions, requirements and regulations of the special exception use permit.
 - b. No equipment shall be moved onto the property until those involved in the meeting are satisfied that the conditions, regulations and requirements of the project are understood.
 3. On-site operations:
 - a. Operating schedule:
 - (1) Because Yankee Springs Township is a large tourist area, no on-site operations shall be allowed on Sundays or legal holidays.
 - (2) No operations shall be permitted prior to 7:00 a.m. and after 5:30 p.m.
 - (3) All operations shall end by to 5:30 p.m. daily except maintenance and repair shall be permitted between 7:00 a.m. and 7:00 p.m. No operations shall be allowed on Sundays or legal holidays.
 - b. Qualified personnel on duty: Qualified personnel shall be on duty at all times to direct the dumping, spreading, compaction and covering of materials.
 - c. The holder of the special exception use permit shall furnish the township clerk with a set of keys to the site.
 - d. Site Locations:
 - (1) All landfills or waste disposal facilities shall be located on a state highway or county primary road, as defined by the Barry County Road Commission, for ingress and egress thereto, and on a road that does not create traffic through an area developed primarily for residential purposes.
 - (2) Where necessary the planning commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas.
 - (3) A stop sign shall be erected at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicant's property which are within one hundred fifty (150) feet of any residence.
 - (4) Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property.
 4. Adjacent public or private property:
 - a. No disposal area shall be permitted closer than five hundred (500) feet from all property lines.
 - b. No disposal area shall be permitted closer than five hundred (500) feet to any house or within five hundred (500) feet of any residential district
 - c. No disposal area shall be permitted closer than five hundred (500) feet to adjacent public rights-of-way, property lines or lakes and streams.
 - d. No disposal area shall be permitted where adjoining lateral support for the maintenance of adjoining land is

not maintained.

5. Any permanent processing plant and its accessory structures shall not be located closer than five hundred (500) feet from the interior boundary lines. In addition, if built within one thousand (1,000) feet of a residence, it shall be obscured by a suitable barrier, not less than ten (10) feet high, with screening, of a type to be decided on an individual basis, by the planning commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen the visual and noise impact. The foregoing shall not apply to the stockpiling or excavating apparatus, nor to the stock piling or loading and transportation equipment.
6. No disposal area shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The planning commission shall have the right to require an applicant to construct sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
7. Any sanitary landfill area, located within the boundaries of the township, whether publicly or privately owned, shall be open to township residents, property owners and businesses, during established business hours, at a rate competitive with other disposal areas in southwestern Michigan. Other persons or properties may also be granted access to a public facility, subject to paying charges as determined by the public body having jurisdiction.
8. Private waste disposal areas shall provide service to all persons and businesses, regardless of where located. Special handling fees may be charged for bulky or difficult to process items. Hazardous materials, as defined in p.a. 64 of 1978 for the State of Michigan and defined by the Department of Natural Resources in its Hazardous Waste Management Rules, Sections R299.630 through R299.6317 inclusive, containing Rules 301-317 exclusively, and dated February 5, 1981, are prohibited.
9. Greater isolation distances may be required by the planning commission if the sanitary landfill area being proposed, is adjacent to special quiet zones, as designated by local or state government.
10. Sight barriers and fencing:
 - a. Sight barriers shall be provided along all setback lines of the sites which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of the following: A berm of at least ten (10) feet in height and plantings of evergreen trees, not more than ten (10) feet apart, or shrubbery, not more than five (5) feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least two-year transplants at the time of planting, and shall grow to not less than ten (10) feet in height, and shall be sufficiently spaced to provide effective sight barriers when ten (10) feet in height. Trees or shrubs which die must be replaced.

The requirements for screening by means of a berm and plantings may be reduced or eliminated by the planning commission if the particular site and terrain of the subject property (with screening of a reduced height), will afford adequate sight barriers for the adjoining property owners, residents or passers-by.
 - b. The sanitary landfill area shall be fenced with an eight-foot high chain link fence with three (3) strands of barbed wire, angled forty-five (45) degrees toward the outside of the premises, on the top. Such fence shall be located inside of any berms or screening following the exterior boundaries.

The entrance to the sanitary landfill area shall have a gate, which shall be closed and locked at all times that the landfill is not open.
11. Nuisance abatement:
 - a. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization,

- and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any condition.
- b. Rodent traps, if needed, shall be placed every one hundred (100) yards, around the perimeter of the sanitary landfill area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
 - c. Any security lighting deemed necessary by the owner/operator shall be of the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjacent property.
 - d. Every sanitary landfill facility, which accepts refuse, shall have an adequate water supply and facilities for quick recovery of water to any part of the property, for the purpose of extinguishing fires. Capacity shall be such that at least fifty (50) gallons per minute can be applied to any fire, continuously, for at least ten (10) hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the planning commission.
 - e. All litter shall be collected from the sanitary landfill site at the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
12. During winter operations, snow and ice shall be removed before any material, either refuse or earth cover, is placed on the fill. A supply of unfrozen earth cover material shall be maintained and available, either in protected stockpiles or in a natural bank protected from, or not subject to freezing. Frozen cover materials shall not be placed on the fill.
13. Prior to the commencement of the construction of any landfill within the township the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, watercourse and water well, a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within one-mile radius of the exterior boundaries of the property acquired for the construction of the landfill. These samples shall be marked with the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of the principal user of the water well, if different from the property owner upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to an accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the township clerk, for the purpose of future reference, should there, at some later date, be suspected groundwater contamination. In addition, copies of the quarterly monitoring test well results shall be delivered to the township promptly upon receipt by the owner/operator.
14. Liability insurance:
- a. All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while any open or unrehabilitated area exists. Such insurance shall be in the amount of not less than one million dollars (\$1,000,000.00) for each person injured or property damaged, or for any injury or damage to more than one (1) person or one (1) person's property, arising out of one (1) occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the township clerk, and shall be maintained in effect for a period of not less than twenty (20) years following final closure and termination of sanitary landfill activities.
 - b. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator, to fulfill the requirements of this section, shall include the provisions that the insurer shall notify the township thirty (30) days prior to the

cancellation of the insurance for any reason.

15. Closure of disposal area: Reclamation or rehabilitation of sanitary landfill areas shall be accomplished as soon as practicable following the completion of the area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the facility's operation. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after the termination of the waste disposal facility. In activity for twelve (12) consecutive months shall constitute, for this purpose, termination of the disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the department of natural resources, resource recovery division. Solid waste management for the State of Michigan compiled laws and known as "The Solid Waste Management Act," or other similar acts which may provide such regulation hereafter.
16. No sanitary landfill activities shall be allowed or commenced until a plan has been submitted to the township planning commission, disclosing, compliance with all of the provisions within this ordinance, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary.
 - b. Roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
 - c. The number of acres, and the location of the same, proposed to be operated upon within the following twelve-month period after commencement of operations.
 - d. The type of sanitary landfill proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
 - e. A survey, by a registered surveyor, showing the location of the principal disposal site and the distance of any proposed operations, and the boundaries of the site.
 - f. A map disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including the proposed uses being contemplated for the future use of the land, and other such matters as may evidence the bonafide nature of the rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed waste disposal area.
 - g. A map disclosing the location of all lakes, streams, creeks, watercourses and water wells from which the samples will be taken for analysis, as stipulated.
 - h. A written agreement, signed by the owner/operator of the proposed disposal area, agreeing to abide by the following plan for solutions to groundwater contamination, should such contamination occur as a result of, or suspected result of his disposal operations.
17. A trust fund for the mitigation of landfill problems:
 - a. A trust fund shall be established at a convenient bank, within the county, chosen by the township board of trustees. The operator shall agree to pay ten cents (\$0.10) per cubic yard of waste disposed of, into this trust fund, for the life of the sanitary landfill. Expenditures from the trust fund are to be approved by a committee consisting of one (1) citizen appointed by the township board, the township supervisor, and one (1) representative of the owner/operator.
 - b. The funds may be used, but are not limited to off site litter control, groundwater and surface water monitoring and payments to adjacent property owners, and others, at the discretion of the committee, for damages proven to have been caused as a result of the sanitary landfill or its operations. The trust fund shall

exist and earn interest for twenty (20) years following closure, and at that time the funds remaining shall be paid to the owner/operator or its successors or assigns.

- c. The mitigation of environmental degradation shall be accomplished by limiting the amount of new leachate produced; steps shall be taken which restrict the movement of existing pollutants in the water. When domestic should any water wells lie in the path of a contaminated plume, one (1) of the following possible solutions to the problems of public health hazard and environmental degradation shall, at the discretion of the township be required of the owner/operator of the landfill:
- (1) Immediate purging of the groundwater. Studies must be conducted, at the expense of the owner/operator of the waste disposal area, to determine the extent of the groundwater contamination, cleanup required, and the timetable by which the cleanup will proceed.
 - (2) Provision of an alternate water supply. This shall include, but not be limited to:
 - (a) Locating uncontaminated groundwater.
 - (b) Providing bottled water. This shall be a temporary measure, designed to prevent health hazards until another system can be prepared. This service should be terminated once a permanent system becomes operational.
 - (c) Hooking into an existing municipal water system.
 - (3) An owner/operator of a sanitary landfill reasonably suspected of contamination of the groundwater shall guarantee the cost of the construction of the extension of a municipal water line to the affected area, and the cost of the hookup to this water supply. The township shall pay for any over sizing of the line to permit the extension of service to areas not affected by the leachate. The owner/operator of the sanitary landfill may make an unrestricted cash payment to the township to carry out its responsibility to the residents in obtaining for them uncontaminated water.

This option shall be at the discretion of the proper authority. If the water is available to the residents of the affected area, the operator will assume sole responsibility for establishing water rates, assessments and connection charges, and for the granting of waivers from any of these charges to residents whose water supply is endangered by the leachate and for policies governing the system operation and waiver policy.

If the township does not agree to make water available to its residents, the entire issue shall revert back to the landfill owner/operator's responsibility. The township shall assume no responsibility or liability for any injuries or property damage resulting from the sanitary landfill operations.

18. Financial guarantee shall be given to township:
- a. Financial guarantee shall be given to the township insuring the proper closure and rehabilitation of the solid waste disposal area. The amount of the guarantee shall not be less than five thousand (\$5,000.00) dollars per acre of disposal area, but not less than twenty thousand (\$20,000.00) dollars nor more than two hundred thousand (\$200,000.00) dollars for the area proposed to be licensed by the state, or which has previously been operated upon during any preceding period and which has not been reclaimed or rehabilitated.
 - b. All such financial guarantees shall be reviewed annually on or about the anniversary date of the sanitary landfill construction permit, for adjustment in compliance of the foregoing requirements by the zoning administrator of the township or other such official as may be designated by the township board. In this regard the amount of the financial guarantee may be increased or decreased, based upon the Cost of Living Index, promulgated by the U.S. Department of Labor using the effective date of this ordinance amendment

(July 14, 1994) as the base period for the per acre, minimum and maximum amounts of the guarantee. Such financial guarantee shall be in the form of cash, certified check, an irrevocable bank letter of credit or a corporate bond of a licensed insurance company, eligible to insure disposal facilities in the State of Michigan. The corporate bond, if it is used, shall be a performance bond which shall be filed with the township clerk governing all portions of the sanitary landfill operation required to be maintained in accordance with these regulations, guaranteeing the satisfactory performance of these regulations. The bond shall not be cancelable for nonpayment of premium on disposal areas already worked, and shall continue in force for one (1) year after closure and reclamation of the sanitary landfill facility.

- c. For all sanitary landfill areas, the minimum financial guarantee shall be at least twenty thousand dollars (\$20,000.00), provided to the township, if less than five (5) acres are required to be covered by the financial guarantee at any time. The bond shall be filed with the township clerk before the permit is issued, and on or before the first of each year, thereafter.
 - d. A recommendation by the planning commission and approval by the township board of trustees shall be based upon the criteria set forth within said ordinance and shall be based in consideration of the following:
 - (1) The most advantageous use of the land, resources and property.
 - (2) The character of the area in question and its particular suitability, if any, for the particular use.
 - (3) Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
 - (4) The protection and preservation of the general health, safety and welfare of the township.
 - (5) The scarcity or value of waste disposal areas as compared with the effect upon adjacent communities near the proposed operation.
19. Existing sanitary landfill operations: All licensed sanitary landfill operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations; however, such pre-existing disposal areas shall be allowed to continue in operation on its then existing land. A special exception use permit shall not be required therefor.
- R. *Sawmills*: Saw mills may be permitted on parcels located in the agriculture zoning district with the issuance of a special exception use permit subject to the following:
1. *Parcel size*: The minimum size parcel shall be ten (10) acres.
 2. *Noise abatement*:
 - a. No sawmill shall be operated within one hundred fifty (150) feet from any property line.
 - b. Sawmills operating any internal combustion engines shall be required to have mufflers installed and operating at any time the engine is operated.
 3. *Maximum operating hours*: Shall be 7:00 a.m. to 7:00 p.m. six (6) days a week.
 4. *Safety*:
 - a. The sawmill shall comply with all building code and safety regulations.
 - b. All structures and machinery shall be completely enclosed and locked at the end of each day.
 5. *Inspections*: The building inspector and any specialty trade inspectors shall make annual inspections of the site to determine the equipment and structures are in good condition and proper operating order.
 - a. The cost of such inspections shall be paid by the owner of the saw mill before the inspections take place. Should the owner neglect to pay for the inspections before the inspection date, each year, the special exception use permit may be terminated after a hearing before the zoning board of appeals.

- b. The annual inspection shall be made the first working day of each year, after the anniversary date of the grantin exception use permit.
6. *Dust and rodent prevention:*
 - a. The driveway to the site shall be paved for a distance of one hundred (100) feet from the existing road as a means of keeping the dirt and dust away from the road.
 - b. All waste materials shall be removed from the property to an approved site on a regular basis, not to exceed six (6) months.
 7. *Closing of the sawmill:* Any sawmill not operated for a period of twelve (12) months, or upon the cancellation of the special exception use permit, shall be removed from the property and the site returned to its original condition.
 8. *Insurance:* The owner of the sawmill shall provide the Yankee Springs Township Clerk with a copy of his business liability insurance naming the township as a co-insured. Such policy shall not be canceled without notification to the township clerk.
 9. *Additional conditions:* The planning commission reserves the right to add such additional conditions as it feels necessary in approving the special exception use permit.
- S. *Seasonal tent and travel trailer campgrounds:*
1. Seasonal tent and travel trailer campgrounds, including recreational areas incidental thereto, must contain at least five (5) acres in area.
 2. Areas designated for travel trailers, camp trailers and/or tent trailers must meet the applicable requirements of the Michigan Campground Act No. 171 of 1970, as amended, and such rules and regulations as may be promulgated thereunder by the state health department.
 3. Any sale of foodstuff or merchandise shall be clearly incidental to the needs of the occupants and users of the seasonal camping grounds and recreation areas while therein and shall consist of packaged merchandise only.
 4. Activities shall be adequately screened from adjoining residentially developed or zoned property by an evergreen planting at least five (5) feet in height at the time of planting. In addition, the area must be fenced by fence constructed in a manner approved by the planning commission.
 5. All facilities shall be provided with safe and adequate sanitation and drinking facilities constructed to meet the requirements of the Barry County Health Department.
 6. Fires shall be built only in picnic stoves or other equipment or space designated by the park owner. It shall be unlawful to cause any other fire whatsoever in any park, playground or recreation area.
 7. No person shall deposit or abandon any garbage, refuse, sewage, trash, waste or other obnoxious material except in receptacles provided for such purpose and the grounds must be maintained in a clean and orderly manner at all times.
 8. The owner or operator shall be responsible to regulate the noise and litter so as to not be detrimental to the use and enjoyment of adjoining property, as determined by the zoning board of appeals.
 9. Overnight camping shall be restricted to areas designated and posted for this purpose as authorized in the campground permit. Such areas shall be setback at least one hundred fifty (150) feet from adjoining residentially used or zoned property.
 10. Adequate off-street parking must be provided to ensure adequate parking space to meet the reasonably foreseeable demands anticipated for the campground or recreation area or playground facilities.
 11. Vehicular entrances into and exits from the campground or recreation area shall be constructed with approach

lanes approved by the Barry County Road Commission so as not to interfere with moving traffic.

12. Dogs and other pets allowed in the campground and recreation area shall be kept on a leash not longer than ten (10) feet in length.
- T. *Wireless communication support structures:* Wireless communication support structures may be permitted in Yankee Springs Township subject to the following conditions:
 1. The structure shall be located on a site of not less than thirty thousand (30,000) square feet in area and one hundred sixty-five (165) lineal feet of road frontage.
 2. The structure shall be located in agriculturally zoned areas. No structures shall be located in residentially, commercially, or industrially zoned areas.
 3. The structure shall be of monopole construction, whenever possible, and painted white, gray, silver or red and white, and be constructed so as to hold not less than three (3) wireless communication facilities.
 4. The maximum height of the tower shall be the minimum height demonstrated to be necessary by the radio frequency engineer of the applicant. However in no case shall the height of the tower exceed two hundred (200) feet above finish grade.
 5. The site plan for the structure shall be accompanied by a signed certification by a registered engineer regarding the design integrity of the structure and the manner in which the structure may fall. This will enable the township to determine appropriate setbacks.
 6. Towers shall not be artificially lighted, unless required by the F.A.A. if such lighting is required, it shall be of the flip-over type and shall be directed away from any residential property while causing the least disturbance to surrounding properties.
 7. Whenever possible, proposed wireless communication facilities shall co-locate on existing buildings, structures or wireless structures. If a provider fails to permit co-location, on an existing structure, such structure shall be declared a non conforming structure and shall not be altered or expanded in any way.
 8. The wireless communication structure shall be removed within one hundred eighty (180) days after any of the following has occurred:
 - a. The reception and/or transmission of radio signals from the wireless communication structure has not occurred for a period of ninety (90) consecutive days.
 - b. Ninety (90) days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure,
 - c. The antennae or other equipment has been removed from the structure. Yankee Springs Township may secure the removal of the structure thirty (30) days after notifying the property owner and wireless communication structure operator of the need to remove the structure. All costs of removing the structure and it's associated equipment shall be charged to the operator and/or property owner, at the rate of one hundred twenty-five (125) percent of the actual costs of removal and may be entered as a lien against the property.
 9. Accessory buildings and structures shall not exceed six hundred (600) square feet in area.
 10. Where the property line of a site containing a wireless communication structure abuts a residentially zoned or used area, the operator shall provide a planting screen sufficient in density and height so as to have immediate buffering impact on the adjacent site. In addition there shall be no interference with reception of any kind on any adjacent sites.
 11. There shall be no advertising of any kind, located on the site, visible from the ground or other structures other

than required for emergency purposes.

12. The minimum spacing between tower locations shall be two (2) miles, measured by a straight line.
 13. All signals and remote control conductors of low energy extending horizontally between structures or towers, shall be located underground or elevated at least eight (8) feet above the ground.
 14. Support structures shall comply with all applicable state, federal, and local regulations and codes.
 15. The base of the tower and all cable anchors and/or supports shall be fenced with a minimum six-foot high fence.
 16. All towers shall be equipped with nonclimbing devices.
- U. *Portable Business for Fireworks Retail Sales:* Effective January 1, 2012, the Michigan Fireworks Safety Act 256 of 2011 allows the sale and use of consumer fireworks such as Roman Candles, Bottle Rockets and other items that leave the ground. Novelty items such as sparklers, snakes, snaps and poppers are not regulated under the Michigan Fireworks Safety Act 256. Low-impact fireworks such as Ground Sparkling Devices, Ground-Based or Handheld Sparkers remain legal for sale and use, provided the retailer registers online each calendar year at least ten (10) days before the low-impact fireworks are sold. (Michigan Department of Licensing and Regulatory Affairs—Bureau of Fire Services.)
1. Portable businesses which sell consumer-grade fireworks and comply with the requirements of this Section T. shall be subject to an Administrative Review and shall not be required to obtain Special Use Approval from the Planning Commission.
 - a. The sale of fireworks shall be conducted in compliance with all applicable Federal, State and local regulations regarding the sale, display, storage, transportation and distribution of such fireworks. The applicant shall demonstrate to the Zoning Administrator that they have obtained all necessary permits and approvals from the State of Michigan prior to final authorization as follows:
 - i. Proof of current certification to sell Consumer Fireworks issued by the State of Michigan after April 1st of the current year.
 - ii. Copy of Applicant's currently valid Michigan Sales Tax license, including account number.
 - iii. Proof of ten million (\$10,000,000.00) dollars Insurance Policy.
 - iv. A notarized felony affidavit.
 - v. Permanent Facility Floor Plan or Temporary Structure (Tents and Stands) Site Plan.
 - vi. Application Fee of eighty (\$80.00) dollars payable to Yankee Springs Township.
 - b. A reduced fee may be charged by the Township Board if assigned in the fee schedule by resolution.
 - c. Despite exemption from the Special Use process, such portable businesses may still only be located in zoning districts that permit portable businesses.
 2. Required setbacks: All structures shall be located in conformity with the required setbacks for the property.
 3. Restrictions:
 - a. No hazardous products such as gasoline or fuel oil shall be used or sold within two hundred (200) feet of the portable structure, nor shall the detonation of fireworks be used as a promotion or demonstration on the property.
 - b. No sound reproducing systems which transmit the sound beyond the footprint of the structure shall be operated on the site.
 4. Signs: Providing there are no signs located on the portable structure, one (1) sign, not exceeding thirty-two (32) square feet, may be located near the structure in addition to any approved signs existing on the property. Such signs shall be located at least ten (10) feet from the road right-of-way.

(Ord. No. 03-01-07, § IV, 3-8-2007; Ord. No. 04-01-08, § III, 4-10-2008; Ord. No. 05-05-11, § II, 5-12-2011; Ord. No. 09-01-12, § I, 9-13-2012; Ord. No. 06-01-14, § I, 6-12-2014; Ord. No. 10-01-2017, § II, 10-12-2017; Ord. No. 03-02-21, § II, 3-11-2021)

ARTICLE V - SITE PLAN REVIEW

Footnotes:

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Editor's note— Ord. No. 09-01-06, § II, adopted Sept. 1, 2006, deleted the former Art. V., §§ 15.5.1—15.5.17, and enacted a new Art. V. The former Art. V pertained to similar subject matter and was derived from the original zoning ordinance effective Nov. 29, 1979, and an amendment enacted March 6, 2007.

Sec. 5.1. - Purpose.

The purpose of this article is to provide for consultation and cooperation between the property owner and developer and the Yankee Springs Township Planning Commission in order that the property owner or developer may accomplish their objective in the utilization of their land within the regulations of this zoning ordinance. Providing a minimum of adverse affect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.2. - Scope.

This article shall apply to all construction projects, additions, uses, or change in use, or the remodeling of any building, or structure, within Yankee Springs Township except those specifically listed in this article as exempted.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.3. - Site Plan Review Required.

- A. Except as hereinafter set forth, site plan review shall be required before the start of any construction project, addition, use, or change in use, or the remodeling of any building or structure within Yankee Springs Township. Applications for site plan review, either business or residential, may be requested from the Yankee Springs Township Clerk.
- B. Except upon a written order of the Township Zoning Board of Appeals, no zoning permit shall be issued for any building or structure where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this ordinance, unless such authority has been delegated elsewhere in specific instances.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.4. - Site Plan Application Deadline.

All site plan review applications must be submitted to the township hall for consideration by the planning commission or zoning administrator. All required application materials must be submitted no less than twelve (12) business days prior to a meeting of the planning commission in order to be placed on that meeting's agenda, if desired by the applicant. Incomplete application packets or packets submitted less than twelve (12) days prior to the meeting date will not be guaranteed a space on the next meeting's agenda.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.5. - Evidence of Ownership.

All applicants for site plan review shall have available for the planning commission's and/or zoning administrator's inspection, evidence of ownership of all property affected by the site plan and shall submit the same upon the request of the planning commission or zoning administrator.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.6. - Residential Site Plan Review.

This section shall apply to any construction project, addition, use, or change of use or the remodeling of any residential building or structure in the following zoning districts: AG, RR, SR, RMF, RSF, RLF.

1. *Exemptions:* The following shall be exempt from residential site plan review. However, a building permit may still be required.
 - a. The remodeling of the interior of a house or structure when the exterior is not changed.
 - b. The remodeling of the exterior of a house or structure as follows:
 - (1) A new roof.
 - (2) Painting.
 - (3) Replacement of windows, doors, shutters, and other nonstructural elements.
 - (4) Replacement or the addition of vinyl, aluminum, or wood siding or eave troughs.
 - (5) The addition or replacement of any of the following within the property:
 - (a) Gardens, trees, and shrubs.
 - (b) Seawalls, sidewalks, driveways, or stairways of not more than five (5) steps.
 - c. Any remodeling resulting in a structural change to the building that impacts the height, bulk, setback, or other zoning consideration shall require site plan review.
2. *Residential site plan review application and procedure:*
 - a. Each applicant for residential site plan review shall complete a residential site plan review application including the following:
 - (1) Name, address, and telephone number of the applicant.
 - (2) Name, address, telephone number, and signature of the property owner.
 - (3) Location and a description of the project or use change.
 - (4) Present zoning district and parcel identification number of the project property.
 - (5) A copy of the latest land survey of the project property showing all of the existing structures on the property and the boundary dimensions.
 - (6) A copy of the approved driveway permit from either the Barry County Road Commission or the Michigan Department of Transportation, when required.
 - (7) Approval for connection to separate, individual water and sewage facilities or available public sewer and/or water systems for each dwelling unit.
 - b. For residential site plan review applications, a plot plan shall be prepared and submitted for review as well.
 - (1) Four (4) copies of a plot plan are required to be submitted for review. If planning commission review is required or requested for a particular application, eleven (11) copies of a plot plan shall be submitted. A building permit will not be issued until the plot plan is approved either by the planning commission or

zoning administrator.

- (2) The plot plan shall contain drawings and documents with the following information:
 - (a) The plot plan shall be a drawing to fit a sheet of paper no larger than eleven (11) by seventeen (17) inches. The plan does not have to be prepared by a licensed or registered professional, but it must be reasonably to scale and the planning commission must be confident in the accuracy and quality of the work;
 - (b) A copy of the latest land survey of the property showing all of the existing structures on the property;
 - (c) A copy of the latest land survey of the property showing the location of the proposed structure(s) and improvements to the property;
 - (d) Dimensions of the property and measurements of all yards and setbacks;
 - (e) Location and zoning of adjacent parcels;
 - (f) Location, shape and size of existing and proposed structures;
 - (g) The nature of the proposed construction, alteration, or repair and the intended uses;
 - (h) Front, side, and rear elevations with dimensions for all proposed structures;
 - (i) The present use being made of any existing structure affected by the application and any proposed change in the use thereof;
 - (j) Septic tank and drain field locations, if any, including reserved area, and showing distances between the well and property lines. If the plot shall be served by a public sewer or water, the location and size of the sewer main and sewer lead as well as public water service shall be shown on the plan;
 - (k) Driveway location and utility easements;
 - (l) Area to be excavated and graded, with existing and final grades shown at a minimum of two-foot contour intervals;
 - (m) The approximate boundary of any water body or wetland. Additional permits from MDNR, MDEQ, or other agencies may be required for activities in or near a regulated wetland or an inland lake or stream;
 - (n) Other significant natural or physical features, such as trees, floodplains, and poles;
 - (o) Location of all existing and proposed fences, walls, and retaining walls;
 - (p) The location and right-of-way widths of all intersecting and abutting roads and public easements including drainage easements;
 - (q) Date the plot plan was prepared, scale, and north point; and
 - (r) Name, address, and professional title (if any) of person responsible for the preparation of the plot plan.
- (3) The zoning administrator or planning commission may waive one (1) or more of the items required above if they feel the item is clearly unnecessary for a substantial review.
- (4) Official review of the plot plan will not begin until a full and complete application package has been submitted to the township in accordance with the guidelines and procedures established by the township and this ordinance. Failure to submit a full or correct application is grounds for an application to be tabled or denied.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.7 - Business Site Plan Review.

This section shall apply to any construction project addition or remodeling of any building or structure in the following zoning districts: MHC, RC, C-1, C-2, C-3, LI-1, I-1.

1. *Exemption from business site plan review:* The following shall be exempt from business site plan review however a building permit may still be required:
 - a. Anything pertaining to the location of a manufactured house within an approved manufactured housing community. This does not relieve the manufactured housing community owner or operator from complying with the requirements of this ordinance.
 - b. Anything pertaining to the location of a camping trailer within an approved resort camping park. This does not relieve the camping park owner or operator from complying with the requirements of this ordinance.
 - c. Painting and normal repairs pertaining to any building or structures. This does not relieve the owner or operator from complying with the requirements of this ordinance.
2. *Business site plan review application procedure:* Each applicant for business site plan review shall complete ten (10) copies of a business site plan review application including:
 - a. The name, address and telephone number of the applicant.
 - b. The name and address of the property owner.
 - c. The location and a description of the project or use change.
 - d. Present zoning district and parcel identification number and legal description of the project site.
 - e. A copy of the latest land survey of the project site showing all of the existing structures on the property.
 - f. A site plan including the following:
 - (1) It shall be of a scale not less than one (1) inch equals two hundred (200) feet. However, it shall be of such a size that the members of the planning commission can readily interpret the plan.
 - (2) It shall show the name and address of the person or firm preparing the site plan including the seal of the licensed engineer and signature of the person who drew the plan, an appropriate descriptive legend, north arrow, scale and date.
 - (3) It shall identify the subject property by lot lines and location including dimensions, angles, and size correlated with the legal description.
 - (4) It shall show the topography of the site and its relationship to the adjoining land at not less than two-foot intervals and identify all natural features including, but not limited to, woods, streams, rivers, lakes, drains, wetlands, natural drainage channels, and unstable soils. It shall show any proposed changes in the topography including changes to any natural features.
 - (5) It shall show all existing, man-made features on and within one hundred (100) feet of the site, such as buildings and structures, bridges, towers, pipelines and other existing utilities, any easements, culverts, or drains.
 - (6) It shall show the location of all buildings and structures, including underground tanks, septic system, and utilities to be constructed on the site.
 - (7) It shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site. The location, size and number of parking spaces, including handicap spaces and ramps, in the off-street parking areas and the identification of service lanes and loading areas.

- (8) It shall show the proposed location, use and size of open spaces, and the location of existing and proposed fences on the site.
 - (9) It shall include a vicinity map indicating the location of the site in relation to the surrounding street system and shall identify the existing uses and zoning of adjacent properties.
 - (10) It shall show the location of snow storage areas.
 - (11) It shall provide assurance that all water from the proposed site will remain on site during construction as well as after the completion of the project.
 - (12) It shall provide front, side, and rear elevations of the principal buildings, with dimensions.
- g. A copy of the approved driveway permit from either the Barry County Road Commission or the State Highway Department, when required.
3. *[Placement on agenda:]* When the completed application is filed, the township clerk shall transmit it to the zoning administrator, who shall place it on the agenda of the planning commission, as soon as publishing requirements allow, the applicant shall be notified of the time, date and place that his application will be reviewed.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.8. - Site Plan Review Requirement for Signs.

All signs, except for exempt signs, shall be subject to site plan review before installation. Each applicant shall complete an application containing the following:

- 1. The name, address, and telephone number of the applicant.
- 2. The name and address of the property owner.
- 3. The street address and parcel identification number of the property.
- 4. A copy of the latest survey of the property showing all of the existing structures, including signs, on the property.
- 5. A copy of the latest survey of the property showing the proposed location of the new sign including:
 - a. The distance from the road right-of-way to the closest point of the sign and sign structure.
 - b. The distance from the closest side yard lot line to the closest point of the sign and sign structure.
- 6. Ten (10) copies of a drawing showing the side and end views of the sign and sign structure with the dimensions of both.
- 7. A check, made payable to Yankee Springs Township, in accordance with the fee schedule adopted by the township board of trustees.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.9. - Authority to Approve.

- A. Following the appropriate review and discussion, the planning commission or its representative shall have the authority to approve, disapprove, or modify the proposed plans in accordance with the purpose of the site plan review provisions of the township zoning ordinance and criteria therein contained. Any required modifications shall be stated in writing together with the reasons therefore and delivered to the applicant. the planning commission may either:
 - 1. Approve the plans as presented.
 - 2. Approve the plans contingent upon the required modifications.
 - 3. Require the plans to be resubmitted for review after the required modifications have been included in the plans

by the applicant.

4. Disapprove the plan.
- B. The planning commission chairperson shall sign three (3) copies of the approved site plan, stating all conditions of approval, if applicable. Within ten (10) days, the zoning administrator shall place one (1) copy of the plans and specifications in the township files, transmit one (1) copy to the building inspector, and return one (1) copy to the applicant.
- C. Should the plans not be approved by the planning commission or zoning administrator, the planning commission or zoning administrator shall provide the applicant with a written letter stating the reason(s) for not approving the proposed plan.
- D. The planning commission or zoning administrator is hereby given the discretion and authority to impose reasonable conditions as a condition of approval of any site plan. The conditions may include those necessary to ensure that 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 activity to protect the natural environment and conserve natural resources and energy, and to ensure compatibility of adjacent uses of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 1. Be designed to protect the natural resources, health, safety, welfare, and the social and economic well being of those who will use the land use or activity under consideration as well as the residents and land owners immediately adjacent to the proposed land use or activity as a whole.
 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning ordinance. Be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to ensure compliance with these standards.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.10. - Standards for Site Plan Approval.

In reviewing the site plan, the planning commission or zoning administrator shall ascertain whether the proposed site plan is consistent with all the requirements and regulations of the zoning ordinance. Further, in consideration of each site plan, the planning commission or zoning administrator shall endeavor to ensure that:

1. The proper development of roads, easements, and public utilities has been provided to protect the general health, safety, and welfare of the township including the following:
 - a. All newly created alleys, roads, streets, and parking areas shall be paved with bituminous or concrete paving.
 - b. All alleys, roads and streets either public or private shall be built to Barry County Road Commission standards.
 - c. All alleys, roads, streets, driveways, and parking areas shall provide for the disposal of surface water on the site into the ground or into approved leaching basins.
 - (1) There is a proper relationship between major thoroughfares and service driveways, driveways, and parking areas so as to ensure the safety and convenience of pedestrians and vehicular traffic.
 - (2) The adverse affects resulting from the location of buildings and structures will be minimized to the occupants of the subject property as well as the occupants of adjacent properties.
 - (3) The proposed use will not have an adverse affect on the surrounding neighborhood. Provisions for

fencing, walls, and landscaping may be required to provide screening from adjacent properties.

- (4) The proposed use is consistent with and promotes the intent and purposes of this ordinance, and is compatible with the natural environment and its capacities of public services and facilities affected by the proposed use.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.11. - Amendments to an Approved Site Plan.

- A. Amendments to an approved site plan may occur only under the following circumstances. After the applicant or property owner notifies the zoning administrator of a proposed amendment, the zoning administrator may approve minor changes that do not alter the basic design or conditions of the plan. Minor changes consist of the following:
1. For residential buildings, the size of structures may be reduced or increased by five (5) percent provided that the overall density of units does not increase.
 2. Square footage of nonresidential buildings may be decreased or increased by up to five (5) percent.
 3. Buildings may be moved by no more than ten (10) feet.
 4. Landscape materials may be replaced by similar plant materials on a one-to-one or greater basis.
 5. Building materials may be changed to those of higher quality.
 6. Floor plans may be changed provided the change does not alter the character of the use.
 7. Sidewalks or refuse storage stations may be relocated.
 8. Internal parking lots may be rearranged which do not affect the number of parking spaces or alter access locations.
 9. Changes requested by the Township relative to public safety shall be considered a minor change.
- B. Should the zoning administrator determine that the requested change to the approved site plan is not minor, resubmittal to the planning commission is necessary. If the planning commission determines that the change significantly alters the original concept of the project, a new submittal showing the change is required.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.12. - Technical Review Fees.

The cost of technical review of the site plan shall be paid by the applicant in accordance with the adopted fee schedule, as determined by the township board of trustees and based on the cost of processing the site plan review. In addition, the township may determine that additional specialized studies and analysis are necessary for the proper evaluation of a proposed development, the cost of which shall be borne by the applicant. To insure that sufficient information is available to the township in its review and decision making process, the board of trustees may require the creation of an escrow account, funded by the applicant, from which fees for technical services would be paid. The appropriate review fee and or escrow account shall be paid or established at the time of application.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.13. - Requirements for a Performance Bond.

- (a) As a means of securing the health, safety, and welfare of the residents of the Township and adjacent residents and property owners, and to ensure the completion of the development in accordance with the approved site plan, the planning commission shall have the right and authority to require the applicant to file with the township clerk, as

part of the approval of the site plan or before the issuance of a building permit, an irrevocable letter of credit, performance/surety bond, cash bond, or other security in such amounts as determined by the planning commission.

- (b) Such bond, letter of credit, or other security shall be in an amount of not less than one hundred (100) percent of the uncompleted development and shall be held by the township clerk until final completion of the project. The township clerk shall release the security within ten (10) days of receipt of the notice of final completion of the project. The letter of credit, bond, or security may be reduced by the amount of the project successfully completed.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.14. - Representative of the Planning Commission.

The Yankee Springs Township Board of Trustees may appoint a person to represent the township planning commission to approve residential site plans. An applicant for residential site plan review may ask the entire planning commission to review a residential site plan. When such a request is made, the planning commission shall review the site plan at the next regular meeting unless arrangements are made for a special meeting. Likewise, either the appointed representative to the planning commission or the members of the planning commission, upon a majority recommendation, may also request for the planning commission to review the site plan. Such a request shall be made on the record and recorded in the meeting minutes of the township planning commission.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.15. - Voiding of Approval.

The zoning administrator may suspend or revoke an approved site plan issued under the provisions of this ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this ordinance or of any other ordinances or regulations of the township. The permit may also be revoked in the event of failure or neglect to comply with all of the terms and provisions of this ordinance. The zoning administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.16. - Conformity to Approved Site Plan Required.

Development of the subject parcel shall be in complete conformity with the approved site plan, including any amendments thereto, approved by the planning commission or its representative.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.17. - A Building Permit Must be Obtained and on Site.

A building permit must be obtained and on-site development commenced within six (6) months from the date of approval of the site plan or the site plan approval shall be voided. Should a site plan be voided, for any reason, a new application and fee shall be required. One (1) six-month extension may be granted by the planning commission provided that site conditions have not changed in a way that would affect the character, design, or use of the site, and that the approved site plan or sketch plan remains in conformance with all applicable provisions of this ordinance.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.18. - Building Permits.

Except as set forth elsewhere, the building inspector shall not issue a building permit for any construction project, addition, or the remodeling of any building or structure, until a site plan has been submitted by an owner or developer and the plan has been reviewed and approved by the township planning commission or its appointed representative.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.19. - Occupancy Permits.

Except as set forth elsewhere, the building inspector shall not issue an occupancy permit for any construction project, addition, or the remodeling of any building or structure until the township planning commission or its appointed representative shall have inspected the site and found the site improvements to agree with the approved site plan.

(Ord. No. 09-01-06, § II, 9-1-2006)

Sec. 5.20. - Inspections.

- A. The construction or usage covered by any site plan approval shall be subject to the inspection by the zoning administrator to ensure compliance with the provisions of this ordinance and the approved plot or site plan.
- B. It shall be the duty of the applicant to notify the zoning administrator when the construction or usage is ready for inspection. Failure to make proper notification of the time for inspection may be cause for voiding of the approval, requiring a new application for site plan approval before construction may proceed or occupancy may be permitted.
- C. Inspections shall be made by the zoning administrator at the following intervals:
 1. When the building foundation forms are in place and/or poles are set. The Administrator shall also inspect the staking of lot corners at this time.
 2. Upon completion of the work authorized by the permit.
 3. Where applicable and when practical, inspections made by the zoning administrator may be made concurrently with inspections made by the building official.
 4. Additional inspections may be made as necessary to ensure compliance with the conditions of site plan approval and these ordinance standards. Such inspections may be made at the request of the applicant, township administration, or upon the zoning administrator's determination.
 5. A temporary compliance permit may be issued for a portion of a building, structure or site prior to occupancy of the entire building, structure or site, provided that such portion of the building, structure, or site is in conformity with the provisions of this ordinance and the building code, and provided further that no threat to public safety exists. The zoning administrator may require that a performance guarantee or letter of credit be provided as a condition of obtaining a temporary permit. The date of expiration shall be indicated on the temporary permit; failure to obtain a final approval within the specified time shall constitute a violation of this ordinance, subject to the penalties set forth in Article 21.

(Ord. No. 09-01-06, § II, 9-1-2006)

ARTICLE VII - OPEN SPACE ZONING

Sec. 7.1. - Purpose.

In accordance with the requirements of P.A. 110 of 2006, the Michigan Zoning Enabling Act of the State of Michigan, Yankee Springs Township hereby recognizes the right of an owner and/or developer to develop a plat, condominium, or planned unit development project using various types of housing including, but not limited to, single family attached or detached and cluster housing on any parcel of land within the township under the following conditions:

1. The property shall be located in one (1) of the following zoning districts:
 - a. Agriculture.
 - b. Rural residential.
 - c. Suburban residential.
 - d. Residential multi-family.
2. The parcel or tract shall not have previously been used as part of an open space development.
3. The development shall not be required to connect to a public sewerage and/or water system, unless such systems would be required if this article was not utilized.
4. The project shall be developed in accordance with the requirements of the articles concerning condominiums, planned unit developments, or Article XII if platted.

Sec. 7.2. - Open Space Restrictions.

- A. At least fifty (50) percent of the buildable land shall remain in an undeveloped state.
 1. Legal instruments setting forth the manner of permanent dedication and maintenance of all dedicated open spaces within the development shall be submitted to the township attorney for review and approval before the township board of trustees approves the final development plan. Such instruments may include dedication to a permanent conservation easement or other similar dedication.
- B. The open space area(s) shall not include any street right-of-ways, parking lots, golf courses or commercial developments.
- C. The open space area(s) shall be conveniently located in relation to the dwelling units.
- D. The open space area(s) shall have reasonable minimum dimensions which are useable for the functions intended and which will be maintainable.

Sec. 7.3. - Dwelling Restrictions.

- A. Except for the conditions listed in this article and the articles concerning condominiums or planned unit developments the proposed development shall comply with the requirements of Article XII of this ordinance.
- B. Each dwelling or unit shall contain at least seven hundred twenty (720) square feet of living space on the first floor.
- C. Neither the developer nor his representative shall rent or lease any of the dwellings or units.

Sec. 7.4. - Approval Procedures.

The approval process for approving either a condominium or planned unit development developed under this article shall be the same as listed within the article governing the type of development, condominiums or planned unit developments, selected by the developer. Plats shall be approved using requirements similar to the requirements listed within the condominium article.

Sec. 7.5. - Street Standards.

All streets, roads, alleys or similar easements, either public or private, shall be constructed and paved to Barry County Road Commission standards.

Sec. 7.6. - Application Fee.

The township board shall, by resolution, establish a fee schedule for all developments proposed under this article.

ARTICLE VIII - CONDOMINIUM REGULATIONS

Sec. 8.1. - Purpose.

This article is intended to provide for condominium projects within the township, establish comparable regulations to guide development of such projects and to establish development standards and required information to ensure adequate compliance within the purposes of this ordinance. Such development shall assist in providing:

1. Orderly growth and harmonious development of the community as planned for in the township master plan.
2. Adequate traffic circulation and safety through coordinated street systems with relation to the county and state paved road system, future development, public services and facilities.
3. For development in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present or future residents of the township.
4. Adequate provisions for water supply, storm drainage, sanitary sewerage disposal and other public health and safety needs.

Sec. 8.2. - Application Procedures.

- A. *Informal preliminary conferences:* Prior to a formal application, the applicant is required to have two (2) informal preliminary conferences; one (1) with the township zoning administrator and the township supervisor, the second with the township planning commission. The purpose of the conferences is to discuss the proposed development and review procedures, requirements and standards of the township. The applicant is encouraged to present concept plans, site data and other information that will explain the proposed development. Statements made in these conferences shall not be legally binding.
- B. *Application requirements:*
 1. Following the informal preliminary conferences the applicant may submit an application for a condominium development. Along with the application and application fee, the applicant shall supply fifteen (15) copies of the preliminary development plan to the township clerk.
 2. Concurrently with the notice required to be given the township pursuant to section 71 of Public Act 59 of 1978, as amended (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - a. The name, address and telephone number of:
 - (1) All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vender).
 - (2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (3) The developer or proprietor of the condominium project.

- b. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - c. The acreage content of the land on which the condominium project will be developed.
 - d. The purpose of the project. (For example, residential, commercial, industrial, etc.)
 - e. Approximate number of condominium units to be developed on the subject parcel.
 - f. Whether or not a community water and/or sewerage system is contemplated.
3. Upon receipt of the completed application, application fee and preliminary development plan, the township clerk shall forward copies of the plan and the application form to the township fire chief, engineer, planner and any others deemed appropriate. The balance of the plans and the original application form shall be turned over to the township zoning administrator for distribution to the planning commission to allow for their review.
- C. *Preliminary development plan requirements:* The preliminary development plan shall contain the following:
1. The date, north arrow and scale, which shall not be smaller than one (1) inch equals fifty (50) feet.
 2. The location sketch of the site in relation to the surrounding area. This sketch shall label the land uses on all adjacent property.
 3. The legal description of the property.
 4. The parcel size in acres or square feet.
 5. All lot and property lines, with dimensions.
 6. The location of all existing and proposed structures on the site.
 7. The location of all existing and proposed streets, alleys, parking areas and easements, including the total number of parking spaces, parking calculations and typical dimensions.
 8. The size, location and proposed use of all areas devoted to open space.
 9. The general landscape concept, showing tree masses to be preserved. Added buffer areas, screening, and similar features.
 10. All wetland areas, flood plain boundaries and bodies of water.
 11. Existing topographical contours at a minimum of two (2) foot intervals.
 12. The general layout of all proposed utilities including, but not limited to: water, sewer, telephone, gas and electrical services.
 13. The applicant shall also provide a written statement describing each of the following:
 - a. The general character of the condominium development.
 - b. The gross residential densities and percent of the proposed development to be covered by buildings and parking areas.
 - c. The acres allocated each use.
 - d. The method and responsibility for maintenance of open areas, private streets, recreational amenities and parking areas.
 - e. All environmental sensitive areas.
- D. *Parallel plan:* The applicant shall also prepare a parallel design plan for the project consistent with the requirements and restrictions of Article XII of this ordinance, to determine the maximum number of units that may be allowed within the development. The parallel plan shall include the following restrictions:
1. Lots in the parallel plan shall not include any areas designated by the Michigan Department of Environmental Quality, or its successor, as wetlands.

2. Parcels located adjacent to any lake, stream, pond or other body of water shall not allow more than one (1) unit for every seventy (70) feet of shoreline, excluding wetlands, the right to use of the body of water. Such restriction shall be listed in the master deed and purchase agreement of every unit within the development designating which units have the use of the water front and which units do not have such use. The planning commission shall review the design to determine the number of lots that could feasibly be constructed following the parallel plan. This number shall determine the maximum number of dwelling units for the site allowable under the condominium provisions of this ordinance.

E. *Impact assessment:*

1. The planning commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified, professional personal to complete the impact assessment. The impact assessment shall describe, in detail, the effect and impact the proposed development will have, or may have, upon or with respect to any of the following:
 - a. An environmental assessment to evaluate the impact of proposed developments to ensure minimum impact of the natural environment including, but not limited to, the wetlands, surface waters, ground water, flora and fauna of the community.
 - b. Public utilities.
 - c. Displacement of people and other land uses by the proposed use.
 - d. Character of the area.
 - e. Traffic.
 - f. Wildlife.
2. The impact assessment shall, if required by the planning commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed project within their respective responsibilities and jurisdictions:
 - a. Township fire department.
 - b. All school districts represented within the township.
 - c. The departments of natural resources and environmental quality.
 - d. Barry County:
 - (1) Sheriff's department.
 - (2) Health department.
 - (3) Road commission.
 - (4) Drain commissioner.
 - e. Such other agencies as determined appropriate by the planning commission.
3. The planning commission and township board of trustees shall consider the criteria list in their evaluation of the impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval.

Sec. 8.3 - Public Hearing and Preliminary Approval Procedures.

- A. Within a reasonable time period following receipt of the completed application and fee, the planning commission shall hold a public hearing on the request. The public hearing shall be noticed in accordance with the requirements stated in Sections 4.2.A. and B.
- B. Within a reasonable time period following the public hearing, the planning commission shall recommend to the

township board of trustees, one (1) of the following:

1. Approval of the preliminary plan, or
 2. Approval of the preliminary plan subject to certain specified conditions, or
 3. Denial of the preliminary plan.
- C. In making a recommendation to approve the preliminary plan the planning commission must find that the proposed project:
1. Will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
 2. The development will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or natural environment, unless the resulting adverse effects are adequately provided for or mitigated by the features of the project as approved.
 3. The development will be compatible with the master plan of the township and consistent with the intent and purpose of this article.
 4. The development will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.

(Ord. No. 03-01-07, § VI, 3-8-2007)

Sec. 8.4. - Current Information.

All information shall be furnished to the zoning administrator and shall be kept updated until such time as a certificate of occupancy has been issued.

Sec. 8.5. - Final Approval Procedures.

- A. After the preliminary plan has been approved by the township board of trustees the developer shall prepare the final development plan. The applicant shall submit fifteen (15) sets of the final plan to the township clerk. The clerk shall forward copies of the final plan to the township fire chief, engineer, planner and others deemed appropriate. The balance of the plans shall be turned over to the zoning administrator for distribution to the planning commission for review.
- B. The final development plan shall include all of the information required on the preliminary development plan and all additional information requested by the planning commission.
- C. The final plan shall incorporate all recommendations of the planning commission's review of the preliminary plan or shall indicate how the final plan fails to incorporate the commission's recommendations. The plan shall be signed and sealed by a licensed architect, registered surveyor or professional engineer. In addition, the final plan shall include the following:
 1. Architectural renderings or specific statements as to the type and style of construction to be used in the proposed buildings along with the height and area of each building.
 2. Projected time for completion of the entire project.
 3. Proposed phasing, if any, and the projected time for completion of each phase.
 4. Landscaping plans.
 5. The master deed, deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon.

6. Engineering plans showing, as necessary, water, waste disposal, drainage, exterior and street lighting, electricity, tel and natural gas installations, and the nature and extent of earthwork required for site preparation and developmer
 7. Any other information required by the planning commission to assist in the evaluation of the proposed development.
- D. Within forth-five (45) days of the receipt of the complete set of plans the planning commission shall review the plans for their completeness, act upon the plans and send their recommendation to the township board of trustees.
- E. Within sixty (60) days of the township board of trustees receipt of the planning commission's recommendation, the township board of trustees shall review the final development plans and approve or deny approval of the plan. Should the township board of trustees deny the final development plan it shall send the plan back to the planning commission, for further action, with written notice of the reasons for denial.

Sec. 8.6. - Recording of Master Deed, Restrictive Covenants and Development Documents.

The township board of trustees shall approve the final development plan, as submitted, or revised by the board of trustees, prior to the recording of the master deed, restrictive covenants and other development documents with the county register of deeds as required by section 72 of the Condominium Act, as amended (MCL 559.108).

Sec. 8.7. - Submission of Approved Final Development Plans.

- A. The condominium project developer or proprietor shall furnish the township clerk with the following:
1. One (1) copy of the recorded master deed. The master deed shall contain a clause approved by the township board of trustees, which allows an assessment against the condominium owners for road maintenance and repair for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply.
 2. One (1) copy of all restrictive covenants.
 3. Two copies of the approved final development plan on a Mylar sheet, at least twenty-four (24) by thirty-six (36) inches.
- B. The as-built survey shall be reviewed by the township engineer for engineering aspects and by the zoning administrator for compliance with the township ordinances. Fees for these reviews shall be established by resolution of the township board of trustees in addition to those otherwise required by the township ordinances.

Sec. 8.8 - Monuments Required.

- A. All condominium projects which consist, in whole or in part, of condominium units which are building sites, mobile home sites or recreational sites shall be marked with monuments as provided in this subsection.
- B. Note: It is not intended or required that monuments be placed in the traveled portion of the street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- C. Monuments shall be located in the ground and made according to the following requirements:
1. All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 2. Monuments shall be located in the ground at:
 - a. All angles in the boundaries of the project.
 - b. All intersection lines of streets.

- c. All intersection lines of the streets and boundaries of the condominium project.
 - d. All intersection lines of the alleys with the boundaries of the project.
 - e. All points of curvature, tangency, compound curvature and reverse curvature and all angle points in all side lines of streets and alleys.
 - f. All angles of an intermediate traverse line.
 - g. All intersections with elements and common elements.
3. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 4. If a required location of a monument is on a bedrock out-cropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 5. All required monuments shall be placed flush with the ground, where practicable.
 6. Monuments shall be placed at the corners of all units using iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter, or other approved materials.
 7. The township board of trustees may waive the placing of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposit with the township clerk cash or a certified check, or irrevocable letter of credit, made out in favor of the township, in the amount set by resolution of the township board of trustees. Such deposit shall be returned to the developer upon certification by a registered surveyor that the required monuments and markers are in place.

Sec. 8.9. - Street Standards.

All streets located within a condominium project shall be constructed and paved in accordance with the standards and specifications of the Barry County Road Commission and township zoning and subdivision ordinances. All condominium roads shall be designated and remain common elements as specified in the master deed.

Sec. 8.10. - Temporary Occupancy.

The construction of condominium units shall not start until the completion and acceptance of the site utilities, streets and roads however, the zoning administrator may allow temporary occupancy of the condominium project before all improvements required by this ordinance are installed provided that a bond is submitted, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.

Sec. 8.11. - Final Occupancy Permit.

Prior to issuance of a final certificate of occupancy by the township, the township engineer shall inspect all site improvements, including grades, roads and road signs, water system, sanitary and storm sewer facilities and determine compliance with all applicable township ordinances and requirements.

Sec. 8.12. - Compliance with Federal, State and Local Laws.

All condominium projects shall comply with all federal and state statutes and local ordinances.

Sec. 8.13. - State and County Approval.

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the water system and the sewerage system for the proposed project.

Sec. 8.14. - Application Fee.

The township board of trustees shall, by resolution, establish a fee schedule for all developments proposed under this article.

Sec. 8.15. - Performance Guarantee.

Performance bonds may be required by the township board of trustees in accordance with section 5.15.

Sec. 8.16. - Construction Compliance.

Any permit issued for construction pursuant to any development approved under this article shall be valid only so long as there is compliance with the final development plan as accepted by the township board of trustees.

Sec. 8.17. - Amendments and Revisions.

A developer may request a change in an approved final development plan. Except for changes determined to be minor, as provided in Article V of this ordinance, changes to an approved final development plan or any conditions imposed by the township board of trustees shall be reviewed by the township planning commission and board of trustees pursuant to the procedures provided by this article for an original request.

Sec. 8.18. - Expiration and Extension of Approval Period.

- A. The approval of the final development plan for a condominium development shall be for a period not to exceed two (2) years, from the date of the township board of trustees final approval date, to allow for preparation and recording of the required condominium documents and development of the project. If no construction has begun within two (2) years after the approval is granted, the approved final development plan shall be void. The township board of trustees may require a new final development plan to be reviewed in accordance with the requirements for the original application. An extension of the time limit may be approved if the township board of trustees finds that such an extension or modification is not in conflict with the public interest.
- B. No zoning amendment passed during the time period granted for the approval of the final development plan shall in any way affect the terms under which approval of the condominium development was granted.

ARTICLE IX - PLANNED UNIT DEVELOPMENT

Sec. 9.1. - Purpose and Intent.

- A. [This purpose of this article is] To permit, through the special use permit procedure, planned unit developments designed to encourage creativity and flexibility in the use and design of structures and land in Yankee Springs Township.
- B. The planned unit development (PUD) is intended to accomplish the following:
 1. Result in a more efficient pattern of development, with shorter streets and utility networks.
 2. Preserve existing natural assets, such as stands of trees, flood plains, lake frontage, scenic vistas and other open

spaces.

3. Accomplish a more desirable residential environmental plan than would be possible through the strict application of the minimum requirements of the zoning ordinance.
4. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all units.
5. Provide for supportive mix of land uses and amenities such as day care, office, neighborhood retail, and similar uses, which in the opinion of the planning commission, are in conformance with the goals and objectives of the master plan and will enhance the residential stability and economic base of Yankee Springs Township through the application of a special use permit.

Sec. 9.2. - General Requirements.

A. Minimum project area:

Zoning District	Acreage
AG, Agriculture	20
RR, Rural Residential	10
SR, Suburban Residential	10
RMF, Residential Multi-Family	10
R&R, Resort & Recreation	10

- B. The development must have direct access to a publicly maintained road or state highway.
- C. The principal permitted use shall be residential development, consistent with the zoning district of the proposed PUD. In the resort & recreation zoning district, permitted recreational uses (e.g., golf courses, stables) may exceed the twenty (20) percent maximum limit.
- D. Nonresidential land uses may be integrated into the proposed PUD through approval of the special use permit. Commercial uses may be limited to the development of not more than twenty (20) percent of the total project area. Examples of commercial uses may include retail stores, personal service establishments, bed and breakfast establishments, business or professional offices, golf courses with restaurants and retail components, and day care facilities. However, all proposed commercial uses must meet the intent of the PUD article and be subject to reasonable terms established as part of the special use permit process.
- E. Each principal building in the proposed PUD must be connected to water and sewer facilities that are approved by the Barry County Health Department.
- F. Each site shall be provided with adequate storm drainage. Open drainage courses and storm retention ponds may be permitted by the county drain commissioner.
- G. All utilities including telephone, electric, and cable, within the PUD, shall be located underground.

H. Common open space:

1. Common open space shall not include proposed street right-of-ways, open parking area or commercial areas. Common open space may contain accessory structures, paved bicycle and/or walking paths, agricultural uses, wetlands, improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses.
2. The area of common open space within a PUD project shall not be less than thirty (30) percent of the total land area of the project. However, when a water or wetland feature exists on the subject site, water and/or wetlands shall not account for more than eighty (80) percent of the required open space.
3. Open spaces shall be conveniently located in relation to dwelling units.
4. Open spaces shall have reasonable, minimum dimensions which are usable for the functions intended and which will be maintainable. However, open space designs which emphasize perimeter walking paths as a primary open space feature are not encouraged.
5. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final development plan, unless a binding agreement is provided in lieu of that dedication.
6. Legal instruments setting forth the manner of permanent maintenance of common open space and facilities shall be submitted to the township attorney for review before the township board approves the final development plan. Such instruments may include dedication to permanent conservation easements or homeowner associations.
7. Where a homeowner association is to be used to maintain common open spaces and facilities, the developer shall file a declaration of covenants and restrictions that will govern the homeowners association. The provisions shall include, but shall not be limited to, the following:
 - a. The homeowners association shall be established before any dwelling in the PUD are sold;
 - b. Membership in the homeowners association shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants;
 - c. Restrictions shall be permanent;
 - d. The homeowners association shall be made responsible for liability; and dwelling owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants.
8. The parking requirements set forth in Article XII shall apply, except the number of spaces may be reduced, if approved by the Yankee Springs Township Board of Trustees, upon recommendation of the planning commission, as part of the final development plan. Such reductions shall be based upon specific findings.

(Ord. No. 04-01-08, § IV, 4-10-2008)

Sec. 9.3. - Application Procedure.

- A. *Informal preliminary conferences:* Prior to a formal application, the applicant is required to have two (2) informal preliminary conferences; one with the township zoning administrator and the township supervisor, the other with the township planning commission. The purpose of the conferences is to discuss the proposed development, review procedures, requirements and standards of the township. The applicant is encouraged to present concept plans site data and other information that will explain the proposed development. Statements made in these conferences shall not be legally binding.
- B. *Application requirements:* Following the preliminary conferences the applicant shall make an application for a PUD special use permit along with fifteen (15) sets of the preliminary development plans and the application fee (as set by

resolution of the township board of trustees) to the township clerk. The application shall, at a minimum contain the following:

1. The applicant's name, address, and phone number. Proof that the applicant is the owner of the property or has a legal or financial interest in the property (such as a sales agreement).
2. The name and address of all persons, firms or corporations having a legal or equitable interest in the property.
3. The address of the property.
4. The legal description and parcel identification number of the property. Project descriptions.
5. Size of the property in acres.
6. The signature of the applicant and the property owner.

Upon receipt of the completed application, application fee and preliminary development plan, the township clerk shall forward copies of the plan and the application form to the township fire chief, engineer, planner and any others deemed appropriate. The balance of the plans and the original application form shall be turned over to the township zoning administrator for distribution to the planning commission to allow for their review of the proposed PUD.

C. *Preliminary development plan:*

1. The preliminary development plan shall contain the following:
 - a. The date, north arrow, and scale, which shall not be smaller than one (1) inch equals fifty (50) feet.
 - b. The location sketch of the site in relation to the surrounding area. This sketch shall label the land uses on all adjacent property.
 - c. The legal description of the property.
 - d. The parcel size in acres or square feet.
 - e. All lot and property lines, with dimensions.
 - f. The location of all existing and proposed structures on the site.
 - g. The location of all existing and proposed streets, driveways, alleys, parking areas and easements, including the total number of parking spaces, parking calculations and typical dimensions.
 - h. The size, location and proposed use of all areas devoted to open space.
 - i. The general landscape concept, showing tree masses to be preserved, added, buffer areas, screening, and similar features.
 - j. All wetland areas, flood plain boundaries and bodies of water.
 - k. Existing topographical contours at a minimum of two-foot intervals.
 - l. General layout of all proposed utilities including: water, sewer, telephone, gas and electrical services.
2. The applicant shall also provide a written statement describing each of the following:
 - a. The general character of the PUD.
 - b. The gross residential densities and percent of the proposed PUD area to be covered by buildings and parking areas.
 - c. The acres allocated to each use.
 - d. The method and responsibility for maintain of open areas, private streets. Recreational amenities and parking areas.
 - e. All environmental sensitive areas.

D. *Parallel plan:* The applicant shall also prepare a parallel design plan for the project consistent with the requirements

and design criteria of the Yankee Springs Township Ordinance No. 46, subdivision regulations, preliminary tentative plat stage. The parallel plan shall meet all of the following minimum lot area and width standards. These minimum lot area and width requirements already incorporate a density bonus for a PUD project.

MINIMUM LOT AREA AND LOT WIDTH

District	Lot Area (Sq. Ft.)	Lot Width in (Lineal Ft.)
AG, Agriculture	120,000	182
RR, Rural Residential	40,000	120
SR, Suburban Residential	30,000	140
SR, Suburban Residential*	18,000	90
RMF, Residential Multi-Family	20,000	150

*With public sewer system

1. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).
 2. The planning commission shall review the design to determine the number of lots that could feasibly be constructed following the parallel design. This number shall set the maximum density number of dwelling units for the site allowable under the PUD provisions of this ordinance.
 3. However, riparian lots shall not be reduced in size from the dimensions listed unless granted a variance by the township zoning board of appeals.
 4. In the resort and recreational district, lot area and lot width for the residential portion of the development shall be based on those for the suburban residential, rural residential, agriculture districts, as determined by the planning commission. The determination shall be based on the location of the proposed development and the zoning of the surrounding properties.
- E. The planning commission may allow an exemplary open space community to include one or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate to the planning commission and to the township board of trustees, that the proposed project exceeds the minimum standards for a PUD.
1. In order to qualify for development under optional provisions of this section, all structures within the development, including single family dwellings, shall be subject to architectural review by the planning commission and the township board of trustees. Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines and massing, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations are required for all structures.
 2. A variable density bonus of up to ten (10) percent may be allowed at the discretion of the planning commission

and the township board of trustees based upon a demonstration by the applicant of design excellence in the PUD project. In order to be eligible for the density bonus the PUD must meet all of the following criteria:

- a. Provide perimeter transition areas around all sides of the development that are at least one hundred fifty (150) feet in depth.
 - b. Cleanup of on site contamination, if necessary.
 - c. Providing a minimum of thirty (30) percent open space in the development.
 - d. Other similar elements as determined by the planning commission and the township board of trustees. This may include projects that have a demonstrated public benefit, such as improving a road.
3. After reviewing the preliminary, the planning commission shall transmit its recommendations to the applicant, along with any suggested changes or modifications.

F. *Impact assessment:*

1. The planning commission may require the applicant to prepare and submit an impact assessment. When required, preparation of the impact assessment shall be the responsibility of the applicant. The applicant shall use qualified professional personal to complete the impact assessment. The impact assessment shall describe in detail the effect and impact that the proposed PUD will have, or may have, upon or with respect to any of the following:
 - a. Streams, rivers, wetlands, and the quality of surface and ground waters.
 - b. Public utilities.
 - c. Displacement of people and other land uses by the proposed use.
 - d. Character of the area.
 - e. Traffic.
 - f. Wildlife.
2. The impact assessment shall, if required by the planning commission, include statements and comments from the following public agencies or officials concerning any aspects of the proposed PUD within their respective responsibilities and jurisdictions:
 - a. Township fire department.
 - b. School districts represented within the township.
 - c. The department of natural resources.
 - d. Barry County:
 - (1) Sheriff's department.
 - (2) Health department.
 - (3) Road commission.
 - (4) Drain commissioner.
 - e. Such other agencies as determined appropriate by the planning commission.
3. The planning commission and township board of trustees shall consider the criteria listed below in their evaluation of the impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval. Will the project:
 - a. Be harmonious with and in accordance with the general objectives of the master plan?
 - b. Be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses?

- c. Represent a substantial improvement to the property in the vicinity and the community as a whole?
- d. Be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or will the applicant provide adequately for such service?
- e. Not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors?

(Ord. No. 04-01-08, § IV, 4-10-2008)

Sec. 9.4. - Public Hearing and Preliminary Approval Procedures.

- A. Within a reasonable time period following the receipt of the completed application and fee, the planning commission shall schedule a public hearing on the request in accordance with the notification requirements of subsections 4.2.A. and B.
- B. Within a reasonable time period after the public hearing, the planning commission shall recommend to the township board of trustees, one (1) of the following:
 1. Approval of the preliminary plan; or
 2. Approval of the preliminary plan subject to certain specified conditions; or
 3. Denial of the preliminary plan.
- C. In making a recommendation to approve the PUD the planning commission must find that the proposed PUD meets the following standards:
 1. Granting the PUD special use permit will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
 2. The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
 3. The PUD will be compatible with the master plan of the township and consistent with the intent and purpose of this article.
 4. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
 5. The PUD is designed and laid out to preserve natural resources and natural features, to the fullest extent possible.
- D. Within a reasonable time period after receipt of the planning commission's recommendation, the township board of trustees shall either:
 1. Approve the preliminary plan;
 2. Deny approval of the preliminary plan; or
 3. Refer the preliminary plan back to the township planning commission for further review.

Sec. 9.5. - Final Approval Procedures.

- A. After the preliminary plan has been approved by the township board of trustees the developer shall prepare the final development plan. The applicant shall submit fifteen (15) sets of the final development plans to the township clerk. The clerk shall forward copies of the final plan to the township fire chief, engineer, planner and others deemed

- appropriate. The balance of the plans shall be turned over to the zoning administrator for distribution to the planning commission for their review.
- B. The final development plan shall include all of the information required on the preliminary development plan and all additional information requested by the planning commission.
- C. The final plan shall incorporate all recommendations of the planning commission pursuant to the commission's review of the preliminary plan, or shall indicate how the final plan fails to incorporate the commission's recommendations. The plan shall be certified by a licensed architect, registered surveyor or professional engineer. In addition, final plan shall include the following:
1. Architectural renderings or specific statements as to the type and style of construction to be used in the proposed buildings along with the height and area of each building.
 2. Projected time for completion of the entire project.
 3. Proposed phasing, if any, and the projected time for completion of each phase.
 4. Landscaping plans.
 5. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintain of the land and the improvements thereon.
 6. Engineering plans showing, as necessary, water, waste disposal, drainage, exterior and street lighting, electricity, telephone and natural gas installations, and the nature and extent of earthwork required for site preparation and development.
 7. Any other information required by the planning commission to assist in the evaluation of the proposed PUD.
- D. Within a reasonable time period following the receipt of the complete set of the final plans, the planning commission shall review the plans for their completeness, act upon the plans, and sent their recommendation to the township board of trustees.
- E. Within a reasonable time period of the township board of trustees receipt of the planning commission's recommendation, the township board shall review the final development plans and recommendation submitted by the planning commission. in making its decision, the township board shall determine:
1. Whether the final development plan complies with the standards, conditions, and requirements of this article;
 2. Whether the PUD promotes the intent and purposes of this article;
 3. Whether the PUD will be compatible with the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and
 4. Whether the PUD will be consistent with the public health, safety, and welfare needs of the township.
- F. Reasonable conditions may be imposed upon the township board of trustees' approval of a PUD special use permit subject to the standards listed in Article IV.

Sec. 9.6. - Application Fee.

The township board of trustees shall by resolution, establish a fee schedule for special use permit applications under this ordinance.

Sec. 9.7. - Performance Guarantee.

Performance bonds may be required by the township board of trustees in accordance with section 5.13.

Sec. 9.8. - Construction Compliance.

Any permit issued for construction pursuant to the PUD special use permit shall be valid only so long as there is compliance with the final development plan as accepted by the township board of trustees.

Sec. 9.9. - Amendments and Revisions.

- A. A developer may request a change in an approved final development plan. Except for those changes determined to be minor, as provided below, changes to an approved final development plan or any conditions imposed on a PUD special use permit shall be reviewed and approved, approved with conditions, or denied by the planning commission and the township board of trustees pursuant to the procedure provided by this article for an original request.
- B. Minor changes to a final development plan may be approved by the planning commission without review and approval of the township board of trustees. Minor changes are limited to the following:
 - 1. Changes in residential floor area of not more than five (5) percent provided that there is no increase in the number of units.
 - 2. The relocation of building footprints by not more than three (3) feet, unless a specific setback or separation distance is imposed as a condition of the PUD approval.
 - 3. An increase in area portions of the site designated as "not to be disturbed."
 - 4. The substitution of plant materials by similar types of landscaping on a one-to-one ratio, as determined by the zoning administrator.
 - 5. Other similar changes of a minor nature proposed to be made to the configuration, design, layout, or topography of the PUD which are not significant in relation to the PUD and would not have any significant adverse effect on adjacent or nearby lands or the public health, safety, or welfare.

Sec. 9.10. - Expiration and Extension of Approval Period.

- A. The approval of the final development plan for a planned unit development shall be for a period not to exceed two (2) years, from the date of the township board of trustees final approval date, to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after the approval is granted, the approved final development plan shall be void. The township board of trustees may require a new final development plan to be and reviewed in accordance with the requirements for the original application. An extension of the time limit may be approved if the township board of trustees finds that such extension or modification is not in conflict with the public interest.
- B. No zoning amendment passed during the time period granted for the approval of the final development plan shall in any way affect the terms under which approval of the planned unit development was granted.

ARTICLE X - SHORT TERM RENTALS

Footnotes:

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Editor's note— Ord. No. 03-04.21, §§ 1—8, adopted March 11, 2021, did not specify manner of inclusion, hence, codification as Art. X, §§ 10.1—10.8 was at the discretion of the editor.

Sec. 10.1. - Title.

This Ordinance shall be known as the Yankee Springs Township Short Term Rental Ordinance.

(Ord. No. 03-04-21, § 1, 3-11-2021)

Sec. 10.2. - Purpose.

The Yankee Springs Township Board finds and declares as follows:

- A. The Township wishes to preserve and retain the residential community character of the Township.
- B. It is the intent of the Yankee Springs Township Short Term Rental Ordinance to make the Short Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- C. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assisting owners of Short Term Rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- D. Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Short Term Rental properties. This ordinance is intended to address these issues.
- E. The transitory nature of occupants of Short Term Rentals makes continued enforcement against the occupants difficult.

(Ord. No. 03-04-21, § 2, 3-11-2021)

Sec. 10.3. - Applicability.

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Yankee Springs Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, restrictive covenants, associations rules, regulations or bylaws, or rental agreements.

(Ord. No. 03-04-21, § 3, 3-11-2021)

Sec. 10.4. - Definitions.

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A permanent structure designed for use by one (1) family or occupant, whether seasonal, year-round, temporary, or other use and shall include multiple dwelling units designed for multi-family or multiple individual occupancy, including but not limited to homes, manufactured homes, multi-unit complexes, condominiums, motels, hotels, cooperatives or any similar use.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the property (or portion thereof) used for a Short Term Rental, or a person, firm or agency owning the property (or portion thereof) used for a Short Term Rental.

Operator. The person who is proprietor of a property (or portion thereof) used for a Short Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions

through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short Term Rental.

Parking space. An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Short Term Rental. The commercial use of renting a dwelling unit for a period of time less than thirty (30) consecutive calendar days. Short Term Rental does not include a bed and breakfast permitted and operated in accordance with the Yankee Springs Township Zoning Ordinance.

(Ord. No. 03-04-21, § 4, 3-11-2021)

Sec. 10.5 - Short term rental standards.

All Short Term Rentals must meet the following standards whether or not a permit is required:

- A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.
- B. A separate permit is required for each Short Term Rental property.
- C. Local Contact Person:
 1. Each owner of a Short Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
 2. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
 3. The Township will provide the phone number of the local contact to all neighbors within a two hundred (200) foot radius of the subject property boundaries.
 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.
- D. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area.
- E. The Animal Control Enforcement Ordinance of Barry County shall have authority over pets. Pets shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten (10) minutes or longer, as per the Animal Control Enforcement Ordinance of Barry County.
- F. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned. Any fires must comply with Michigan state outdoor burning regulations.
- G. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- H. The owner shall maintain a septic system or sewer connection that is in compliance with the Barry/Eaton District

Health Department standards.

- I. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 p.m. to 7:00 a.m. The Yankee Springs Township Anti-Noise Ordinance shall also apply.
- J. The owner shall post these standards in the dwelling unit and require these standards be met by renters as part of all rental agreements.

(Ord. No. 03-04-21, § 5, 3-11-2021)

Sec. 10.6. - Owner responsibilities.

- A. The owner must ensure all required standards are met.
- B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

(Ord. No. 03-04-21, § 6, 3-11-2021)

Sec. 10.7. - Short term rental permit.

- A. Any dwelling rented for a total of two (2), or fewer, time periods for one (1) week or less during each time period during a calendar year does not require a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short Term rental property.
- C. The following application elements are required prior to receipt of a Short Term Rental Permit or permit renewal.
 1. A fully completed and signed Short Term Rental Permit Application form provided by the Township including all the required supplemental documents.
 2. A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 3. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
- D. A Short Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year. If current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for as provided for in the Short Term Rental Application Policy.
- E. There will be an annual fee of \$100.00 for each Short Term Rental Application.

(Ord. No. 03-04-21, § 7, 3-11-2021)

Sec. 10.8. - Violations and administrative penalties.

- A. Any of the following conduct is a violation of the Short Term Rental ordinance:
 1. Any advertising or leasing of a short term rental without first having obtained a short term rental permit.
 2. The permit holder has failed to comply with the standard conditions specified in the Short Term Rental Standards section of this ordinance.
 3. The permit holder has failed to comply with any of the provisions within this Ordinance, specifically Section 10.5:

Owner Responsibilities.

4. The permit holder has violated any of the provisions of this ordinance.
 5. Any false or misleading information supplied in the application process.
- B. The penalties for violations specified in subsection (A) above are as follows:
1. For a first violation within any calendar year, the penalty is a warning notice of violation which shall be written.
 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of \$250.00. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 3. A third violation, and any subsequent violations, within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of \$500.00, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.
 4. If there are one (1) or more violations each year during any three (3) consecutive year period, the permit may be denied. An owner may appeal a decision to revoke a permit to the Yankee Springs Township Board.
- C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.
- D. The Yankee Springs Township Zoning Administrator is authorized to issue all permits under this Ordinance. The Yankee Springs Township Code Enforcement Officer, the Yankee Springs Township Supervisor, the Barry County Sheriff Department, or the Michigan State Police are authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.

(Ord. No. 03-04-21, § 8, 3-11-2021)

ARTICLE XII - GENERAL REGULATIONS, DWELLING STANDARDS AND SETBACK REQUIREMENTS, PARCEL SIZE, MAXIMUM LAND COVERAGE, ACCESSORY BUILDINGS, DECKS, FENCES AND BARRIERS, PARKING, AND HEALTH AND SANITATION REGULATIONS

Footnotes:

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Editor's note— Ord. No. 10-01-2015, § I, adopted October 8, 2015, effective October 26, 2015, repealed the former article XII, §§ 12.1—12.14, and enacted a new article XII as set out herein. The former article XII pertained to similar subject matter and derived from Zoning Ordinance No. 3; Ord. No. 09-01-06, § III, 9-1-2006; Ord. No. 01-02-07, §§ III—V, 1-11-2007; Ord. No. 12-01-07, § I, 12-13-2007; Ord. No. 07-01-08, 7-10-2008; Ord. No. 09-01-09, § I, 9-10-2009; Ord. No. 09-02-09, § II, 9-2-2009; Ord. No. 10-01-10, § III, 10-14-2010; Ord. No. 07-24-13, § I, 7-24-2013.

Sec. 12.1. - General Regulations.

- A. *Affected areas*: All parcels of land within Yankee Springs Township whether platted or unplatted shall be governed by the requirements and regulations of Article XII.
- B. *Applicable regulations—Buildings*: No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged, moved or rebuilt except in conformity with all location regulations which apply to the zoning district in which such building or structure is located.
- C. *Applicable regulations—Open Space*:
 1. No open space surrounding any building or structure shall be encroached upon or reduced in any manner except in conformity with the yard, lot, area, and location regulations which apply to the zoning district in which such

open space is located.

2. No overlap: No yard or other open space provided near or surrounding any building or structure, for the purpose of complying with the provisions of this ordinance, shall be considered as a yard or open space for any other building or structure.

D. *Construction standards:* All buildings shall be constructed and maintained by the applicable state building codes.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.2. - Building and Zoning Permits Required.

No building, structure or other improvement shall be erected, placed, altered or excavation started until a building permit for such erection or alteration has been received.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.3. - Dwelling Standards and Requirements.

These standards shall not apply to any manufactured house located within a licensed manufactured housing community except to the extent required by state law or otherwise specifically required in Article III concerning manufactured housing communities.

1. *Certificate of occupancy:*

- a. It shall be unlawful to use or occupy or permit the use or occupancy of any building or part of a building for which a building permit was issued until a certificate of occupancy has been granted.
- b. The issuance of a certificate of occupancy shall not be construed as permitting any violation of this ordinance.

2. *Number of dwellings per parcel:* Only one (1) dwelling shall be constructed on a lot or parcel which is zoned for residential purposes, except as may be allowed elsewhere in this ordinance.

3. *Minimum square footage requirements/interior dimensions:*

- a. Multi-family dwellings and apartments shall have a minimum of seven hundred twenty (720) square feet per unit exclusive of the garage and other non-habitable areas.
- b. All other dwellings shall contain not less than seven hundred twenty (720) square feet of floor space on the first floor, exclusive of the garage and other non-habitable areas.

4. *Exterior dimensions:*

- a. *Minimum width:* No new dwelling shall be constructed, or located on any lot or parcel, nor shall any existing dwelling be replaced with a new dwelling, unless the new dwelling shall have a core area within the structure of at least twenty-four (24) feet by twenty-four (24) feet as measured on the exterior.
- b. *Exterior height:*
 - (1) The maximum height of a dwelling or structure shall be thirty-five (35) feet for all residential zoning districts, except for the Rural/Agriculture (RA) and Rural Residential (RR) zoning districts, which will be forty (40) feet. This measurement shall be determined from the lowest point along the finished grade to the highest point on the structure (except for those items listed in subsection c. (1) below.)
 - (2) For dwellings with a walkout basement, the maximum height shall be forty-four (44) feet for all residential zoning districts, except for the Rural Agricultural (RA) and Rural Residential (RR) zoning districts, which will be forty-nine (49) feet. This provision shall apply only if the walkout was created because the existing

grade changes by at least six (6) feet within the footprint of the proposed residential building

- c. *Height exceptions:* The following exceptions shall apply to the height limits for all zoning districts as required by this ordinance:
 - (1) *Residential exceptions:* Chimneys, elevator towers, mechanical equipment, flag poles, antennae for personal use, and similar structures, none of which are to include habitable space, shall not be included in calculating the height of the principal building, provided that the total area covered by such structures shall not exceed twenty (20) percent of the roof area of the principal building.
 - (2) *Residential limit:* The items in subsection c.(1) above shall not exceed forty-five (45) feet from the finished grade, fifty-four (54) feet for dwellings with walk-out basements (per subsection b.(5) above), prior to construction. The only exception to this standard shall be antennae for personal use.
 - (3) *Public/semi-public exceptions:* Church spires, public monuments, and water towers shall not be included in calculating the height of the principal building.
 - (4) *Farm exceptions:* Barns, windmills, silos, and other nonresidential structures related to agricultural production shall not be subject to the height limits of this ordinance.
 - (5) *Towers and turbines:* Wireless communication towers, television and radio antennas, and wind turbines approved by the township as a special exception use may be allowed to exceed the height limit of the zoning district provided they adhere to the standards provided within this ordinance and do not create a hazard to the public health, safety, or welfare.
 - (6) *Special exception uses:* If any of the above listed structures or uses are considered special exception uses, the planning commission reserves the right to specify the height limit when granting the special exception use approval.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.4. - Required Setbacks.

Additions to dwellings and structures placed on decks of any height shall meet the setback requirements of the zoning district.

- 1. *Front and rear yard setbacks:* Every dwelling or structure shall be setback from the road right of way and rear property line in accordance with the following, unless a larger setback is required elsewhere in this ordinance.
 - a. *State Highways and Patterson Road:* Every dwelling or structure shall be setback at least thirty-five (35) feet from all state highways and Patterson Road.
 - b. *All other roads:*

Zoning District	Distance From	
	Road Right-of-Way	Rear Property Line
Rural/Agriculture (RA)	35 ft.	20 ft.
Rural Residential (RR)	35 ft.	20 ft.
Suburban Residential (SR)	35 ft.	20 ft.

Residential Single-Family (RSF)	See 12.4.3.c	10 ft.
Residential Multi-Family (RMF)	25 ft.	10 ft.
Residential, Lake Front (RLF)	See 12.4.3.a	See 12.4.3.a
Gun Lake Residential Lake Front (GLRLF)	See 12.4.3.b	See 12.4.3.b
Manufactured Housing Comm. (MHC)	35 ft.	20 ft.
Resort and Recreation (RC)	25 ft.	10 ft.
Commercial Office (C-1)	25 ft.	25 ft. *
Commercial (C-2)	25 ft.	25 ft. *
Commercial (C-3)	25 ft.	25 ft. *
Light Industrial (LI-1)	25 ft.	25 ft. *
Industrial (I-1)	50 ft.	25 ft. *

* See Article XII, Section 12.4.3. for special setback requirements.

c. *Rights of way, alleys and easements:* Except for public utilities, no dwelling, structure or improvement shall be allowed to be constructed on a road right of way, alley or easement.

2. *Side yard setbacks:*

- a. *Minimum requirement:* Every dwelling or structure shall have a minimum side yard setback of five (5) feet or ten (10) percent of the width of the property (measured as set forth in Article II), whichever is greater. Except in the Gun Lake Residential Lake Front (GLRLF), Residential Lake Front (RLF) and Residential Single-Family (RSF) zoning districts, no dwelling or structure shall be required to be setback greater than twenty-five (25) feet from the side yard property line unless a greater distance is called for elsewhere in this ordinance.
- b. In the Gun Lake Residential Lake Front (GLRLF), Residential Lake Front (RLF) and Residential Single-Family (RSF) zoning districts, no dwelling or structure shall be required to be setback greater than ten (10) feet from the side yard property line.
- c. *Setback determination:* Setback distances shall be determined by measuring the shortest straight line distance between the boundary line of a lot, parcel, or building site and the nearest impervious surface of a building or structure, including eaves, belt courses, sills, pilasters, bay windows, approved signs, window mounted a conditioners, cornices, chimneys, fireplaces, boiler flues, and similar features. Eaves troughs shall be an exception to this requirement and may project into the required side yard setback requirement.

3. *Special setback requirements:*

a. *Residential Lake Front (RLF) zoning district:*(1) *Street/road side (rear yard):*

- (a) Every dwelling or structure shall be setback at least twenty-five (25) feet from the public or private road right of way or easement boundary line, except Patterson Road and M-179 which shall be thirty-five (35) feet.
- (b) If the average setback of the dwellings or structures three hundred (300) feet on each side of the subject property is less than twenty-five (25) feet from the public or private road right of way or easement boundary line, then this average shall be the setback for the subject property.
 - i. In no case shall the dwelling or structure be permitted to be closer than ten (10) feet from the public or private road right of way or easement boundary line.
 - ii. For the purposes of administering this requirement and measuring distances for the average setback, distances may be measured from the edge of the as-traveled roadway and confirmed by the zoning administrator for accuracy. Except as indicated elsewhere herein, the setback requirement shall be taken from the road right of way or easement boundary line.
- (c) Where the road as traveled (the actual location of pavement or gravel) has been established outside the boundaries of the right of way or easement and is located on private property, the setback distance shall be measured from the closest edge of the as traveled road.
- (d) Where a road right of way or easement boundary line does not exist or cannot reasonably be determined, the setback measurement shall be taken from the closest edge of the as traveled road, including measurements necessary to determine the average setback of the adjacent structures, if necessary.

(2) *Waterfront (front yard):* All dwellings or other principal building/structures and accessory building/structures, including any alteration of existing such buildings/structures, shall at a minimum be set back from the high-water shore line of the lake, pond, stream, or river, the greater of:

- (a) Twenty-five (25) feet; or,
- (b) The average setback of the nearest existing dwellings or other principal buildings/structures on each side of (adjacent to) the lot at the time of application for a building permit.

b. *Gun Lake Residential Lake Front zoning district:*1. *Street/road side (rear yard):*

- (a) Every dwelling or structure shall be setback at least twenty-five (25) feet from the public or private road right-of-way or easement boundary line.
- (b) If the average setback of the dwellings or structure three hundred (300) feet on each side of the subject property is less than twenty-five (25) feet from the public or private road right-of-way or easement boundary line, then this average shall be the setback of the property.
 - (i) In no case shall the dwelling or structure be permitted to be closer than ten (10) feet from the public or private road right-of-way or easement boundary line.
 - ii. For the purposes of administering this requirement and measuring distances for the average setback, distances may be measured from the edge of the as traveled roadway and confirmed by the zoning administrator for accuracy. Except as indicated elsewhere herein, the setback requirement shall be taken from the road right of way or easement boundary line.
- (c) Where the road as traveled (the actual location of pavement or gravel) has been established outside

the boundaries of the right of way or easement and is located on private property, the setback distance shall be measured from the closest edge of the as traveled road.

- (d) Where a road right of way or easement boundary line does not exist or cannot reasonably be determined, the setback measurement shall be taken from the closest edge of the as traveled road, including measurements necessary to determine the average setback of the adjacent structures, if necessary.
- (2) *Waterfront (front yard):* All dwellings or other principal building/structures and accessory building/structures, including any alteration of existing such buildings/structures, shall at a minimum be set back from the high-water shore line of the lake, pond, stream, or river, the greater of:
 - (a) Twenty-five (25) feet; or,
 - (b) The average setback of the nearest existing dwellings or other principal buildings/structures on each side of (adjacent to) the lot at the time of application for a building permit.
- c. *Residential Single-Family (RSF) zoning district:* Front yard setback requirements along all road frontages shall be the same as those along the road frontages (rear yards) in the Residential Lake Front (RLF) zoning district (see section 12.4.3.a.(1)) above).
- d. *Commercial and Light Industrial (LI-1) zoning districts:* In the commercial and Light Industrial (LI-1) zoning districts, every building shall be located no closer than:
 - (1) Twenty-five (25) feet from an adjacent parcel of land.
 - (2) Fifty (50) feet from any residential zoning district.
 - (3) No commercial or industrial use shall be made of the setback area.
- e. *Industrial (I-1) zoning district:* In the Industrial (I-1) zoning district, every building shall be located no closer than:
 - (1) Twenty-five (25) feet from an adjacent parcel of land.
 - (2) One hundred fifty (150) feet from any residential zoning district.
 - (3) No commercial or industrial use shall be made of the setback area.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015; Ord. No. 02-01-2016; § II, 2-11-2016; Ord. No. 05-02-21, §§ III, IV, 5-13-2021)

Sec. 12.5. - Parcel Size Requirements.

The minimum width and size of lots or parcels on which dwellings and structures may be placed or constructed in the various zoning districts shall be as follows:

1. Lots or parcels created before November 29, 1979, shall be recognized as buildable, except for platted out lots which are non-buildable.
2. Lots or parcels legally created after November 29, 1979, shall be required to meet the following size and width requirements to be considered as buildable:

Zoning District	Minimum Road Frontage	Required Lot or Parcel Size
Rural/Agriculture (RA)	182 Ft.	3 Acres

Rural Residential (RR)	132 Ft.	1 Acre
Suburban Residential (SR) (Without Public Sewer)	150 Ft.	35,000 Sq. Ft.
Suburban Residential (SR) (With Public Sewer)	100 Ft.	20,000 Sq. Ft.
Residential Single Family (RSF) (Without Public Sewer)	100 Ft.	15,000 Sq. Ft.
Residential Single Family (RSF) (With Public Sewer)	75 Ft.	12,000 Sq. Ft.
Residential Multi-Family (RMF) (Without Public Sewer)	150 Ft.	35,000 Sq. Ft.
Residential Multi-Family (RMF) (With Public Sewer)	100 Ft.	20,000 Sq. Ft.
Residential Lake Front (RLF) (Without Public Sewer)	100 Ft.	15,000 Sq. Ft.
Residential Lake Front (RLF) (With Public Sewer)	75 Ft.	12,000 Sq. Ft.
Gun Lake Residential Lake Front (GLRLF) (Without Public Sewer)	100 Ft.	15,000 Sq. Ft.
Gun Lake Residential Lake Front (GLRLF) (With Public Sewer)	75 Ft.	12,000 Sq. Ft.
Manufactured Housing Comm. (MHC)	940 Ft.	20 Acres
Resort and Recreation (RC)	125 Ft.	1 Acre
Commercial Office (C-1)	100 Ft.	12,000 Sq. Ft.
Commercial (C-2)	100 Ft.	12,000 Sq. Ft.
Commercial (C-3)	150 Ft.	12,000 Sq. Ft.
Light Industrial (LI-1)	250 Ft.	5 Acres
Industrial (I-1)	250 Ft.	5 Acres

3. Lots or parcels that front on bodies of water shall be required to maintain a minimum frontage along the water equal to seventy-five (75) feet at the ordinary high water mark. The water frontage shall be measured by a straight line drawn between the property lines at the points where the property lines cross the ordinary high water mark.
4. Road frontage shall satisfy the minimum lot width standard for the zoning district. Lots, parcels, or units located on the bulb end of cul-de-sacs or on curves, as determined by the planning commission, may have less than the

required road frontage but must still maintain the minimum required lot width.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.6 - Maximum Building Coverage.

- A. Measurements for building coverage shall be taken to the edge of the exterior walls and shall not include projections from the structure (such as bay windows or chimneys).
- B. Maximum building coverage shall be the amount of the lot which is covered by the total footprint of buildings, attached and detached accessory structures, roofed porches, roofed decks and roofed patios divided by the lot area.

Zoning District	Maximum Building Coverage
Rural/Agriculture (RA)	25%
Residential Single-Family (RSF)	50%
Residential Multi-Family (RMF)	30%
Residential Lake Front (RLF)	50%
Gun Lake Residential Lake Front (GLRLF)	50%
Manufactured Housing Community (MRC)	25%
Resort and Recreation (RC)	35%
Commercial Office (C-1)	35%
Commercial (C-2)	35%
Commercial (C-3)	35%
Light Industrial (LI-1)	35%
Industrial (I-1)	35%

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015; Ord. No. 09-01-2018, § II, 9-13-2018)

Sec. 12.7. - Outbuildings.

For the purposes of maintaining orderliness and property values, especially in residential zoning districts, consistent with the goals and objectives of the township land use plan, while providing adequate area for personal storage, the following provisions are intended to regulate the location of outbuildings customarily incidental to principal permitted uses.

1. *Definition of outbuildings:* An outbuilding shall include all nonattached buildings and structures customarily incidental to the principally permitted use on site including, but not limited to, gazebos, garages, pole barns, carports, storage buildings and sheds, greenhouses and screened in structures. It shall not include dwellings.
2. *General requirements:*
 - a. The requirements of this section shall apply to all outbuildings in the Rural/ Agriculture (RA), Rural Residential (RR), Suburban Residential (SR), Residential Single-Family (RSF), Multi-Family (RMF), Residential Lake Front (RLF), and Gun Lake Residential Lake Front (GLRLF) zoning districts.
 - b. Neither a manufactured home nor a recreational vehicle shall be used as an outbuilding.
 - c. An outbuilding shall not be used as a dwelling.
 - d. An outbuilding associated with a permitted and approved farming operation shall be exempt from the requirements of this section.
3. *Permitted uses:* An outbuilding shall be permitted by right and be able to be approved by the zoning administrator if it satisfies one (1) or more of the following criteria:
 - a. The outbuilding is located on the same lot as the principal dwelling.
 - b. The outbuilding is located on the same side of a road as the principal dwelling if the lot is bisected by a road.
 - c. The outbuilding is located on a lot that is at least two (2) acres in size.
 - d. The principal structure already exists on the lot.
 - e. If the principal structure does not already exist on the lot, the permit for the principal structure has already been approved or is being approved concurrently with the permit for the outbuilding.
4. *Special exception uses:* An outbuilding shall be considered a special exception use, required to be approved through the special exception use process in Article IV, and shall satisfy the design standards in subsection 5. below, if it satisfies one (1) or more of the following criteria:
 - a. The outbuilding is located on a lot without a principal structure that is less than two (2) acres in size.
 - b. The outbuilding is located on a lot that is bisected by a road and is placed on the opposite side of the road as the principal structure.
 - c. The outbuilding is being constructed before the principal structure on the lot has been granted a permit.
5. *Design standards:* In order to be approved as a special exception use under subsection 4. above, an outbuilding must satisfy the standards below:
 - a. To the extent possible, the outbuilding shall be located to the rear of the site with sufficient room provided within the required setbacks to construct a principal structure in front of the outbuilding in the future and continue to use the outbuilding.
 - b. The outbuilding shall not be located on a vacant waterfront lot. If the vacant waterfront lot is bisected by a road, the outbuilding shall not be located on the waterfront side of said lot.
 - (1) Gazebos, three-season rooms, pump houses, and similarly related outbuildings may be permitted on a lot by itself and/or on a waterfront lot in the front yard with the approval of a special exception use, Such approval shall consider the impact of the proposed development on the adjacent properties and their

abilities to view and enjoy the water. Pump houses not exceeding thirty-six (36) inches in height may be allowed within the required front yard near the water's edge.

6. *Development standards:*

a. *Setback and dimensional requirements:*

- (1) All outbuildings shall be subject to the setback and lot coverage limits set forth in this ordinance that are generally applicable to principal buildings and structures.
 - (a) In the Residential Lake Front (RLF) and Gun Lake Residential Lake Front (GLRLF) zoning districts, no outbuilding shall be located in the front yard, unless otherwise stated herein.
- (2) *Maximum height:* Except in the Rural/Agriculture (RA) zoning district, the height of an outbuilding shall not exceed sixteen (16) feet from the finished grade to the bottom of the eaves, as measured at the exterior wall. If there are multiple sets of eaves, the measurement shall be taken to the uppermost set of eaves that extend for greater than fifty (50) percent of the width of that side of the structure.
 - (a) The height of an outbuilding that is depressed into the grade shall be measured from the average finished grade from each side of the structure.
- (3) *Maximum square footage for each outbuilding:* The maximum footprint, or first floor area of each outbuilding, shall be limited to the following:

Zoning District	Maximum Square Footage
Suburban Residential (SR)	1,600 Sq. Ft.
Residential Single-family (RSF)	1,600 Sq. Ft.
Residential Multi-family (RMF)	1,600 Sq. Ft.
Residential Lake Front (RLF)	1,600 Sq. Ft.
Gun Lake Residential Lake Front (GLRLF)	1,600 Sq. Ft.
Rural Residential (RR)	2,400 Sq. Ft.
Rural/Agriculture (RA)	No size limit

- b. *Temporary outbuildings:* Outbuildings may be allowed on a temporary basis without a permit at the discretion of the zoning administrator. Temporary outbuildings shall be removed within fourteen (14) days and shall satisfy all setback requirements of the district.

7. *Outbuilding guest quarters:*

- a. Outbuilding guest quarters are intended to provide temporary living space within an outbuilding for guests of the occupants of the principal dwelling to which the guest quarters are accessory.
- b. To be approved as a special exception use all outbuilding guest quarters must comply with the following requirements:

- (1) Outbuilding guest quarters must be located within an outbuilding which is being or has been approved.
- (2) An outbuilding with guest quarters must provide for adequate parking.
- (3) Outbuilding guest quarters may have sleeping areas, bathrooms and common areas. Kitchens are not allowed.
- (4) Outbuilding guest quarters may not have an area larger than four hundred and eighty (480) square feet.
- (5) No more than one outbuilding with guest quarters may be located on a lot.
- (6) Guest quarters shall be used only to house guests of the occupants of the principal dwelling to which the guest quarters are accessory.
- (7) Guest quarters shall not be leased or rented for occupancy, or otherwise used for any commercial purpose.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.8. - Decks.

A. *General requirements:*

1. The height of any railing shall not exceed forty-eight (48) inches from the floor of the deck to the top of the railing.
2. Steps exceeding eighteen (18) inches in height shall be considered as part of the structure and shall be subject to the setback and lot coverage limits set forth in this ordinance.

B. *Decks less than eighteen (18) inches in height:*

1. Decks less than eighteen (18) inches in height shall not be considered as part of the structure and shall not be subject to the setback or lot coverage limits set forth in this ordinance.
2. No roof structures or permanently attached seating, tables etc. shall be permitted on structures in this category.

C. *Decks eighteen (18) inches or higher:*

1. Decks eighteen (18) inches or higher shall be considered as part of the structure and shall be subject to the setback and lot coverage limits set forth in this ordinance.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.9. - Fences, walls, and/or other protective barriers.

All fences, walls, and/or other protective barriers of any type or description located in all zoning districts shall conform to the following:

A. *Definitions:*

1. *Barrier height:* The height of the fence, wall, or protective barrier shall be the distance from the finished grade at the base of the barrier to the tallest part of the barrier structure, except as otherwise provided below. If the finished grade is more than three (3) feet higher than the existing grade prior to construction of the barrier, then the height shall be based on the existing grade.
2. *Fence:* A linear structure of definite height and location made of wood, iron, wire, plaster, or similar materials serving as: a physical barrier to property ingress or egress; a screen from objectionable views or noise; a landscape feature; or a requirement of this ordinance.
 - a. *Agricultural fence:* A fence constructed for the purpose of enclosing farm animals and protecting farms and other agricultural uses.

to within fifteen (15) feet of the road right-of-way. Fences not exceeding four (4) feet in height, constructed of chain link, split rail, or similar materials, may be erected from the rear edge of the dwelling to and along the road right-of-way.

- b. *Front yard:* Fences, not exceeding four (4) feet in height, constructed of chain link, split rail, or similar materials, may be erected from the front edge of the dwelling to and along the high water shoreline.

3. *Gun Lake Residential Lake Front (GLRLF) zoning district:*

- a. *Side and rear yard:* Fences, including privacy fences, up to six (6) feet in height may be erected in the side yard starting at the front edge of the dwelling and continuing to the rear edge of the dwelling. Fences, including privacy fences, up to four (4) feet in height, may be erected from the rear edge of the dwelling to within fifteen (15) feet of the road right-of-way. Fences not exceeding four (4) feet in height, constructed of chain link, split rail, or similar materials, may be erected from the rear edge of the dwelling to and along the road right-of-way.
- b. *Front yard:* Fences, not exceeding four (4) feet in height, constructed of chain link, split rail, or similar materials, may be erected from the front edge of the dwelling to a point no less than ten (10) feet from the high water line. Privacy fences must be setback no less than thirty (30) feet from the high water line, unless the front edge of the dwelling is located closer than thirty (30) feet to the high water line, in which case the setback for privacy fences shall be to the front edge of the dwelling.

4. *Height restriction exemptions:* The zoning administrator or planning commission may grant an exemption to the height restriction at the gateway area of the fence only for arches, trellises, or other similar design projections. The area of the exemption shall be confined to the gateway area (defined as the area between the fence posts immediately adjacent to the gate, entry, or similar opening in the fence).

E. *Wall height and location:*

1. *Retaining walls:*

- a. Retaining walls required due to the grading and topography of the site shall be permitted.
- b. A guard shall be required along the top of a retaining wall located along a property boundary line where the grade differential between the two (2) sides of the wall exceeds thirty (30) inches to prevent people and objects from falling over the edge. Guards shall also be required wherever a wall is adjacent to a walkway or driveway and the grade differential exceeds thirty (30) inches. Wingwalls created for walk-out basements shall be exempt from the requirements for barriers.
 - (1) The guard shall be a minimum of forty-two (42) inches in height and a maximum of four (4) feet in height, when measured from the ground elevation on the high side of the retaining wall. The height of the guard shall be determined by the requirements of subsection D. above and the location of the wall/guard on the adjacent property.
 - (2) The guard shall be maintained by the party responsible for maintenance of the retaining wall, unless otherwise agreed upon.
 - (3) The guard shall have an open design of no greater than sixty (60) percent opacity. A chain link or picket-style fence is an example of an acceptable guard, provided it meets the standards of paragraph (4) below.
 - (4) The guard shall be designed with balusters or ornamentation such that a four-inch diameter sphere cannot pass through any opening within the guard. This shall satisfy the standards of Section 1012.3 of the Michigan Building Code regarding opening limitations.

2. *Screening walls:*

- a. Unless otherwise specified herein, screening walls shall be subject to the same height and location standard fences in subsection D. above.
 - b. If the wall is intended for screening permitted uses in commercial or industrial districts from adjacent land zoned for residential or agricultural use, the screening wall shall be six (6) feet in height.
 - c. If the wall is intended to screen parking from an adjacent roadway or land zoned for residential or agricultural use, the wall shall be between three (3) and four (4) feet in height if adjacent to a roadway, and between three (3) and six (6) feet in height if adjacent to land zoned for residential or agricultural use.
3. *Landscaping walls:* Landscaping walls shall be subject to the same height and location standards established for fences in subsection D. above.
- F. *Barriers on corner lots or parcels:* No fence, wall, protective barrier, or other manmade obstruction shall be erected or maintained on any lot or parcel within thirty (30) feet of the intersection of two (2) streets. Such unobstructed corner shall consist of a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street property lines or in the case of a rounded property corner, from the intersection of the street property lines extended. A corner lot shall be any lot or parcel where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees.
- G. *Barriers by special exception use permit:* The following materials may be used only after the approval of a special exception use permit by the planning commission. The applicant must demonstrate to the satisfaction of the planning commission the need for such materials.
1. *Barbed wire:* Barbed wire, installed in cradles designed for not more than three (3) strands of barbed wire, may be erected on the top of barriers serving permitted or special exception uses, upon approval of a special exception use permit. If approved, the barbed wire cradle shall not be considered as part of the barrier for determining compliance with the maximum height limitation set forth above.
- H. *Exemptions:*
1. Barriers protecting municipal or public utility installations may exceed the maximum heights established herein and barbed wire may be placed on the top of said barriers enclosing municipal or public utility installations or where deemed necessary in the interest of public safety without requiring a special exception use permit as required in subsection G.1. above.
 2. Parcels in the Rural/Agricultural (RA) zoning district with a lot area of ten (10) acres or greater shall be exempt from the standards of subsection G.1. listed above. Parcels in the Rural/Agricultural (RA) zoning district with a lot area smaller than ten (10) acres shall be exempt from the standards of subsection G.1. listed above only after approval of a special exception use permit by the planning commission.
- I. If because of the design or construction, one side of a fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot. Posts must be installed inside the property line, facing the interior of the lot.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.10. - Parking Regulations.

- A. *Residential parking:* At least two (2) parking spaces shall be provided per single-family dwelling unit, including multi-family units.
- B. *Commercial and industrial parking:* Off-street parking spaces of not less than ten (10) feet in width and twenty (20) feet in length shall be provided as listed below for each of the following uses:

Use	Minimum Number of Required Parking Spaces
Offices	1 per 200 square feet of building
Retail stores	1 per 200 square feet of building
Grocery stores, supermarkets	1 per 200 square feet of building
Department stores	1 per 200 square feet of building
Shopping centers	1 per 200 square feet of building
Restaurants	1 per 200 square feet of building
Rental halls	1 per 200 square feet of building
Hotels, motels	1 per rental unit
Theaters, auditoriums	1 per 4 seats
Bowling alleys	3 per bowling lane
Manufacturing	1 per employee on maximum shift
Marina	2 for each slip, no less than 10 total spaces

C. Industrial parking lot requirements:

1. All parking lots shall be paved and maintained with at least one and one-half (1½) parking spaces for each employee on the largest shift, plus five additional spaces for visitors.
2. All parking lots shall be located not closer than twenty-five (25) feet from an adjacent parcel and twenty-five (25) feet from an adjacent road right of way.
3. All parking lots shall be lighted between dusk and dawn when the building is occupied. Such lighting shall not create a nuisance to neighboring zoning districts.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015; Ord. No. 10-01-2017, § III, 10-12-2017)

Sec. 12.11. - Industrial Utility Requirements.

A. Utilities:

1. All utilities shall be installed underground.
2. Public sewer and water shall be utilized, if available.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.12. - Health, Sanitation, and Welfare Regulations.

- A. *Public well-being:* No open ditch, drain, pond, basin, or similar device shall be used or maintained by any person, firm, association or corporation within the township which shall be a menace to or endanger the health, comfort and well-being of the residents of Yankee Springs Township, the public or surrounding territories. No sewerage or contaminating materials shall be used or maintained by any person, firm, association or corporation which shall harbor mosquitoes, larva, or disease-carrying insects or which shall emanate obnoxious odors.
- B. *Public dumping:* Except as approved by Yankee Springs Township and licensed by the State of Michigan, no public dumping shall be created or maintained within the township, and no person, firm, association or corporation shall dump, deposit, leave or abandon any place within the township any scrap or waste material of whatsoever nature.
- C. *Accumulation of debris, junk or other refuse:* The accumulation of debris, junk, or other refuse on any premises, whether occupied or unoccupied, in any zoning district within the township, for longer than thirty (30) days is prohibited and deemed to be a violation of this ordinance.
- D. *Inoperable or unlicensed vehicles:* The presence of one or more inoperable or unlicensed motor vehicles, boats, or similar equipment, or any accumulation of parts thereof, exposed to public view, on any premises for more than sixty (60) days shall be deemed a violation of this ordinance.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.13. - Temporary Housing.

During the construction of a new dwelling or remodeling of an existing dwelling within the township, the home owner may request planning commission approval of the use of a mobile home, travel trailer, motor home or recreational vehicle as temporary housing on the construction site. The following restrictions and conditions shall apply:

1. The temporary dwelling shall be connected to sewerage and water systems approved by the Barry County Health Department or include a self-contained sewerage and water system acceptable to the planning commission.
2. The temporary housing shall be approved only for the use of the family that will occupy the completed dwelling.
3. A waste collection company shall be hired to remove all garbage and waste products. Such products shall not be allowed to accumulate on the project site.
4. The temporary housing shall be used for a period of not more than twelve (12) months from the date of approval by the planning commission.
5. At the completion of the project or the approval period, whichever is sooner, the temporary housing shall be disconnected from all systems and vacated. If the temporary housing is a mobile home it shall be removed from the property.
6. Such other conditions as the planning commission shall deem necessary to protect the site and the neighboring properties.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.14. - Outdoor Furnaces.

- A. *Permit required:* No person shall cause, allow or maintain the use of an outdoor furnace without first having obtained a zoning permit from the zoning administrator and all appropriate construction permits.
- B. *Permitted fuel:* Only firewood, wood pellets, untreated lumber, and untreated agricultural products such as corn pellets or seeds are permitted to be burned in any outdoor furnace. Burning of any other materials, including, but

not limited to, garbage, painted or treated wood, rubber, or newspaper, in an outdoor furnace is prohibited.

- C. *Permitted districts:* Outdoor furnaces shall be permitted only in the Rural/Agricultural (RA) and Rural Residential (RR) zoning districts.
- D. *Minimum lot size:* Outdoor furnaces shall be permitted only on lots of one (1) acre or more.
- E. *Minimum setbacks:* Outdoor furnaces shall be set back not less than seventy-five (75) feet from the front, rear and side lot lines, and not less than two hundred (200) feet from the nearest existing dwelling on abutting property.
- F. *Chimney height:* The height of the chimney shall satisfy the manufacturer's recommendations.
- G. *Spark arrestors:* All outdoor furnaces shall be equipped with properly functioning spark arrestors.
- H. *Seasons of operation:* Outdoor furnaces shall not operate during the months of June, July or August.
- I. *Effect of other regulations:* Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by any federal, state, regional or local agency. Outdoor furnaces and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace shall be installed, operated and maintained in conformity with the manufacturer's specifications and recommendations and all local, state and federal codes, laws, rules and regulations.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

Sec. 12.15. - Drainage.

- A. No property shall be filled or graded so as to cause a discharge of surface water run-off onto abutting premises.

(Ord. No. 10-01-2015, § I, 10-8-2015, eff. 10-26-2015)

ARTICLE XIII - PRIVATE ROAD STANDARDS AND PROCEDURES

Sec. 13.1. - Purpose.

This article contains the standards and procedures for the development of private roads within Yankee Springs Township.

Sec. 13.2. - Required Approval.

- A. Preliminary Private Road Permit Application for a preliminary private road permit for the construction of a private road shall include the following:
 - 1. The name, address and telephone number of developer.
 - 2. The name and location of the proposed private road.
 - 3. A site plan illustrating the location and length of the road, adjacent properties, existing grade of the site, proposed grade of the road and adjacent portions of the site, existing structures adjacent to the proposed road, drainage, water bodies and proposed improvements.
 - 4. Detailed constructions plans sealed by a licensed engineer.

Upon Planning Commission and Township Board approval of the proposed private road, a preliminary private road permit shall be issued. Construction of the private road shall not begin until the preliminary private road permit is issued.

- B. Final Private Road Permit. Once a preliminary private road permit has been issued and construction of the private road has been completed, the following documentation shall be submitted to the Township Zoning Administrator for the issuance of a final private road permit.

1. A certification signed by a licensed engineer, that the road has been completed in accordance with the requirement Ordinance.
2. A survey and legal description completed by a licensed surveyor, illustrating the location of the private road and its easement.
3. A fee to be established by the Yankee Springs Township Board.

(Ord. No. 05-01-19, § I, 5-9-2019)

Sec. 13.3. - Standards for Construction.

All private roads proposed for construction within Yankee Springs Township shall be subject to the following standards:

A. General Provisions.

1. A private road shall include all roads, streets, easements and right-of-ways for ingress and egress which are non-public and which are used to calculate or measure the required frontage or lot width for the zoning districts in which it is located.
2. Private roads shall be allowed only within the RA and RR Districts. No single private road shall serve more than seven (7) unplatted parcels. A private road shall not be allowed to serve a plat or a site condominium development, or be connected to a public road serving a plat or a site condominium development.
3. A maintenance agreement for the maintenance and upkeep of the private road shall be submitted and approved prior to the issuance of any permit associated with a private road.

B. Design and Construction Requirements.

1. Every private road shall be constructed within a right-of-way or easement not less than sixty-six (66) feet in width and not more than one hundred (100) feet in width, and shall be parallel to the centerline of the easement or right-of-way.
2. All private roads shall have a finished road surface width of at least eighteen (18) feet.
3. A private road with a single connection to a public street shall not exceed one thousand two hundred fifty (1,250) feet in length, measured along the centerline,
4. All private roads shall be constructed with sufficient slopes and grades as to provide adequate storm water and road drainage and shall provide adequate culverts and ditches at all drainage courses and waterways.
5. Where a proposed private road will intersect a public road, approval from the Barry County Road Commission and/or the Michigan Department of Transportation shall be required prior to any permits being issued.
6. If the private road is paved, it shall comply with Barry County Road Commission construction requirements for public roads.
7. If the private road is gravel, the following construction requirements shall apply:
 - a. All private roads shall have a surface layer of not less than six (6) inches of bank nm gravel and three (3) inches of compacted processed gravel.
 - b. Maximum street grades shall be ten (10) percent.
 - c. Cul-de-sacs shall have a minimum turnaround radius of thirty-five (35) feet,
 - d. "T" intersections shall slope between -0.6 percent and -0.2 percent in a direction away from the through street for a distance of at least fifty (50) feet from the centerline of the through street.
8. All private roads shall be uniquely named throughout the County so as not to confuse emergency

responders.

C. Preservation Requirements.

1. Significant natural features or vegetation that would be adjacent to the private street or within the right-of-way shall be preserved to the extent possible, Mass clearing or grading prior to the installation of a private street shall be prohibited,
2. This Ordinance requires the consideration of natural features in the placement of a proposed private road, with the purpose of preserving natural features and resources, and maintaining the rural and natural character of Yankee Springs Township,
3. Where a modification to the standards set forth in subparagraphs 1, and 2, above, is desired, the application for a private road shall include a written explanation of the request and justification for departing from the standards. In determining whether to approve or to require modified standards, the Planning Commission shall consider whether grade and road design would provide for the efficient and safe movement of vehicular and pedestrian traffic. The Planning Commission may seek advice of the Barry County Road Commission, the County Sheriff, other local agencies or experts in coming to a decision,

- D. Prior Non-Conforming Private Roads. All private roads, which were lawful on the effective date of this Ordinance, shall continue to be lawful. It is the intent of this Ordinance that the use of such nonconforming private roads shall not be enlarged, expanded or extended, except in conformance with this Section.

(Ord. No. 05-01-19, § I, 5-9-2019)

Sec. 13.4. - Deed Restrictions.

- A. Prior to the approval of the proposed private road, the applicant shall submit to the township a set of deed restrictions, in a form acceptable to the township board of trustees, which shall provide for the creation of the private road easement and the creation of a homeowners association, who's members shall be the property owners abutting said road. The association shall be responsible for the upkeep and maintenance of said road. Only one (1) association shall be created for the maintenance of each private road.
- B. The applicant shall submit to the township a document, in a form sufficient for recording with the county register of deeds, stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.

Sec. 13.5. - Road Maintenance Agreement.

The owners of a private road may petition the township board of trustees for permission to enter into an agreement to maintain and improve any private road within the township. The owners shall submit a petition:

1. Signed by one hundred (100) percent of the owners of said private road, requesting that the township be given the authority to maintain, repair and improve the road designated within the petition.
2. Provide for the assessment of each parcel for the purpose of providing the funds to maintain, repair and/or improve the road.
3. Provide with the petition:
 - a. A set of proposed deed restrictions, in a form acceptable to the township board of trustees and sufficient for the recording with the Barry County Register of Deeds, executed by one hundred (100) percent of the owners of the private road. Which shall provide for the maintenance and upkeep of the private road and which shall

also give the township board of trustees the authority to make the assessments provided in this ordinance.

In the event of ownership by joint tenants, tenants-in-common, or tenants by the entireties, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.

- b. One hundred (100) percent of the owners of the private road shall submit to the township a document, in a form sufficient for recording with the Barry County Register of Deeds, stating that in no event shall the association any, the individual owners, their heirs or assigns hold the township liable for the costs of road signs, lighting or snow removal.
4. The township board of trustees shall have the discretion to accept or reject any request to assume responsibility for the maintenance, repair and/or improvement of a private road. If the board of trustees accepts the request, the proposed deed restrictions and/or maintenance agreement shall be executed forthwith and recorded with the Barry County Register of Deeds.
5. The term "owners of the private road" shall be construed to mean the owners of those properties that either abut or front on said private road.

Sec. 13.6. - Issuance of Building Permits.

- A. Except as provided in this ordinance, no zoning permits, building permits or certificates of occupancy shall be issued for properties served by a private road prior to the issuance of a final private road permit.
- B. Zoning permits, buildings permits, and certificates of occupancy may be issued prior to the issuance of a final private road. permit when any or all of the following conditions are satisfied:
 1. The subject parcel also abuts a dedicated public road and:
 - a. A driveway construction permit has been obtained, by the applicant for the building permit, from the Barry County Road Commission or the state highway department for the construction of a driveway from the subject property onto the public road right-of-way.
 - b. No other parcel shall have access permitted via said driveway to the public road right-of-way until the driveway is improved to the standards contained herein for a private road.
 2. The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided herein. The surety bond, to be executed by a surety company authorized to do business in the State of Michigan, shall be in the amount determined by the township board of trustees to be reasonably necessary to insure the compliance hereafter.
 - a. In determining the amount of such surety bond, the township board of trustees shall take into account the size of the proposed private road; the current prevailing costs of completing the road upon default of the applicant; the estimated expense to compel the applicant to comply with the terms of this ordinance either by court order or other means; any other conditions or facts that might be relevant in determining the reasonable cost of completing the private road.
 - b. The township board of trustees may agree to substitute a cash payment or irrevocable letter of credit, in an amount to cover the costs of completing the private road, as an alternative to the performance bond.

(Ord. No. 05-01-19, § I, 5-9-2019)

Sec. 13.7. - Reserved.

Editor's note— Ord. No. 05-01-19, § I, adopted May 9, 2019, repealed § 13.7, which pertained to certificates of occupancy and derived from the original code.

ARTICLE XVII - SIGNS

Footnotes:

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Editor's note— Ord. No. 04-01-2015, § I, adopted April, 9, 2015, amended article XVII in its entirety to read as herein set out. Former article XVII, §§ 17.1—17.13, pertained to similar subject matter, and derived from the original code.

Sec. 17.1. - Purpose.

The purpose of this Sign Ordinance shall be to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Yankee Springs Township,

- by lessening hazards to pedestrians and vehicular traffic;
- by preserving property values;
- by preventing unsightly and detrimental signs that would detract from the aesthetic appeal of the township and lead to economic decline and blight;
- by preventing signs from reaching such excessive size or numbers that they obscure one another to the detriment of the township;
- by ensuring good and attractive design that will strengthen the township's appearance and economic base;
- by preserving the right of free speech and expression in the display of signs; and
- by encouraging signage which is similar to that used by the State of Michigan in its parks program.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.2. - Exempt Signs.

Except as specified in Section 17.12, the following signs shall be exempt from Site Plan Review; however, they shall comply with all other requirements of this Article:

1. All on-premise signs located in the Rural/Agriculture Residential zoning district and all signs of less than ten (10) square feet located in the Rural/Agriculture Residential zoning district.
2. Auction signs, not exceeding thirty-two (32) square feet. Such signs shall be removed at the end of the sale.
3. Building permit signs, as required by state law, however such signs shall not be posted on trees or utility poles.
4. Garage, yard, moving or similar sale signs, not exceeding four (4) square feet. Such signs must be removed twenty-four (24) hours after the sale ends.
5. Government signs.
6. Political signs. All signs must be removed following the election.
7. Temporary commercial signs:
 - a. *Maximum Size:* Thirty-two (32) square feet.

- b. *Maximum Height:* Ten (10) feet.
 - c. *Maximum Duration:* Thirty (30) days.
 - d. *Maximum Number of times per year:* Four (4).
- 8. Time and Temperature Signs.
 - 9. Residential Name and/or Address Signs.
 - 10. Construction signs of less than thirty-two (32) square feet (Commercial/Industrial zones).
 - 11. Banner signs.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.3. - Reserved.

Sec. 17.4. - Sign Height.

The maximum height for any free standing sign shall be measured from the finished grade of the abutting roadway unless otherwise prescribed within this article.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.5. - Sign Illumination.

All signs may be illuminated internally or externally. If a sign is illuminated externally the light source shall neither be visible from the street nor shine on adjacent properties. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.6. - Size Regulations by Sign Type and Zoning District.

Signs with single or double faces shall be allowed in the Rural/Agriculture, Rural Residential (R/AG, RR), all Residential (RSF, RLF, RMF, Gun Lake Residential, SR, and MHC but excluding RR), Resort and Recreation (R&R), all Commercial (C-1, 2,3, and M-179 Overlay), and all Industrial zoning (LI-1 and I-1) districts, subject to the following requirements:

A. *On-Premises Signs:*

- 1. *Rural/Agriculture and Rural Residential.*
 - a. Setback: not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: Two (2) per parcel.
 - e. Specified Location: none.
 - f. Changeable Copy Sign Allowed: yes.
- 2. *Resort and Recreation (R&R).*
 - a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.

- d. Maximum Number of Signs Permitted: One (1) at each entrance/exit driveway.
 - e. Changeable Copy Sign Allowed: Yes.
3. *Residential—Home Occupation Signs.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Eight (8) feet.
 - c. Maximum Square Footage of Sign Face: Four (4) square feet.
 - d. Maximum Number of Signs Permitted: One (1).
 - e. Specified Location: Any.
 - f. Changeable Copy Sign Allowed: No.
4. *Residential—Individual Home—Temporary Real Estate.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Eight (8) feet.
 - c. Maximum Square Footage of Sign Face: Ten (10) square feet.
 - d. Maximum Number of Signs Permitted: One (1) per street frontage.
 - e. Specified Location: any Changeable Copy Sign Allowed: No.
5. *Residential—Subdivision, Condominium, MHC—Temporary Real Estate.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: One (1) per street frontage.
 - e. Specified Location: any.
 - f. Changeable Copy Sign Allowed: no.
6. *Residential—Individual Home—Temporary Construction.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Height: Eight (8) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: One (1) per contractor on-site on each street frontage.
 - e. Specified Location: Any.
 - f. Changeable Copy Sign Allowed: No.
7. *Residential—Subdivision, Condo, MHC Temporary Construction.*
- a. Setback: not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: One (1) per contractor on-site at each separate entrance/exit.
 - e. Changeable Copy Sign Allowed: No.
8. *Residential—Permanent—Mobile Home Community, Subdivision, Condominium.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.

- c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: One (1) at each entrance/exit driveway.
9. *Commercial/Industrial—Temporary Real Estate—Single or Multiple Businesses.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: One (1).
 - e. Specified Location: On each adjacent street side.
 - f. Changeable Copy Sign Allowed: No.
10. *Commercial/Industrial—Temporary Construction.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
 - d. Maximum Number of Signs Permitted: One (1) per adjacent street side.
 - e. Specified Location: Any.
 - f. Changeable Copy Sign Allowed: No.
11. *Commercial/Industrial—Single Business—Permanent.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: One hundred (100) square feet.
 - d. Maximum Number of Signs Permitted: One (1) per street frontage.
 - e. Specified Location: Any.
 - f. Changeable Copy Sign Allowed: Yes.
12. *Commercial/Industrial—Multi-Businesses—Permanent Sign.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Height: Fifteen (15) feet.
 - c. Maximum Square Footage of Sign Face: Two hundred fifty (250) square feet—Fifty (50) square feet per business.
 - d. Maximum Number of Signs Permitted: One (1).
 - e. Specified Location: Any.
 - f. Changeable Copy Sign Allowed: Yes.
13. *Commercial/Industrial—Projecting and Wall Signs.*
- a. Setback: Not within the Road Right-of-Way.
 - b. Maximum Sign Height: —on building.
 - c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet in addition to free-standing sign footage.
 - d. Maximum Number of Signs Permitted: One (1) per tenant.
 - e. Specified Location: Any.

f. Changeable Copy Sign Allowed: Yes.

14. *Commercial/Industrial—Directional Signs (External Entrance and Exit Signs).*

- a. Setback: not within the Road Right-of-Way.
- b. Maximum Height: Four (4) feet.
- c. Maximum Square Footage of Sign Face: Ten (10) square feet.
- d. Location: At each driveway.
- e. Changeable Copy Sign Allowed: No.

B. *Off-Premise Signs (Billboards)—Approved by special Exception use Only.*

1. *Rural/Agriculture, Rural Residential, Resort and Recreation, All Commercial Parcels Less Parcels of less than two hundred (200) feet of Frontage.*

- a. Setback: Not within the road Right-of-Way.
- b. Maximum Sign Height: Fifteen (15) feet.
- c. Maximum Square Footage of Sign Face: Thirty-two (32) square feet.
- d. Maximum Number of Structures Permitted: One (1).
- e. Specified Location: Fifty (50) feet from the Right-of-Way of any intersection.
- f. Changeable Copy Sign Allowed: Yes.

2. *Rural/Agriculture, Rural Residential, Resort and Recreation, All Commercial-parcels of more than two hundred (200) feet of frontage.*

- a. Setback: Not within the Right-of-Way.
- b. Maximum Sign Height: Fifteen (15) feet.
- c. Square Footage of Sign Face: Thirty-two (32) square feet.
- d. Maximum Number of Signs: two (2) per parcel.
- e. Specified location: Two hundred (200) feet apart and fifty (50) feet from the side lot lines.
- f. Changeable Copy Sign Allowed: Yes.

3. *All Industrial Zones (LI-1 and I-1).*

- a. Setback: Not within the Right-of-Way.
- b. Maximum Sign Height: Fifteen (15) feet.
- c. Maximum Square Footage of Sign Face: One hundred (100) square feet.
- d. Maximum Number of Signs Permitted: two (2) per parcel.
- e. Specified Location: Two hundred (200) feet apart and one hundred (100) feet from the side lot lines.
- f. Changeable Copy Sign Allowed: Yes.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.7 - Changeable Copy Signs (CC).

Changeable Copy Signs (CC) shall be permitted subject to the following:

1. *Requirements:* CC signs shall comply with all of the dimensional, spacing, and setback requirements that apply to non-CC signs in each zoning district.
2. *Brightness:*

- a. All CC signs will be no more than ten thousand (10,000) nits during the day and one thousand (1,000) nits during
- b. All CC signs shall be equipped with and utilize a dawn/dusk auto-dimming feature that will automatically adjust the sign display brightness based on ambient lighting levels. Malfunctioning units must be shut down until properly repaired.

3. *Display Requirements:*

- a. CC signs with changing text or images must not change more frequently than every five (5) seconds.
- b. Images must be static. No live action (video type) images are allowed.
- c. Displays that flash the same text or image repeatedly or frequently change brightness are not allowed.
- d. The CC portion of the sign may occupy up to eighty (80%) percent of the sign face.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.8 - Special Exception Off-Premise Directional Signs.

An off-premise sign shall be subject to the on-premise signs standards of the underlying zoning district.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.9. - Nonconforming Signs.

Refer to Article XVI.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.10. - Prohibited Signs.

The following types of signs shall be prohibited within all zoning districts of Yankee Springs Township:

1. All signs which create any electrical noise or interference, or contain any type of audio amplification.
2. Any sign which is an imitation of, or is likely to be confused with, any sign customarily displayed by a public authority.
3. Any sign obstructing the ingress or egress from a building.
4. Any sign that obstructs the reasonable visibility of, or otherwise detracts from, any sign located within a public right-of-way.
5. Any sign attached to a public or private utility pole, tree, natural object, signs or other appurtenances.
6. Any sign which obstructs the visibility of another sign having the required permits and is in compliance with this ordinance.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.11. - Permit Fees.

Zoning and Building Permit fees shall be obtained in accordance with the schedule approved by the Yankee Springs Township Board of Trustees. No sign or sign structure shall be erected until all permits have been approved and the proper fees paid.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.12. - Site Plan Review.

All signs, except for exempt signs, shall be subject to Site Plan Review conducted by the Zoning Administrator and approved prior to installation. Requirements for Site Plan Review are set forth in Article V.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 17.13. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Animated sign*: Any sign which uses movement or change of lighting to depict action or to create a special effect or scene. For the purpose of this Article, this term does not refer to flashing lights or changeable copy.
2. *Banner sign*: A sign made of fabric or any non-rigid material with no enclosing framework.
3. *Billboard*: (See Off-premises sign.)
4. *Changeable copy sign*:
 - a. *Automatic*: An electrically controlled sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.
 - b. *Manual*: A sign on which copy is changed manually, e.g., reader boards with changeable letters or pictorials.
5. *Construction sign*: A temporary sign identifying an architect, engineer, financier, contractor, subcontractor, and/or material supplier participating in a construction project on the property on which the sign is located.
6. *Copy*: The wording on a sign face.
7. *Directional/informational sign*: A sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., street names, parking, or exit and entrance signs.
8. *Double-faced sign*: A sign with two (2) faces.
9. *Electrical sign*: A sign or sign structure in which electrical wiring, connections, and/or fixtures are used.
10. *Electronic message center*: (See Changeable copy sign, automatic.)
11. *Flashing sign*: A sign which contains an intermittent, sequential flashing or moving light source used primarily to attract attention. Including animated signs and signs which through reflection or other means, create an illusion of flashing of intermittent light. Does not include changeable copy signs.
- [11.1.] *Free standing signs*: A sign supported on the ground or by poles or braces from the ground and not attached to a building.
12. *Government sign*: Any temporary or permanent sign erected and maintained by the township, village, city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
13. *Height (of a sign)*: The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the finished grade of the abutting roadway.
14. *Identification sign*: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
15. *Illegal sign*: A sign, installed after the effective date of this ordinance, which does not meet the requirements of this ordinance.

16. *Illuminated sign*: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating a sign.
17. *Name and/or Address Sign—Residential*: A nonelectric, on-premises, identification sign.
18. *Nit*: A unit of luminance equivalent to one candela per square metre (1 cd /m²)
19. *Non-commercial sign*: Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
20. *Nonconforming sign*:
 - a. A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or
 - b. A sign that does not conform to the Zoning Ordinance but for which a Special Exception Use permit has been granted.
21. *Off-premises sign*: A sign advertising an establishment, located away from the property on which the sign is located, e.g. "billboards" or "outdoor advertising" signs.
22. *On-premises sign*: A sign pertaining to the business on the premises on which the sign is located.
23. *Political sign*: For the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.
24. *Portable sign*: Any sign and sign structure designed to be moved easily and not permanently affixed to the ground or to a structure or building.
25. *Projecting sign*: A sign, other than a wall or marquee sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
26. *Real estate sign*: A temporary sign advertising the structure or real estate upon which the sign is located as being for rent, lease, or sale.
27. *Roof sign*: A sign erected directly over or on the roof of a building.
28. *Rotating sign*: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to the method of changing copy.
29. *Sign*: Any illuminated or non-illuminated device, structure, letter, word, banner, balloon, pennant, insignia, emblem, logo, painting, poster, trade flag, fixture, representation, or placard. The content of the message on the sign shall not be reviewed or considered in determining whether the sign permit shall be approved or denied.
30. *Sign face*: The area of a sign on which the copy is placed.
31. *Subdivision identification sign*: A free-standing or wall sign.
- [13.1.] *Substantially altered*: Any sign and/or sign structure which has been relocated, raised or lowered, had the area of the sign face or structure increased or decreased, or had new materials placed on it shall be considered as having been substantially altered. Maintenance or repair of the existing sign or its structure shall not be considered as a substantial alteration.
32. *Temporary sign*: A sign bearing a message which is displayed before, during and after an event to which the sign relates and which is scheduled to take place at a specific time and place.
33. *Wall sign*: A sign attached parallel to and extending not more than eighteen (18) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

(Ord. No. 04-01-2015, § I, 4-9-2015)

Sec. 18.1. - Purpose.

- A. It is the purpose of this article to promote the integrity of the lakes within Yankee springs township while preserving the quality of recreational use of the inland water; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.
- B. Nothing within this ordinance shall be construed to limit access to the lakes or waterways by the general public by way of a public park, or public access site provided or maintained by any unit of state, county or local government.

Sec. 18.2. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

1. *Access property*: Shall mean a property, parcel, or lot abutting a lake or pond, either natural or man-made, and used or intended to be used, for the purpose of providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.
2. *Public easement or access*: Public easement or access shall mean any right of way or access across any parcel of land from a public or private road, to any lake within Yankee Springs Township, dedicated by a developer. All easements created after July 14, 1994, shall meet the requirements of sections 14.1 through 14.3.

Sec. 18.3. - Regulations.

In any zoning district where a parcel of land is contiguous to a lake or other waterway, either natural or man-made, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two (2) or more dwelling units located away from the water front only if the following conditions are met:

1. That said parcel of land shall contain at least seventy (70) feet of water frontage and a lot depth of at least one hundred (100) feet for each dwelling unit or each single family unit to which such privileges are extended or dedicated. In the Gun Lake Residential Lake Front zoning district, the access parcel shall contain at least one hundred (100) feet of water frontage for each dwelling unit or each single family unit to which such privileges are extended or dedicated in order to maintain consistency with the standards of the other communities surrounding Gun Lake. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
2. That in no event shall water frontage of such parcel of land consist of swamp, marsh, or bog as shown on the most recent U.S. Geological Survey maps, or the Michigan Department of Natural Resources Miris Map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by drainage of water for the purpose of increasing the water frontage required by this article.
3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be

excavated for the purpose of increasing the water frontage required by this article.

4. That access property, as provided for in and meeting the conditions of this ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

(Ord. No. 10-01-10, § IV, 10-14-2010)

Sec. 18.4. - Use of Public Easements.

Use of public easements between public or private roads and any lake in Yankee Springs Township. These rules shall not apply to any easement within Yankee Springs Township where a court of law as previously set up operating regulations.

1. The use of any easement dedicated to the public shall not be limited to any group of residents of the state, county or township except as follows:
 - a. *Use shall be by pedestrian traffic only:*
 - (1) No person shall place anything on any easement that would prevent another person from using any part of the easement.
 - (2) No person shall be prevented from crossing any easement to gain access to any lake within the township.
 - (3) Ingress and egress shall not be denied to any privately owned property.
 - b. *Use of docks, boats, pontoons, jet skis and all other watercraft:*
 - (1) No dock, raft or similar equipment shall be placed in any lake within the boundaries of any easement. This section shall apply to those living adjacent to an easement as well as to those using the easement.
 - (2) No watercraft shall be moored at the end of any easement. This section shall apply to those living adjacent to an easement as well as to those using the easement.
 - c. *Limited hours of use of any public access:* No one shall use any public access between the hours of 10:00 p.m. and 7:00 a.m.
 - d. *Use of alcoholic beverages, drugs and/or controlled substances:* The use of alcoholic beverages, drugs and/or controlled substances shall be prohibited at all times.
 - e. *Nudity:* Full or partial nudity shall be prohibited at all times on any public easement.
 - f. *Trash, garbage and/or other refuse:* Every person using a public easement shall be required to pick up after themselves. Anyone caught littering will be prosecuted to the full extent of the law.
2. Yankee Springs Township shall not be held liable for any damage and/or accidents which may occur on any public easement within the township, and every person is cautioned to use the easements with the greatest of care.

ARTICLE XIX - AMENDMENTS TO ZONING ORDINANCE AND OFFICIAL ZONING MAP

Sec. 19.1. - Description and Purpose.

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of Yankee Springs Township, this ordinance shall not be amended except to correct an error or, because of changed or changing conditions, to rezone an area, extend the boundary of an existing zoning district or to change text of the ordinance. Such

amendment may be initiated by any person, firm, corporation, or organization by filing an application with the zoning administrator. An amendment may also be initiated by a motion of the township board or by the planning commission. The procedures for amendments shall be in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006.

(Ord. No. 03-02-07, § I, 3-8-2007)

Sec. 19.2. - Amendment Procedure.

- A. Applications for amendments shall be filed with the zoning administrator on an appropriate form provided by the township and accompanied by the required fee. All applications for amendments, without limiting the right to file additional material, shall contain the following:
1. The applicant's name, address, and interest in the application along with the name, address and interest of every person, firm, corporation, or organization having a legal right or equitable interest in the land. If the applicant is not the same as the owner(s) of the property, the signature(s) of the owner(s) shall be required as well.
 2. The nature and effect of the proposed amendment.
 3. If the proposed amendment requires a change to the official zoning map, a complete legal description of the subject land, the present zoning classification of the land, the names and addresses of the owners of all subject land, and the legal descriptions of their land within the area to be rezoned.
 4. A fully dimensioned drawing showing the land that would be affected, the zoning classification of all abutting properties, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed improvements on and immediately adjacent to the property under consideration.
 5. If the proposed amendment will correct an alleged error, a detailed explanation of the alleged error and the reasons the proposed amendment will correct the error.
 6. The changed or changing conditions in the area or in the township that make the amendment necessary for the public health, safety and welfare of the township.
 7. A statement as to whether the proposed amendment is consistent with the township land use plan.
- B. The zoning administrator, upon receipt of the application, shall review the application for completeness and refer the application to the planning commission for review. The planning commission shall study the proposed amendment and shall hold a public hearing.
- C. If an individual property or ten (10) or fewer adjacent parcels are proposed for rezoning, the planning commission shall publish a notice of the public hearing in a newspaper of general circulation in the township describing the nature of the proposed rezoning and indicating the property that is subject of the rezoning, including a listing of all existing street addresses within the subject property. The notice shall also state when and where the request will be considered as well as when and where written comments will be received concerning the rezoning.
1. The notice shall also be sent by mail or personal delivery to the owners of property for which approval of the amendment is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the property, and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is within Yankee Springs Township. The term "occupant" may be used if the name of the occupant is not known.
 2. Both the notice in the newspaper and the notice mailed to the above mentioned properties and occupants shall be published or given not less than fifteen (15) days before the date of the hearing.
- D. If eleven (11) or more adjacent parcels are proposed for rezoning, the notice of the public hearing shall be published

in a newspaper of general circulation in the township in accordance with the requirements of subsection C. However, no mailing or delivery of the notice within three hundred (300) feet of the property is required. In addition, no individual address of properties are required to be listed in the published notice.

- E. Following the public hearing, the planning commission shall prepare a report and recommendation on the proposed amendment and forward them to the township board for their consideration and action.
- F. After receiving the report and recommendation from the planning commission, the township board may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole or in part, with or without changes. The township board may also hold its own public hearing on the proposed amendment and shall grant a public hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail addressed to the township clerk.
- G. An application for rezoning which has been denied by the township board shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence, proof of changed conditions found to be valid upon inspection by the township board, a significant revision to the statement of conditions for a conditional rezoning, or a change from a conventional rezoning to conditional rezoning.

(Ord. No. 03-02-07, § I, 3-8-2007)

Sec. 19.3. - Criteria for Amendment of Zoning Map and Zoning Ordinance.

In considering any application for an amendment to the official zoning map or zoning ordinance, the planning commission and township board shall consider the following criteria in making its findings, recommendations, and decision:

1. The consistency with the goals, policies and objectives of the land use plan and any sub-area plans. If conditions have changed since the land use plan was adopted, the consistency with recent development trends in the area shall be considered.
2. The compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
4. Whether the capacity of the township's infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the township.
5. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
6. The apparent demand for the types of uses permitted in the requested zoning district in the township in relation to the amount of land in the township currently zoned and available to accommodate the demand.
7. Whether the boundaries of the requested rezoning district are reasonable in relationship to its surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
8. Other factors deemed appropriate by the planning commission and city commission.

(Ord. No. 03-02-07, § I, 3-8-2007)

Sec. 19.4. - Conditional Rezoning.

- A. *Intent.* There may be certain instances where it would be in the best interests of the township, as well as advantageous to the property owner to request a change in zoning boundaries if certain conditions are proposed by

the property owner as part of the rezoning request. It is the intent of this section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. This option shall apply site planning criteria to achieve integration of the development project into the fabric of the project area.

B. Application and offer of conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or at a later time during the rezoning process prior to the public hearing.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section. All of the application materials required by subsection 19.2.A shall be submitted for a conditional rezoning in addition to any other materials described in this section. The required procedure for a conditional rezoning shall be the same as a conventional rezoning, as provided in section 19.2, except as modified in this section.
 3. The owner's offer of conditions may not purport to authorize uses or densities not permitted in the requested new zoning district.
 4. A conditional rezoning plan (CR plan), prepared by a licensed engineer or architect, shall be submitted with the conditional rezoning application. The CR plan shall provide the location, size, height, design, architecture, and other measures and features of buildings, structures, and improvements on, and in some cases adjacent to, the subject property. The detail to be offered for inclusion on a CR plan shall be determined by the applicant, subject to review and approval by the planning commission and township board. The CR plan shall be used to communicate the site specific conditions in the statement of conditions and shall be attached by reference to the final rezoning agreement. The CR plan shall not replace the subsequent requirements for site plan, subdivision, or other similar zoning review and approvals.
 5. Any use or development proposed as part of an offer of conditions that would require a special exception use permit under the terms of this ordinance may only be commenced if a special exception use permit for such use or development is ultimately granted in accordance with the provisions of Article IV of this ordinance. Review of the special exception use permit should occur subsequent to the review of the rezoning.
 6. Any development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such development is ultimately granted in accordance with the provisions of Article 20 of this ordinance. Review of the variance should occur subsequent to the review of the rezoning.
 7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the township board provided that, if such amendment occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.
- C. Planning Commission Review.* The planning commission, after holding a public hearing and consideration of the factors for rezoning set forth in section 19.3 of this ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

1. Prior to planning commission consideration, the proposed conditional rezoning application and associated materials shall be forwarded to township officials and staff for preliminary review and comment. If it is determined that the application is not complete, then the applicant shall be contacted to inform them of the additional information that is required.
 2. If deemed necessary by the zoning administrator or planning commission, the proposed application shall be forwarded to the township board, township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs borne by the applicant.
 3. Public hearing. The conditional rezoning application shall be placed on the agenda for planning commission review and scheduled for a public hearing according to the notice requirements and procedures of section 19.2 above.
 4. Action by the planning commission. Following the hearing on the proposed amendment, the planning commission shall within a reasonable time, make findings of fact based on the review criteria in section 19.3. It shall transmit these findings to the township board, together with the comments made at the public hearing and its recommendation.
- D. *Township board review.* After receipt of the planning commission's recommendation, the township board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request, in accordance with the procedures in subsection 19.2.F. The township board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in section 19.3 of this ordinance. Should the township board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the township board may refer the proposed amendments to the planning commission for consideration and comment within a specified time or may hold an additional public hearing, either of which shall be in compliance with Section 401 of Public Act 110 of 2006, or as amended.
- E. *Elements of a conditional rezoning application.* The following elements shall be reviewed and approved as an integral part of the conditional rezoning application:
1. CR plan. A conditional rezoning plan (CR plan), with such detail as proposed by the applicant and approved by the township board in accordance with this section (see B.4 above). The CR plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.
 2. Rezoning conditions. Rezoning conditions, shall not propose uses or development not permitted in the intended zoning district and shall not permit uses or development expressly or implicitly prohibited in the statement of conditions. Rezoning conditions may include some or all of the following:
 - a. The location, size, height, and setbacks of buildings, structures, and improvements.
 - b. The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).
 - c. Measures to preserve natural resources or features.
 - d. Facilities to address storm water drainage and water quality.
 - e. Facilities to address traffic issues, for example, through road paving or other road improvements.
 - f. Open space preservation provisions.
 - g. Minimum landscaping, buffering and screening provisions.
 - h. Added landscaping, above and beyond what is required by the zoning ordinance.
 - i. Building design, materials, lighting and sign criteria.

- j. Permissible and prohibited uses of the property.
 - k. Provisions to preserve historic farms, barns and other buildings to preserve the history of the township.
 - l. Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation and reuse of land, where previous use of land has caused severe development difficulties, or has caused blight.
 - n. Drainage improvements, beyond what is required by ordinance, using best management practices.
 - o. Such other conditions as deemed important to the development by the applicant.
3. Statement of conditions. The statement of conditions, which shall be prepared by the applicant (or designee), with the assistance of the township planner or attorney as desired, shall incorporate the CR plan and set forth the rezoning conditions, together with any other terms mutually agreed upon by the parties, including the following terms and requirements:
- a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the township to grant the rezoning, and that the township relied upon such proposal and would not have granted the rezoning but for the terms in the statement of conditions.
 - b. Agreement and acknowledgement that the conditions and statement of conditions are authorized by all applicable state and federal laws and constitution, and that the statement of conditions is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the township.
 - c. Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR Plan and statement of conditions.
 - d. Agreement and understanding that each of the requirements and conditions in the statement of conditions represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - e. The statement of conditions shall be in a form recordable with the Barry County Register of Deeds or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the township board.
 - f. Contain a legal description of the land to which it pertains.
 - g. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 - h. Incorporate by attachment or reference the CR plan and any other diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - i. Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Barry County.
 - j. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of

conditions.

F. *Approval.*

1. If the township board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the township board to accomplish the requested rezoning. Final approval of the conditional rezoning shall not be granted until the statement of conditions has been submitted to the board for review.
2. Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. All parcels involved in a conditional rezoning shall be designated with the suffix "-CR" following the conventional zoning district designation. The zoning administrator shall maintain a listing of all lands rezoned with a statement of conditions.
3. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the Register of Deeds of Barry County. The township board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.
4. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any provisions contained in the statement of conditions.

G. *Rejection of request.* As provided in subsection 19.2.G, an applicant is not required to wait for one (1) year to resubmit a conditional rezoning application if denied by the planning commission or township board as long as the application includes a significant revision to the statement of conditions. Otherwise, one (1) year is required between applications.

H. *Compliance with conditions.*

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this zoning ordinance and be punishable as provided in Article XXI of this ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 2. No permit or approval shall be granted under this ordinance for any use or development that is contrary to an applicable statement of conditions.
- I. *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the township board if:
1. It is demonstrated to the township board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 2. The township board finds that there has not been a change in circumstances that would render the current

zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

The extension may be for up to twelve (12) months, and only one (1) such extension may be granted.

- J. *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection I above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the township board requesting that the planning commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests. (Section 19.2.)
- K. *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection J above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the township clerk shall record with the Register of Deeds of Barry County that the statement of conditions is no longer in effect.
- L. *Amendment of conditions.*
1. During the time period for commencement of an approved development or use specified pursuant to subsection I above or during any extension thereof granted by the township board, the township shall not add to or alter the conditions in the statement of conditions.
 2. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.
- M. *Township right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006, or as amended).
- N. *Failure to offer conditions.* The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this ordinance.

(Ord. No. 03-02-07, § I, 3-8-2007)

Sec. 19.5. - Comprehensive Review of Ordinance.

The planning commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this ordinance and the location of district boundary lines. At least one (1) time per year, the planning commission shall submit a report to the township board on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance. The report shall be a written report, unless the content of the report does not warrant such an effort.

(Ord. No. 03-02-07, § I, 3-8-2007)

ARTICLE XX - ZONING BOARD OF APPEALS

Sec. 20.1. - Establishment of a Zoning Board of Appeals.

There shall be a zoning board of appeals as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, which shall have the powers and duties as prescribed by law, and/or delegated to it under specific provisions of this ordinance.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.2. - Members of the Zoning Board of Appeals.

- A. The zoning board of appeals shall consist of five (5) members and up to two (2) alternate members. One (1) member shall be a member of the township planning commission, one (1) member may be a member of the township board of trustees, and the remaining members shall be selected from the electors of the township residing outside of any incorporated city or village,
- B. The members selected shall be representatives of the population distribution and the various interested present in the township. Geographic distribution of the members shall be considered when making appointments.

(Ord. No. 03-01-07, § VIII, 3-8-2007; Ord. No. 07-01-2017, § I, 7-13-2017)

Sec. 20.3. - Service of Alternate Member(s) of the Zoning Board of Appeals.

- A. The alternate member(s) shall serve in place of any regular member of the Zoning Board of Appeals under any of the following conditions:
 - 1. The regular member shall be unable to attend at least one (1) or more consecutive meetings of the zoning board of appeals.
 - 2. The regular member shall be unable to attend the meetings of the zoning board of appeals for a period of at least thirty-one (31) days; or
 - 3. The regular member shall ask to be excused from a request because of a conflict of interest as listed below.
 - 4. The alternate member shall serve in the case until a final decision is made. The alternate member also has the same voting rights as a regular member.
- B. The zoning board of appeals shall be notified in advance of the time period that the regular member will be absent. The thirty-one-day time period shall not start until the board is informed of the absences.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.4. - Office Restrictions.

- A. The member representing the board of trustees shall not serve as an officer of the zoning board of appeals.
- B. The member representing the township planning commission shall not serve as an officer of the zoning board of appeals.

Sec. 20.5. - Terms of Office.

A. *Appointment of a new zoning board of appeals:*

- 1. The three (3) members appointed from the electors of the township shall include one (1) member appointed until January 1 of the next year, a maximum of one (1) year; one (1) member appointed until January 1 of the following year, a maximum of two (2) years; and one (1) member appointed until January 1, two (2) years hence, a maximum of three (3) years.

B. *Appointments to existing board of appeals:*

- 1. The appointment of representatives from the electors shall be for the balance of an unexpired term or for a new

three-year term and until a successor has been appointed. Such successor shall be appointed within ninety (90) days of the resignation or one (1) month after the expiration of the preceding term.

2. The appointment of a representative of the township board of trustees shall be for a period of not more than one (1) year, which may be renewed each year. All terms shall end on December 31 of the year of appointment.
3. The township planning commission shall, at its November meeting, recommend to the township board of trustees a member of the planning commission to be their representative on the zoning board of appeals. The township board of trustees may accept the recommendation of the planning commission or appoint another member of the planning commission to represent the planning commission for the ensuing year.
4. The appointment of an alternate member of the zoning board of appeals shall be the same as for a regular member, as described above.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.6. - Vacancies.

- A. *By resignation of a public or alternate member:* Should a vacancy occur on the board of appeals the vacancy shall be filled by the board of trustees for the balance of the term remaining.
- B. *By township board of trustees or planning commission representative:* A vacancy by the representative of the township board of trustees or planning commission shall be filled in the same manor as the original representative was appointed.
- C. *By removal of township board:* A member of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure of a member to disqualify him or herself from a role in which this member has a conflict of interest (see [Section 20.7](#)) shall constitute malfeasance in office.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.7. - Conflict of Interest.

- A. A member of the zoning board of appeals shall disqualify himself/herself from a vote in which he/she has a conflict of interest:
- B. A member of the board of appeals shall have a conflict of interest when any of the following conditions exist:
 1. The applicant is the employer, supervisor, or works with the member or vice versa.
 2. The applicant is related to the member, either by blood or marriage.
 3. The applicant has a financial agreement, either completed or pending with the member.
 4. The applicant lives or owns property within three hundred (300) feet of the member's residence.
 5. The applicant has accepted a gift, loan of money, goods or other thing of value from the applicant or his representative.
 6. Any other condition for which the member feels he/she has a conflict of interest.

Sec. 20.8. - Authority of the Board of Appeals.

The board of appeals shall:

1. Hear and decide upon requests for interpretations of the provisions of the zoning ordinance.
2. If there are practical difficulties for nonuse variances, the zoning board of appeals may grant a variance so that

the spirit of the zoning ordinance is observed, public safety is secured, and substantial justice done. Practical difficulties are issues relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.

3. Hear and decide appeals where it is alleged by the applicant that there is an error in the refusal of a zoning permit or in any other order, requirement, decision or determination made by the planning commission or zoning administrator.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.9. - Limitations of the Authority of the Zoning Board of Appeals.

- A. Nothing contained within this ordinance shall be deemed to authorize the zoning board of appeals to validate, ratify or legalize any violation of law or any of the regulations of this ordinance.
- B. The zoning board of appeals shall not amend any portion of the zoning ordinance or the zoning map.
- C. The zoning board of appeals shall not grant use variances.
- D. A decision of the zoning board of appeals, granting a variance, shall be valid for a period of six (6) months, from the day of notification of the granting of the variance, during which time a building permit must be obtained and the erection or alterations commenced.
- E. No application for a variance which has been denied wholly or in part by the zoning board of appeals shall be resubmitted for a period of one (1) year from the date of the denial except on the grounds of newly discovered evidence or proof of changed conditions.

Sec. 20.10 - Application for a Variance or Appeal.

- A. An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government.
- B. An application form, as provided by the zoning administrator, shall be completed and submitted at least thirty (30) days prior to the desired date of the zoning board of appeals hearing along with all applicable and required materials.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.11 - Public Hearing and Procedures.

- A. Following receipt of a written request concerning a variance, the zoning board of appeals shall fix a reasonable time for a hearing of the request and publish a notice in a newspaper of general circulation in the township, describing the nature of the request, indicating the property that is the subject of the request, including a listing of all street addresses within the property (if there are none, other means of identification may be used), stating where and when the request will be considered, along with where and where written comments concerning the request will be received. The notice shall be published not less than fifteen (15) days prior to the date of the public hearing.
- B. Notice shall be sent by mail or in person to the owners of property for which the variance is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in Yankee Springs Township.
- C. The notice shall be given not less than fifteen (15) days before the date of the hearing. If the name of an occupant is

not known, the term "occupant" may be used in making the notification.

- D. Upon receipt of a written request for an interpretation of the zoning ordinance or 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 requesting the interpretation not less than fifteen (15) days before the public hearing. The notice shall describe the nature of the request, state where and when the request will be considered, state where and when written comments should be submitted, and if applicable, include a listing of all street addresses on the property being considered in the application. In addition, if the request for an interpretation or an appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation or request shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
- E. At the hearing, a party may appear in person or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

Sec. 20.12 - Final Decision and Appeal.

- A. A concurring vote of the majority of the members of the zoning board of appeals shall be necessary to approve an application.
- B. The decision of the zoning board of appeals shall be final.
- C. A party aggrieved by the decision of the zoning board of appeals may appeal to the Circuit Court of Barry Count per the requirements of Section 606 of the Michigan Zoning Enabling Act (P.A. 110 of 2006). Such an appeal must be filed within thirty (30) days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision.

(Ord. No. 03-01-07, § VIII, 3-8-2007)

ARTICLE XXI - PENALTIES

Sec. 21.1. - Municipal Civil Penalties.

Any violation of this ordinance shall be deemed a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not more than five hundred (\$500.00) dollars, along with costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than nine dollars (\$9.00), nor more than five hundred dollars (\$500.00) be ordered. A violation of this ordinance shall also be subject to additional sanctions and judicial orders as authorized under Michigan law.

Sec. 21.2. - Other Penalties.

The township reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

Sec. 21.3. - Each Day Separate Offense.

Each day that a violation of this ordinance continues to exist shall constitute a separate offense.

Sec. 21.4. - Guilty Must Comply with Ordinance.

The imposition of any fine or sentence shall not exempt an offender from compliance with the provisions of this ordinance.

ARTICLE XXII - VALIDITY, INTERPRETATION AND FEES

Sec. 22.1. - Validity.

Should any article, section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such article, section, subsection, clause or provision shall not affect the validity of the ordinance in its entirety or any part thereof other than that portion so declared to be invalid.

Sec. 22.2. - Interpretation.

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

Sec. 22.3. - Fees.

Fees shall be established by the Yankee Township Board of Trustees.

Editor's note— Section 22.3 was added by the editor at the direction of the township clerk.

ARTICLE XXIII - AUTHORITY; EFFECTIVE DATE; REPEAL CLAUSE

Sec. 23.1. - Authority for Enactment; Effective Date; Repeal Clause.

This ordinance has been enacted pursuant to the provisions of the Township Rural Zoning Act (C.L. 48, Section 125.271 et seq.) and shall take effect on November 29, 1979. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed. Amendments to this ordinance adopted after July 1, 2006, have been enacted pursuant to the provisions of the Michigan Zoning Enabling Act (P.A. 110 of 2006).

(Ord. No. 03-01-07, § IX, 3-8-2007)

TABLE OF AMENDMENTS

This table contains a chronological listing of the ordinances amending the zoning ordinance beginning with Ord. No. 09-01-06, and including the disposition of each ordinance.

Ordinance Number	Date	Section	Section/ Subsection this Publication
09-01-06	9-1-2006	I Amded	<u>2.1</u>
		II Dltd	15.5.1—15.5.7

		Added	<u>5.1—5.20</u>
		III Amded	<u>12.4(2, 3.b),</u> <u>12.5(2), 12.6</u>
		Added	<u>12.5(3, 4)</u>
		IV Amded	<u>14.4(3)</u>
01-02-07	1-11-2007	I, II Amded	<u>2.1</u>
		III Amded	<u>12.3(4.b, c)</u>
		IV Amded	<u>12.7(3.b, c)</u>
		V Added	<u>12.14</u>
		VI Added	<u>3.15(A)</u>
03-01-07	3-8-2007	I Amded	<u>1.2</u>
		II Amded	<u>2.1</u>
		III Added	<u>3.3(B.12—15),</u> <u>3.4(B.11—14),</u> <u>3.5(B.9—12),</u> <u>3.6(B.10—13),</u> <u>3.7(B.8—11),</u> <u>3.8(C.8—11)</u>
		Amded	<u>3.3(C.4),</u> <u>3.4(C.2),</u> <u>3.5(C.2),</u> <u>3.6(C.3),</u> <u>3.7(C.2),</u> <u>3.8(E.4),</u> <u>3.10(C.1),</u> <u>3.11(B.3),</u> <u>3.12(B.3)</u>
		IV Amded	<u>4.2, 4.5(C)</u>
		V Amded	<u>7.1</u>
		VI Amded	<u>8.3(A, B)</u>
		VII Amded	<u>9.4(A, B, D),</u> <u>9.5(D, E)</u>
		VIII Amded	<u>20.1—20.3,</u> <u>2.5(b.4), 20.8(2),</u> <u>20.10</u>
		Added	<u>20.6(C), 20.11,</u> <u>20.12</u>
		IX Amded	<u>23.1</u>
03-02-07	3-8-2007	I Added	<u>19.1—19.5</u>
12-01-07	12-13-2007	I Amded	<u>12.7</u>
04-01-08	4-10-2008	I Amded	<u>3.9</u>
		II Amded	<u>2.1</u>
		III Amded	<u>4.5</u>
		IV Amded	<u>9.2, 9.3</u>
07-01-08	7-10-2008	Amded	<u>12.9</u>
12-01-08	12-11-2008	I Amded	<u>3.12(B, C)</u>
09-01-09	9-10-2009	I Added	<u>12.9.I</u>
09-02-09	9- 2-2009	I Amded	<u>2.1</u>
		II Amded	<u>12.4</u>

07-01-10	7- 8-2010	I	Added	<u>3.16</u>
10-01-10	10-14-2010	I	Amded	<u>2.1</u>
		II	Added	<u>3.8.1</u>
		III	Amded	<u>2.1, 2.4—2.9</u>
		IV	Amded	<u>18.3</u>
05-05-11	5-12-2011	I	Amded	<u>3.10(C)</u>
		II	Amded	<u>4.5(N)</u>
09-01-11	9- 8-2011	I	Amded	<u>2.1</u>
09-01-12	9-13-2012	I	Added	4.5.N.4.c
09-02-12	9-13-2012	I	Added	14.3.A.8
07-24-13	7-24-2013	I	Amded	12.7.6
06-01-14	6-12-2014	I	Added	<u>4.5 T.</u>
04-01-2015	4- 9-2015	I	Rpld	<u>17.1—17.13</u>
			Added	<u>17.1—17.13</u>
10-01-2015	10- 8-2015,	I	Rpld	art. XII, <u>§§ 12.1—12.14</u>
	eff. 10-26-2015		Added	art. XII, <u>§§ 12.1—12.15</u>
02-01-2016	2-11-2016	I	Amded	<u>3.16</u> F.6.
		II	Amded	<u>12.4</u> 3.b.1.
07-01-2017	7-13-2017	I	Amded	20.2.A.
10-01-2017	10-12-2017	I	Added	2.1.55.
		II	Added	4.5.L.
		III	Amded	12.10.B.
09-01-2018	9-13-2018	I	Added	<u>2.1</u> 11.
		II		<u>12.6</u>
05-01-2019	5- 9-2019	I	Amded	<u>13.2, 13.3</u>
			Amded	<u>13.6</u> A., B.
			Rpld	<u>13.7</u>
03-02-21	3-11-2021	I	Added	<u>2.1</u> 26.1
		II	Amded	<u>4.5 J.</u>
03-04-21	3-11-2021	1—8	Added	<u>10.1—10.8</u>
05-02-21	5-13-2021	I	Amded	<u>3.16</u> F.2.a.
		II	Amded	<u>3.16</u> F.4.a., b.
		III	Amded	<u>12.4</u> 3.a.(2)
		IV	Amded	<u>12.4</u> 3.b.(2)