

FRASER TOWNSHIP BAY COUNTY, MICHIGAN

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FRASER TOWNSHIP ZONING ORDINANCE

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***FRASER TOWNSHIP
BAY COUNTY, MICHIGAN***

ZONING ORDINANCE

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**ZONING ORDINANCE
TOWNSHIP OF FRASER, BAY COUNTY, MICHIGAN**

TITLE

An ordinance to regulate the use of land, natural resources and structures; to regulate structures designed for trade, industry, residence or other specified uses; to regulate and limit the height, the area, the size and location of structures hereinafter to be erected or altered; to regulate and determine the area of yards, or other open spaces; to control congestion in the streets, to secure safety in case of fire, to prevent the overcrowding of land, to bring about the gradual conformity of the uses of land and buildings and for such purposes to divide the Township into districts and zones, to establish a Board of Appeals; to provide for the administration and enforcement of the provisions of this ordinance and to prescribe penalties for the violation thereof; in accordance with authority conferred by Public Act 110 of 2006, as amended.

ENACTING CLAUSE

THE TOWNSHIP OF FRASER ORDAINS:

ARTICLE I TITLE

SECTION 100. TITLE.

This Ordinance shall be known and may be cited as the "Fraser Township Zoning Ordinance," and will be referred to herein as "this Ordinance."

ARTICLE II CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 200. CONSTRUCTION OF LANGUAGE.

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural and the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 201. DEFINITIONS.

Accessory Building: A building or portion of a building subordinate to a main building on the same lot occupied by, or devoted exclusively to, an accessory use.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Swimming pools for the use of the occupants of a residence, or their guests.
2. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

3. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed including garages, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
7. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: A person having arrived at the legal age of eighteen (18) years as defined by the laws of the state of Michigan.

Adult Entertainment Uses: Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult entertainment uses shall include, but not be limited to, the following:

1. **An adult motion picture theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
2. **An adult mini-motion picture theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
3. **An adult motion picture arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
4. **An adult book store** is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
5. **An adult cabaret** is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

6. **An adult motel** is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
7. **An adult massage parlor** is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."
8. **An adult model studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
9. **An adult sexual encounter center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
 - a. Significant Portion - As used in the above definitions, the phrase "significant portion" shall mean and include:
 - 1) Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
 - 2) The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
 - 3) The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
 - b. Display - As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
 - c. "Specified Sexual Activities"
 - 1) Human genitals in a state of sexual stimulation or arousal;
 - 2) Acts of human masturbation, sexual intercourse or sodomy;
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - d. "Specified Anatomical Areas"
 - 1) Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola; and,

- 2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- e. Regulated Uses - Those uses and activities which require licenses, approval or permits by Township regulations.

Adult Foster Care Facility: A governmental or non-governmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

Adult Foster Care Family Home: A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per 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.

Adult Foster Care Large Group Home: An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall be provided foster care.

Adult Foster Care Small Group Home: An adult foster care facility with the approved capacity of seven (7) but not more than twelve (12) adults who shall be provided foster care.

Aged: An adult whose chronological age is sixty (60) years of age or older, or whose biological age, as determined by a physician, is sixty (60) years of age or older.

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

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

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: Arcade shall mean any place of business or establishment whose principal use shall be the housing of mechanical or electronic amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skill ball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

Architectural Features: A prominent or significant part or element of a building, structure, or site including, but not limited to cornices, eaves, gutters, belt cornices, window projections, chimneys, and decorative ornaments.

Automobile Service/Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Operations: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Boarding House: A dwelling where lodging and meals are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Building: A structure erected on site, a mobile home or mobile structure, a pre-manufactured or precast structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. (See Diagram.)

Building Inspector (Official): The administrative official designated by the Township Board with the responsibilities of administering and enforcing the Building Code.

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

Certificate of Occupancy: A document issued by the Township of Fraser or designated agency allowing the occupancy or use of a building and/or land and certifying that the structure or use has been constructed and will be used in compliance with the applicable municipal codes and ordinances.

Cervidae Facility: A privately owned enclosed facility designed to raise all varieties of deer and closely related species such as elk, moose and caribou (cervids) for either agricultural purposes or captive hunting purposes as regulated by the Michigan Department of Agriculture (MDA) and the Michigan Department of Natural Resources and Environment (MDNRE).

Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a group of physicians, dentists, veterinarians or similar professionals.

Club: Any facility established to provide recreational or social activities for exclusive use of its members, their families, and guests.

Club: Any facility established to provide recreational or social activities for exclusive use of its members, their families, and guests.

Cluster Development: A form of development that permits a reduction in lot area and width requirements provided there is no increase in the number of lots or dwelling units permitted under a conventional subdivision, site condominium development or a Planned Unit Development project in the underlying zoning district with the remaining land area being devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

Cul-de-sac: A street terminating at one end, with a turning radius.

Convalescent Home: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

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

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Direct Access: Access not requiring trespass over adjacent property or rights-of-way.

Display: As used in connection with Adult Entertainment Use, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

District: A portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.

Dwelling: A building, or portion thereof, designed for occupancy and exclusively used for human habitation.

Dwelling, Attached: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Dwelling, Detached: A dwelling which is not attached to any other dwelling by any means.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

Dwelling, One-Family: A building designed exclusively for one (1) family for residential use.

Dwelling, Semi-Detached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.

Dwelling, Townhouse: A one-family dwelling in a row of two (2) but no more than four (4) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-Family: A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-

pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

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

Dwelling Unit, Efficiency: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Dwelling Unit, Manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Earth Berm: A mound of earth planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas, commercial and industrial uses and to reduce noise and dust from adjacent uses and passersby.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal system, including poles, wires, cable television facilities, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals and hydrants and other similar equipment and accessories in connection with, but not including, buildings. For purposes of this Ordinance, essential services shall not include Wireless Communication Facilities. (Refer to Section 1603 for the regulation of Wireless Communication Facilities.)

Excavation: Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

Family: A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Family Day Care Home: A private home in which one but less than seven 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. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Farm: A parcel of land that is used primarily for the cultivation of agricultural crop production and/or for the raising of livestock.

Farm Buildings: Any building or structure used for agricultural purposes.

Feed Lot: A tract of land or structure, pen, or corral, wherein cattle, sheep, goats, swine or other livestock animals are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence: A wall composed of posts carrying boards, rails, pickets, or wire, or iron structures consisting of a vertical or horizontal bars.

Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

Floodplain: The channel and the area adjoining the channel of a any water source such as but not necessarily limited to rivers, streams, lakes, drains that has been or may be covered by floodwater.

Floor Area:

Gross: The sum of the horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor to ceiling height is less than six feet.

Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Usable: (For the purposes of computing parking) That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Foster Care: The provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours per day, five (5) or more days per week, and for two (2) or more consecutive weeks of compensation.

Front Building Face Area: The facade of the building facing the front line calculated as its width multiplied by the building height.

Frontage: The minimum width required in a use district and/or the width of any lot or parcel of land, which abuts a public right-of-way or private road easement.

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Service: Any premises used for the storage or maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Gasoline Filling Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale or minor accessories and convenience items, but not including any automotive repair.

Gasoline Service Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance four (4) feet out from the edge of the building.

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

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital.

Health Club (Salon): A commercial establishment offering products and/or services related to health, including tanning salons, weight reduction centers, massage therapy, weight and exercise training facilities.

Home for the Aged: A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older when the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Home Occupation: An occupation allowed as an accessory use incident to a dwelling unit, carried on by the immediate family members inhabiting the dwelling unit, which is clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes.

Hospital: See Health Care Facility

Hotel: See Overnight Lodging:

Household: A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty (60) years of age or older, or couples where either spouse is sixty (60) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

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

Kennel: Any lot or premises on which four (4) or less dogs or other household pets are either permanently or temporarily boarded for remuneration.

Kennel, Commercial: Any lot or premises on which more than four (4) dogs or other household pets are either permanently or temporarily boarded or sold for remuneration.

Livestock: The keeping or maintenance, for sale or lease, or for personal use, animals useful to man including but not limited to: bison, dairy animals, beef cattle, alpacas, lamas, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding or grazing of any or all such animals including elk, deer, or any other wild breed grazing animals.

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

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

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

Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See Diagram.)

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

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

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

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

Lot, Lake: A lot having frontage directly upon a lake, natural or manmade, river, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated as the frontage of lot (front yard), and the opposite side shall be designated the street frontage of the lot (rear yard). In both cases, however, the front yard setback requirements shall apply.

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

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street right-of-way line.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into

a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Township Assessor, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot, Through: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of through lot frontages, one (1) street will be designated as the front street for all lots. If there are existing buildings in the same block fronting in one or both of the streets, the required minimum front setback shall be observed on those streets where buildings presently front.

Lot, Width: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines or in the case of a corner lot, the side lot line and opposite lot line.

Lot, Zoning: A single tract of land, which may include one or more lots of record, which conforms with this Ordinance with respect to area, size, dimensions and frontage in the district.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Major Thoroughfare: A County Primary Paved Road which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and is designated as a Primary Paved County Road in the Fraser Township Master Plan.

Manufactured Housing: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (Act 42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Marginal Access Drive: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

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

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Mini-Warehouse (Self-Storage Facility): A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

Mobile Home: A detached residential dwelling unit with a body of not less than thirty-five (35) feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle. In addition, mobile homes which do not conform to

the standards for one-family dwellings, of this Ordinance, shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential use.

Modular Housing: A factory-built, single-family structure that is transportable in one or more sections, but which is not constructed with permanent wheels/axles or hitch other than for the purpose of delivery to a permanent site and is designed to look like site-built housing with pitched roofs, conventional roofing and siding materials and attached to a permanent foundation which is coterminous with the perimeter of the structure. Modular housing may include amenities such as, but not limited to patios, attached or detached garages, decks, etc.

Motel: See Overnight Lodging.

Motorized Home: A self-propelled motor vehicle which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

Municipality: The Township of Fraser, Bay County, Michigan.

Myomassologist (massagist): Any person who administers to another person for monetary or valuable consideration a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, or manipulation of the body or similar procedure.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Lot: Any lawfully existing lot, out lot, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance at the effective date of this ordinance, or amendments thereto.

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

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) light, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) effluent.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupied: The word occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Offensive: Any work in connection with an adult entertainment use in which the representations appear, taken as a whole, appeals to the prurient interest and patently depicts or portrays the sexually explicit material in a manner which, taken as a whole, lacks serious literary, artistic, political, or scientific value. In other instances, the term offensive shall mean any annoying, unpleasant, or obnoxious thing or practice, cause, or source of annoyance (see also Nuisance Factors).

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

Off-Street Parking Facility: 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.

On-Street Parking Space: A temporary storage area for a motor vehicle which is located within a dedicated right-of-way.

Open Air Business Use: An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.
2. Outdoor display and sale of garages, swimming pools, and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

Overnight Lodging Facility (Hotel/Motel/Motor Inn): An establishment or building(s) providing a number of bedrooms, baths, etc., and usually food, for the accommodation of travelers or other transient guests.

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

Planned Commercial or Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Planned Unit Development (PUD): An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this Ordinance.

Pond: A body of water either naturally formed or manmade consisting of five (5) acres or less.

Porch: A projection on a building or structure containing a floor, which may be either totally enclosed or open.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Private Driveway: A means of access to not more than two (2) residential building sites designed and constructed to the standards found in the Fraser Township Private Road and Driveway Ordinance.

Private Road: A road which is not maintained by the Bay County Road Commission and which serves more than two (2) parcels of and is not part of a subdivision created under State Act 288, P.A. 1967.

Public Building: Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

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

Recreation Area: A public place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational Vehicle: A vehicle intended for recreational use which moves one (1) or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled.

Restaurant:

1. **Standard Restaurant:** A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the consumption of food on the premises.
2. **Carry-Out Restaurant:** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation encourages the consumption of food off-site or it may permit incidental consumption on the premises.
3. **Drive-In/Drive-Through Restaurant:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, which includes foods, frozen desserts, or beverages being served directly to the customer in a motor vehicle which eliminate the need for the customer to exit the motor vehicle.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Setback: The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance.

Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any

banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. (Also, see Section 1614,4).

Special Approval Use: Any use of land listed as a Principal Use Permitted Subject to Special Approval which, due to its potential effect on adjacent lands, in particular, and the overall Township in general, requires approval by the Township Planning Commission according to the standards as provided in this Ordinance.

Stable, Private: A building or land incidental to an existing residential, principal use, that shelters animals for the exclusive use of the occupants of the premises.

Stable, Public: A building or land where animals are kept for remuneration, hire, sale, boarding, riding, or show.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. Basements and attics shall not constitute a story unless they qualify as a story by their respective definition.

Story, Half: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet. For the purposes of this Ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

Streets: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, streets shall be defined to also include the term roads. Streets are further classified by the functions they perform.

1. Local (minor) streets: streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
2. Collector (secondary) streets: streets primarily designed to provide access to abutting land parcels, and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
3. Major (primary) streets: streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

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

Swimming Pool: Any constructed or portable pool, used for swimming or bathing over 24 inches in depth, or with a surface area exceeding 160 square feet.

Tavern (Bar, Lounge): An establishment licensed to sell alcoholic beverages to patrons for consumption on the premises.

Temporary Use or Temporary Building: A use or building permitted by the Township to exist during a specified period of time.

Therapeutic Massage: A method of treating external parts of the body for remedial or hygienic purposes consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument electric, magnetic or otherwise.

Transitional Use/Zone: A use or zoning district that permits uses compatible with uses permitted in two adjacent zones that, without a buffer zone incorporating a less intensive use, could be considered incompatible to each other.

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.

Variance: Permission to depart from the literal requirements of the Zoning Ordinance as authorized by the Township's Board of Zoning Appeals.

Variance, Nonuse: A departure from the provisions of the Zoning Ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

Wireless Communication Facilities (WCF): All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham, amateur radio facilities, and satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

Wireless Communication Support Facilities (WCSF): A monopole, guyed, or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

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

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Administrator (Inspector): The administrative official designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.

Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements are established by this Ordinance.

ARTICLE III ZONING DISTRICTS AND MAPS

SECTION 300. SCOPE OF THE ORDINANCE.

No building or structure, or part thereof, shall hereafter be erected, constructed, placed, altered, or moved; and no new use or change-in-use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

SECTION 301. DISTRICTS ESTABLISHED.

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

Residential Districts

AG	Agricultural District
RF	Rural Small Farm District
SE	Suburban Estates Residential District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
RT	Two-Family Residential District
RM	Residential Multiple-Family District
RMH	Mobile Home Park District

Nonresidential Districts

C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	General Commercial District
L-1	Light Industrial District

SECTION 302. ZONING DISTRICT BOUNDARIES.

The boundaries of these zoning districts are hereby established as shown on the Zoning Districts Map, Fraser Township Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

SECTION 303. ZONING DISTRICT BOUNDARIES INTERPRETED.

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the Zoning Districts Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline;

boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Appeals shall interpret the zoning district boundaries.
8. Insofar as some or all of the various zoning districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that such zoning district boundaries do extend to the center of any public right-of-way.

SECTION 304. ZONING OF VACATED AREAS.

Whenever any street, alley or other public way, within Fraser Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

SECTION 305. ZONING COMPLIANCE PERMITS.

A zoning compliance permit shall be acquired from the Zoning Administrator before construction is undertaken or any structure is moved within the Township and before any change in the use of the land, structure, or building is undertaken.

SECTION 306. PRINCIPAL USES PERMITTED.

All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as "Principal Uses Permitted" is prohibited in that district, unless they are listed as "Uses Permitted After Special Approval" in the district.

SECTION 307. USES PERMITTED AFTER SPECIAL APPROVAL.

All uses of land or structures listed as "Uses Permitted After Special Approval" are permitted within the district under which they are listed, provided that the Planning Commission approval has been granted pursuant to the provisions of Section 1702.

SECTION 308. SITE PLAN REVIEW.

Whenever a building permit is required for the erection or structural alteration of any building (other than single-family dwellings, two-family dwellings, farm buildings, or buildings accessory thereto) a site plan shall be prepared and submitted to the Planning Commission for review pursuant to the requirements of Section 1700.

SECTION 309. AREA, SETBACK AND HEIGHT.

All uses of land or structures shall comply with the area, setback, and height requirements found in Section 1500, for the zoning districts in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

ARTICLE IV AG, AGRICULTURAL DISTRICT

SECTION 400. INTENT.

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

SECTION 401. USES PERMITTED.

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Farms, farm buildings and farm uses including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock and including breeding and grazing; cervidae facilities; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar bona fide agricultural enterprises or use of land and structure.
 - a. No livestock may be kept on parcels of land containing less than seven (7) acres. No poultry or rabbits may be kept on parcels of land containing less than one (1) acre.
 - b. No more than two (2) head of livestock, including horses, may be kept on the first seven (7) acres of land and no more than one (1) additional head of livestock may be kept on each additional one (1) acre of land. Parcels of twenty (20) acres or more shall not be subject to the restrictions as to the number of livestock per acre.
 - c. Land on which livestock, poultry, or rabbits are kept shall not be within a platted subdivision, site condominium, cluster housing development, Planned Unit Development (PUD), or multiple-family project nor should it abut said developments.
 - d. Livestock, poultry, or rabbits shall be kept only for non-commercial purposes such as 4-H projects or family use.
 - e. Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing livestock on a parcel of land. Any such housing shall be no less than one hundred (100) feet away from any property line.
 - f. Cervidae facilities for deer, elk, moose and caribou shall require a permit from the MDNRE to hold cervids in an enclosure, which shall be fully enclosed by a woven wire fence of at least ten (10) feet in height. The wire shall not have openings greater than six (6) inches by six (6) inches. Post shall not be placed greater than twenty (20) feet apart. Metal post shall be constructed of two (2) inch minimum diameter (inside diameter) and round wood posts shall not be less than four (4) inches in diameter at the smaller end. All corner posts and gate posts shall be at least fifteen (15) feet long with at least five (5) feet below ground. Said fences shall be inspected on a monthly basis by the owner/operator with the findings being made available to the Township upon request.
 - g. Cervidae facility specifications for deer, elk and moose enclosures shall require at least 1,000 square feet of exterior space for each deer and 1,500 square feet for each elk or moose.

- h. Cervidae facilities shall expressly prohibit the raising or the captive holding of feral swine or any crosses of feral swine.
 - i. Cervidae facilities that incorporate captive hunting shall contain not less than eighty (80) acres of land and meet the above criteria in items "f" thru "h", including all regulations as established by the MDA and MDNRE that regulate captive hunting.
2. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
 3. Trees and shrub nurseries.
 4. Agricultural retail facilities. The retail sale of agricultural products at roadside stands (either temporary or permanent) to the general public shall be part of the operation of the legitimate farming activity and incidental thereto. The primary purpose of the agricultural retail facility shall be for the retail sale of products grown or raised on the premises without prejudice to minor supplemental sales of agricultural products not grown on the property.
 5. Facilities used in the research and testing of agricultural products and techniques.
 6. Single-family detached dwellings.
 7. Home occupations in accordance with Section 1609 (Class I, II, of III).
 8. Bed and breakfast operations in accordance with Section 1610.
 9. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
 10. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
 11. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
 12. Churches, synagogues, and temples.
 13. Cemeteries.
 14. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses.
 15. Accessory buildings and uses customarily incidental to any of the above permitted uses including one (1) temporary building for the sale of nursery stock or other agricultural products raised on the premises.

SECTION 402. USES PERMITTED AFTER SPECIAL APPROVAL.

The following Special Approval Uses shall be permitted, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. Private or public camp or recreation grounds for use of persons seeking a temporary location for vacation or recreation purposes, subject to the following conditions:
 - a. Any portable dwelling such as but not limited to travel trailers, motor homes, tents, etc., located in said area shall be seasonal in nature and shall not be used for year-round residence. Spaces shall be rented by the day or week only, and occupants of such space shall remain in the same area not more than thirty (30) days.
 - b. Proper arrangements shall be made for water and sanitation purposes through Fraser Township and the Bay County Health Department.
 - c. There shall be maintained a twenty (20) foot greenbelt providing a year-round obscuring screen at the periphery of the proposed development.
 - d. All uses established under this provision shall be located with direct access to a major thoroughfare and with appropriate frontage thereon to provide for the design of entrances and exits.
 - e. Site Conditions: Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
 - f. Location Requirements: Parcels being proposed for all uses established under this provision may be permitted in the One-Family Residential Districts after receiving Planning Commission approval.
 - g. No uses permitted under this provision shall be located closer than one hundred (100) feet to the right-of-way line of a major thoroughfare, or thirty-five (35) feet to any property line.
 - h. Each campground site shall have a minimum of twenty-five (25) foot road frontage and a minimum area of one thousand eight hundred (1,800) square feet.
 - i. Recreation campgrounds shall be permitted only on parcels of fifteen (15) acres or more.
 - j. Accessory Uses: Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities and other uses and structures customarily incidental to the operation of all uses established under this provision are permitted as accessory uses. In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses where such uses are not allowed as principal uses, subject to the following conditions.
 - 1) Such establishments and the parking areas primarily related to their operations shall not occupy more than ten (10) percent of the total area or grounds.
 - 2) Such establishments shall be restricted in their use to occupants of the camp or grounds.
 - 3) Such establishments shall present no visible evidence to their commercial character which would attract customers other than occupants of the camp or grounds.
 - 4) All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from abutting or adjacent properties.

- k. All uses established under this provision shall require site plan review and approval of the Township Planning Commission.
2. Auction Sales Establishments
- a. Auction sales establishments shall be limited to farm related auctions.
 - b. All parking shall be provided as off-street parking within the boundaries of the development.
 - c. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district.
3. Public and private shooting ranges and gun clubs subject to the following:
- a. Every shooting range shall be constructed and maintained in accordance with nationally recognized safe practice standards set forth by the National Rifle Association. Each range shall be of sufficient size and appropriate design to permit the discharge of firearms without endangering the safety of persons within the velocity area of the various firearms utilized.
 - b. Every shooting range shall be posted with signs that indicate the area as a shooting range. Adequate backstops, bench rests, baffles and necessary safety features shall be provided. There shall be a greenbelt or open area not used for shooting along the perimeter of the shooting range. Such greenbelt or open space shall be a minimum of two hundred (200) feet in width.
 - c. The Commission shall consider safety and noise factors and methods of minimizing related problems. There shall be no shooting between the hours of 7:00 p.m. and 9:00 a.m.
 - d. The application shall be accompanied by plans and drawings showing the area of land, shooting areas, and the backstops or buildings to be used.
 - e. Trap and skeet shooting should be established under the rules and regulations of the Michigan Trap and Skeet Association.
4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
- a. The site shall be planned as to provide principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - b. The site shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrians and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of controlled gate.
 - e. No building shall be closer than seventy-five (75) feet to any property line.

5. Home for the Aged (Congregate Care Facility or Adult Foster Care Facility for more than six (6) adults when the following conditions are met:
 - a. Minimum lot size shall be three (3) acres.
 - b. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - c. No structure shall be located closer than forty (40) feet to any property line.
 - d. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the facility there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscaped setbacks, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The fifteen hundred (1,500) square feet requirement is over and above the building coverage area.

6. Housing for the elderly when the following conditions are met:
 - a. All housing for senior citizens shall be constructed on parcels of at least four (4) acres and may provide for the following:
 - (1) Cottage type one-story dwellings and/or apartment type dwelling units.
 - (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - b. Minimum dwelling unit size shall be three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.
 - d. Buildings of greater height than the maximum height allowed in Article XIV, Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

7. Local municipal administration buildings used predominately for the general conduct of government. Such buildings include, but are not limited to, Township municipal building and other headquarters of government where the governing body regularly meets, subject to the following conditions:
 - a. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - b. The minimum lot size required shall be 87,120 square feet (two acres).
 - c. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'-6") in height measured from the surface of the parking area. This wall shall be provided on all sides when the next zoning district is designated as a residential district.
 - d. The Planning Commission may waive the wall requirement and instead, approve a greenbelt planted in accordance with Sections 1615 and 1616, upon a showing that the landscaped screening barrier would effectively obscure the parking area from public view.

- e. The requirement for a screening barrier between off-street parking areas and any abutting residential districts shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
 - f. Pedestrian sidewalks and walkways shall be provided on the site in accordance with Section 1700, 3, I, and as may be required by the Planning Commission.
 - g. All loading and unloading shall be off-street in the rear yard, and be so designed as to avoid undue interference with public use of off-street parking areas.
 - h. The principal buildings on the site shall be set back from abutting properties zoned for residential use and public rights-of-ways not less than seventy-five (75) feet.
 - i. Buildings of greater than the maximum height allowed in Article XV, Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
8. Museums and libraries. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
9. Cemeteries
- a. Vehicular access to the site shall be in accordance with the provisions of Section 1611, access to a major thoroughfare or collector street.
 - b. Principal and/or accessory buildings on the site shall be set back from the abutting properties zoned for residential use and public rights-of-way not less than seventy-five (75) feet.
 - c. Access drives throughout the site shall be with asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer.
10. Raising of Fur Bearing Animals, including Commercial Kennels
- a. All animals shall be adequately housed, fenced and maintained so as not create a nuisance.
 - b. All gates on fences where the animals are enclosed must have a self closing latch to which a lock may be fastened.
 - c. All pens and runways shall be screened from view from all directions either by building or greenbelt plantings. Commercial kennels shall also have restrictive fencing at least six (6) feet in height.
 - d. Commercial kennels shall be set back a minimum of 100 feet from each property line and 100 feet from any private or public road.
 - e. Approvals may be limited to a one (1) year period, subject to renewal.
11. Stable

- a. The rearing and housing of horses, mules, ponies and other similar equine animals, where permitted, shall be required to provide a land area of at least five (5) acres, but not less than one (1) acre per animal on the premises.
 - b. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises.
 - c. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
12. Home occupations (Class I, II, or III) in accordance with Section 1609.
13. Feed Lot
- a. The keeping of animals shall be conducted wholly within an adequately fenced area, or an enclosed building. The killing and dressing of animals are permitted provided that the operation is conducted with an enclosed building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal or waste parts shall be permitted.
 - b. Any pen, corral or structure where barnyard animals are maintained, as a feedlot shall be located a minimum of three thousand (3000) feet to the nearest Residential District (RF, SE, R-1, R-2, RT, RM and RMH Districts).
 - c. The raising of swine shall meet the standards in item b. above.
14. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 403. REQUIRED CONDITIONS.

On farms devoted to the housing or breeding of cattle, horses, swine, sheep or goats, no pens, corrals, or barns shall be closer than two hundred (200) feet to any side property line or less than one hundred fifty (150) feet to any existing right-of-way; provided further that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen or corral is set back from the existing road right-of-way over one hundred fifty (150) feet; provided further that the side yard setback shall not be reduced below a minimum of fifty (50) feet.

SECTION 404. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

ARTICLE V RF, RURAL SMALL FARM DISTRICT

SECTION 500. INTENT.

The Rural Small Farm Districts are established as districts in which the principal use of land is for agriculture, farming residential and very low density dispersed single-family residential uses.. For the one-family residential districts, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of, and the continued use of the land for very low density single-family dwellings.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To encourage agriculture and crop production.
6. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for very low density one-family dwellings.

SECTION 501. PRINCIPAL USES PERMITTED.

In a Rural Small Farm District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All the principal uses permitted by right in the AG, Agricultural District.
2. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

SECTION 502. USES PERMITTED AFTER SPECIAL APPROVAL.

All uses permitted by special approval in the AG, Agricultural District, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance, except for the following:

1. Feed Lots
2. Stables, Public

SECTION 503. REQUIRED CONDITIONS.

For all nonresidential uses allowed in the residential districts, the setbacks shall equal the height of the main building, or the setbacks required in Section 502 or 1500, whichever is greater.

SECTION 504. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

ARTICLE VI SE, SUBURBAN ESTATES DISTRICT

SECTION 600. INTENT.

The intent of the SE, Suburban Estate District is to provide areas of the Township wherein moderately low-density single-family residential uses occur along with compatible uses often occupying large areas such as agricultural, farming and residential development.

SECTION 601 PRINCIPAL USES PERMITTED.

In all SE, Suburban Estate Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family dwellings.
2. Publicly owned and operated parks, parkways and recreational facilities.
3. Home occupations in accordance with Section 1609 (Class I or II only).
4. Bed and breakfast operations in accordance with Section 1610.
5. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

SECTION 602. USES PERMITTED AFTER SPECIAL APPROVAL.

All uses permitted by special approval in the SE, Suburban Estates District, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance, except for the following:

1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than fifteen (15) feet.
 - b. Buildings of greater than the maximum height allowed in Article XV, Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - c. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
2. Public, parochial, and private intermediate and/or secondary schools offering courses in general education, not operated for profit. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
3. Public utility buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required yard.
4. Child and adult day care centers which do not include dormitories provided that for each person so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet

of open space. Such space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.

5. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be planned as to provide principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - b. The site shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrians and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of controlled gate.
6. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least ten (10) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - c. No building shall be closer than seventy-five (75) feet to any property line.
7. Home for the Aged (Congregate Care Facility) or Adult Foster Care Facility for more than six (6) adults when the following conditions are met:
 - a. Minimum lot size shall be three (3) acres.
 - b. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - c. No structure shall be located closer than forty (40) feet to any property line.
 - d. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the facility there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscaped setbacks, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The fifteen hundred (1,500) square feet requirement is over and above the building coverage area.
8. Housing for the elderly when the following conditions are met:

- a. All housing for senior citizens shall be constructed on parcels of at least three (3) acres and may provide for the following:
 - 1) Cottage type one-story dwellings and/or apartment type dwelling units.
 - 2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - b. Minimum dwelling unit size shall be three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.
 - d. Buildings of greater height than the maximum height allowed in Article XIV. Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
9. Mortuary establishments, subject to the following conditions:
- a. Adequate assembly areas shall be provided off-street for vehicles to be used in funeral processions.
 - b. A caretaker's residence may be provided within the main building.
 - c. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - d. A nonresidential use may be provided in a separate building provided it is clearly accessory and incidental to the main use.
 - e. An accessory building provided on site shall not exceed an area greater than 25 percent of the principle building.
 - f. All outdoor lighting shall be provided in accordance with Section 1620.
 - g. For purpose of computing the minimum number of parking spaces in accordance with Section 1604, usable floor area shall be defined to mean those areas used as assembly rooms, parlors and slumber rooms. Measurement of usable floor area shall be measured from the interior face of walls.
10. Local municipal administration buildings used predominately for the general conduct of government. Such buildings include, but are not limited to, Township municipal building and other headquarters of government where the governing body regularly meets, subject to the following conditions:
- a. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - b. The minimum lot size required shall be 87,120 square feet (two acres).
 - c. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'-6") in height measured from the surface of the parking area.

This wall shall be provided on all sides when the next zoning district is designated as a residential district.

The Planning Commission may waive the wall requirement and instead, approve a greenbelt planted in accordance with Sections 1615 and 1616, upon a showing that the landscaped screening barrier would effectively obscure the parking area from public view.

The requirement for a screening barrier between off-street parking areas and any abutting residential districts shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

- d. Pedestrian sidewalks and walkways shall be provided on the site in accordance with Section 1700, 3, I, and as may be required by the Planning Commission.
- e. All loading and unloading shall be off-street in the rear yard, and be so designed as to avoid undue interference with public use of off-street parking areas.
- f. The principal buildings on the site shall be set back from abutting properties zoned for residential use and public rights-of-ways not less than seventy-five (75) feet.
- g. Buildings of greater than the maximum height allowed in Article XV, Schedule of Regulations may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

11. Cemeteries

- a. Vehicular access to the site shall be in accordance with the provisions Section 1611, access to a major thoroughfare or collector street.
- b. Principal and/or accessory buildings on the site shall be set back from the abutting properties zoned for residential use and public rights-of-way not less than seventy-five (75) feet.
- c. Access drives throughout the site shall be with asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer.

12. Raising of fur bearing animals including private noncommercial dog kennels.

- a. The minimum lot size shall be five (5) acres.
- b. All animals shall be adequately housed, fenced, and maintained so as not to create a nuisance.
- c. All gates on fences where the animals are enclosed must have a self closing latch to which a lock may be fastened.
- d. All pens and runways shall be screened from view from all directions either by the building or greenbelt plantings. Kennels shall also have restrictive fencing at least six (6) feet in height.
- e. Kennels shall be set back a minimum of one hundred (100) feet from each property line and one hundred (100) feet from any private or public road.
- f. Approvals may be limited to a one year period subject to renewal.

13. Keeping of Livestock, Poultry, and Rabbits

- a. No livestock may be kept on parcels of land containing less than seven (7) acres. No poultry or rabbits may be kept on parcels of land containing less than one (1) acre.
 - b. No more than two (2) head of livestock, including horses, may be kept on the first seven (7) acres of land and no more than one (1) additional head of livestock may be kept on each additional five (5) acres of land.
 - c. Land on which livestock, poultry, or rabbits are kept shall not be within a platted subdivision, site condominium, cluster housing development, Planned Unit Development (PUD, or multiple-family project nor should it abut said developments.
 - d. Livestock, poultry, or rabbits shall be kept only for non-commercial purposes such as 4-H projects or family use.
 - e. Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing livestock on a parcel of land. Any such housing shall be no less than one hundred (100) feet away from any property line.
14. Home occupations (Class III) in accordance with Section 1609.
15. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 603. REQUIRED CONDITIONS.

For all nonresidential uses allowed in the residential districts, the setbacks shall equal the height of the main building, or the setbacks required in Section 602 or 1500, whichever is greater.

SECTION 604. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

ARTICLE VII R-1 AND R-2 SINGLE-FAMILY RESIDENTIAL DISTRICTS

SECTION 700. INTENT.

The R-1 and R-2 Single-Family Residential Districts are established in which the principal use of the land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of and the continued use of land for single-family dwellings incorporating reasonably higher densities while at the same time promoting a predominately semi-urban character within the community.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any use which, because of its character or size, would create requirements costs for public services, such fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

SECTION 701. PRINCIPAL USES PERMITTED.

In a Single-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Single-family detached dwellings.
2. Publicly owned and operated parks, parkways and recreational facilities.
3. Home occupation in accordance with Section 1609 (Class I only).
4. Accessory buildings and uses, customarily incidental to any of the above permitted uses.

SECTION 702. USES PERMITTED AFTER SPECIAL APPROVAL.

All uses permitted by special approval in the SE, Suburban Estates District, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance, except for the following:

1. Mortuary establishments.
2. Raising of fur bearing animals including private kennels with more than four (4) animals.
3. Keeping of livestock, poultry, and rabbits.

SECTION 703. REQUIRED CONDITIONS.

For all nonresidential uses allowed in the residential districts, the setbacks shall equal the height of the main building, or the setbacks required in Section 702 or 1500, whichever is greater.

SECTION 704. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

ARTICLE VIII RT, TWO-FAMILY RESIDENTIAL DISTRICTS

SECTION 800. INTENT.

The RT, Two-Family Residential Districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district also recognizes the existence of older residential areas adjacent to Village of Linwood where houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

SECTION 801. PRINCIPAL USES PERMITTED.

In a Two-Family Residential District no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. All uses in the R-1 and R-2 Single Family Residential Districts as permitted and regulated under Section 701. The standards of the Schedule of Regulations applicable to the R-1 and R-2 Single-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.
2. Two-family dwellings.
3. Home occupations (Class I only) in accordance with Section 1609.
4. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 802. USES PERMITTED AFTER SPECIAL APPROVAL.

The following Special Approval Uses shall be permitted, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. All special condition uses for the One-Family Residential Districts as permitted and regulated under Section 702 of the R-1 and R-2, Single-Family Residential District.

SECTION 803. REQUIRED CONDITIONS.

For all non residential uses allowed in the two family residential district, the setbacks shall equal the height of the main building, or the setbacks required in Section 502 or 1500, whichever is greater.

SECTION 804. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

ARTICLE IX RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

SECTION 900. INTENT.

The RM, Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as the buffer or transitional use between nonresidential districts and zones of transition between lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, one-family community.

SECTION 901. PRINCIPAL USES PERMITTED.

In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses in the RT, Two-Family Residential District, permitted and as regulated under Section 801, except for single-family detached dwellings.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 902. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

The following Special Condition Uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Conditional Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. All special condition uses in the R-1 and R-2 Single-Family Residential Districts as permitted and regulated under Section 802.
2. Convalescent or nursing homes when the following conditions are met:
 - a. The building shall not exceed a building height of two (2) stories.
 - b. The minimum lot size shall be three (3) acres.
 - c. No building shall be closer than forty (40) feet to any property line.
 - d. Principle vehicular access to the site shall be in accordance with the provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - e. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
 - f. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 903. REQUIRED CONDITIONS.

1. The maximum horizontal length of any one building shall be one hundred eighty (180) feet measured along any front, side, rear, or other exterior elevation.
2. The minimum land area required for each dwelling unit in the district shall be in accordance with the following schedule:

<u>DWELLING UNIT TYPE</u>	<u>LAND AREA REQUIRED (SQUARE FEET)</u>
1 and 2 bedroom unit	4,800
3 bedroom unit	6,000
4 or more bedroom unit	7,200

3. Within any yard setback or area between buildings, an area equivalent to seventy (70) percent of any required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.
4. On sites which are four (4) acres or larger in size, the open land area shall include a landscaped greenbelt of a minimum ten (10) foot width, located and continually maintained, along any property boundary adjoining a residential district or fronting on a public road right-of-way.
5. The minimum residential floor area per multiple-family unit shall be in accordance with the following schedule:

<u>UNIT TYPE</u>	<u>MINIMUM FLOOR AREA REQUIRED (SQUARE FEET)</u>
Efficiency	350
One Bedroom	500
Two Bedroom	700
Three Bedroom	900
Four Bedroom	1,100

SECTION 904. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE X MHP, MOBILE HOME PARK DISTRICT

SECTION 1000. INTENT.

The purpose of the Residential Mobile Home Park District is to encourage a suitable environment for persons and families that choose to live in a mobile home rather than a site built one-family residence. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreational facilities and necessary public utility buildings.

SECTION 1001. PRINCIPAL USES PERMITTED.

The following uses of land and structures shall be permitted only by right in the RMH, Mobile Home Park District:

1. Mobile home parks subject to the requirements of the Mobile Home Commission Act, Act 96 of the Public Acts of 1987, as amended, and rules of the Mobile Home Commission.
2. Mobile home subdivisions subject to the Subdivision Control Act, Act 288 of the Public Acts of 1967, the Fraser Township Subdivision Control Ordinance and all other applicable acts, rules, and regulations.
3. Family day care homes.
4. Adult foster care small home group homes for six (6) or fewer residents.
5. Home occupations (Class I) in accordance with Section 1609.

SECTION 1002. MOBILE HOME PARK REGULATIONS.

The development of a mobile home park shall meet the requirements of Michigan Mobile Commission Act, Act 96 of the Public Acts of 1987, as amended, and the Rules of the Mobile Home Commission.

SECTION 1003. SITE PLAN REVIEW.

All principal uses listed above are subject further to the requirements and provisions of SECTION 1700, SITE PLAN REVIEW and any other applicable regulations included in this Ordinance.

SECTION 1004. AREA AND SIZE REQUIREMENTS.

See ARTICLE XV, SCHEDULE OF REGULATIONS, limiting the height and size of buildings, and the minimum size of lots and yards permitted by land use.

1. See SECTION 1604, OFF-STREET PARKING.
2. See SECTION 1607, OFF-STREET LOADING AND UNLOADING.
3. See SECTION 1614, SIGNS

ARTICLE XI C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 1100. INTENT.

The C-1, Neighborhood Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to encourage the planned concentration of such activities in locations where analysis of the residential population demonstrates a need for such a facility.

SECTION 1001. PRINCIPAL USES PERMITTED.

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. Office-type businesses related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance, real estate, architect, planner, engineer including clinics for medical and dental offices, banks, credit unions, and similar occupations.
2. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
3. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners.
4. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
5. Eating and drinking establishments (standard restaurant), except for drive-in/drive-through restaurants.
6. Other uses similar to the above uses.
7. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 1102. USES PERMITTED AFTER SPECIAL APPROVAL.

The following Special Approval Uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. Automotive service facilities providing: tire (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only, all subject to the following conditions:
 - a. There shall be no outside display of any parts and/or products.
 - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
 - c. All new, used and/or discarded parts shall be stored within a completely enclosed building.
 - d. Any such activity shall be located not less than twenty-five (25) feet from a property line.

- e. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
 - f. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
 - g. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
2. Vehicle Wash Establishments
- a. Minimum lot size shall be ten thousand (10,000) square feet.
 - b. All washing activities must be carried on within a building.
 - c. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
 - d. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
 - e. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
 - f. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.
 - g. There shall be provided fifteen (15) stacking spaces for each automatic wash lane.
 - h. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

SECTION 1103. REQUIRED CONDITIONS.

- 1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
- 2. The outdoor storage of goods and materials shall be prohibited.
- 3. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

SECTION 1104. AREA AND BULK REQUIREMENTS.

See ARTICLE XV, "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE XII C-2 COMMUNITY COMMERCIAL DISTRICT

SECTION 1200. INTENT.

The C-2 Community Commercial Districts are designed to cater to the needs of a larger consumer population that is served by the Neighborhood Commercial Districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

SECTION 1201. PRINCIPAL USES PERMITTED.

In a Community Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Ordinance:

1. Any office, retail business or service establishment permitted in the C-1 Districts, subject to the regulations applicable in the following sections of this Article.
2. All retail businesses, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - b. Any service establishment of an office, showroom or workshop of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio, television, computer or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - c. Private clubs, fraternal organizations, and lodge halls.
 - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in or drive-through facility.
 - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
 - f. Business schools and colleges or private schools operated for profit.
 - g. Other uses similar to the above uses.
 - h. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 1202. USES PERMITTED AFTER SPECIAL APPROVAL.

The following Special Approval Uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. Open air business uses when developed in planned relationship with the C-2 District as follows:
 - a. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies provided further that such uses shall be located at the exterior end of the building mass located in a C-2 District.

- b. Recreational space providing children's amusement park and other similar recreation when part of a planned retail development, provided further that such use be located at the exterior end of the building mass located in a C-2 District, but not at the intersection of two (2) major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot high chain link fence.
2. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
3. Automobile service centers, when developed as part of a larger planned shopping center designed so as to incorporate the automobile service center within the center and further that a building permit shall not be issued separately for the construction of any automobile service center within the C-2 District.

SECTION 1203. REQUIRED CONDITIONS.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special use approval in Section 1202 above, shall be conducted within completely enclosed buildings.

SECTION 1204. AREA AND BULK REQUIREMENTS.

See ARTICLE IV, "SCHEDULE OF REGULATIONS" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE XIII C-3, GENERAL COMMERCIAL DISTRICT

SECTION 1300. INTENT.

The C-3, General Commercial District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Central Business District and which are oriented to serving the needs of "passer-by" traffic and locations for planned shopping centers. Many of the business types permitted also generate greater volumes of traffic and activities, which must be specially considered to minimize adverse effects on adjacent properties.

SECTION 1301. PRINCIPAL USES PERMITTED.

In a General Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in this Ordinance:

1. All uses in the C-2, Local Commercial District as permitted and regulated under Section 1201.
2. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear or side yard of any residential lot in an adjacent residential district.
3. Plant material nursery, including greenhouses, and other open-air business uses.
4. Automotive service facilities providing: tire (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor motor tune-ups only.
5. Veterinary hospitals and clinics having interior boarding facilities.
6. Veterinary clinics (animal hospitals) and Commercial Kennels.
7. Boarding house.
8. Other uses similar to the above uses.
9. Accessory structures and uses customarily incidental to the above permitted uses.

SECTION 1302. USES PERMITTED AFTER SPECIAL APPROVAL.

The following Special Approval Uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. Vehicle dealers with outdoor sales space and/or repair facilities for the sale of new or secondhand automobiles, house trailers, recreational vehicles, or rental trailers and/or automobiles, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.

- c. Any servicing of vehicles including major motor repair and refinishing shall be subject to the following requirements:
 - 1) Any such activities shall be clearly incidental to the sale of said vehicles and shall occur within a completely enclosed building.
 - 2) Partially dismantled and/or damaged vehicles shall be stored within an enclosed building.
 - 3) New, used and/or discarded parts and supplies shall be stored within a completely enclosed building.
 - 4) Any such activity shall be located not less than fifty (50) feet from any property line.
 - 5) There shall be no external evidence, beyond the building, by way of dust, odor, or noise of such activities.
 - d. All exterior lighting shall be shielded from adjacent residential districts in accordance with Section 1620.
2. Business in the character of a fast food or drive-in restaurant subject to following conditions:
- a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Vehicular access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - c. All exterior lighting shall be shielded from adjacent residential districts in accordance with Section 1620.
 - d. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for AG, RF, SE, R-1, R-2 RT, RM, RMH, C-1 or C-2 Districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of Article XV, General Provisions.
3. Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service as provided for elsewhere in this Article, but not including vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, and such other activities whose external effects could adversely extend beyond the property line, subject to the following conditions:
- a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. Curb cuts for access shall be limited to one (1) for each street frontage of the site.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles, which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and have no facilities for repair or servicing or automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required.
 - c. All rest rooms shall be accessible from the interior of the gasoline service station.

- d. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard.
 - e. The parking of vehicles on site shall be limited to those, which are to be serviced within a seventy-two (72) hour period.
 - f. A fifteen (15) foot landscaped greenbelt shall be provided along all street frontages and a ten (10) foot landscaped greenbelt shall be provided along all other property lines.
4. Adult entertainment use subject to the following conditions:
- a. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within six hundred (600) feet of any of the following uses:
 - 1) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - 2) Pool or billiard halls.
 - 3) Coin or token operated amusement centers.
 - 4) Teen centers or dance halls.
 - 5) Ice or roller skating rinks.
 - 6) Pawn shops.
 - 7) Theaters.
 - 8) Any public park.
 - 9) Any church.
 - 10) Any public or private school having a curriculum including kindergarten or any one or more of the grades, one (1) through twelve (12).

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

- b. No adult entertainment use shall be located within three hundred (300) feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
- c. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
- d. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any property not regulated as an adult entertainment

use. This provision shall apply to any display, decoration, sign, show window or other opening.

5. Mini-warehouses (self-storage facilities) subject to the following conditions:
 - a. The minimum size of the site devoted to such use shall not be less than one (1) acre.
 - b. Building setbacks shall be as follows: Front yard not less than twenty (20) feet; side and rear yard not less than ten (10) feet.
 - c. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
 - d. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
 - e. Screening shall be in accordance with Section 1517 "Screening Walls".
 - f. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.
 - g. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
 - h. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Section 1605.
 - i. Principal vehicular access to the site shall be in accordance with provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - j. Building height shall not exceed one (1) story fifteen (15) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories twenty-five (25) feet.
 - k. No single storage building shall exceed five thousand (5,000) square feet.
 - l. All storage on the property shall be kept within an enclosed building.
6. General hospitals, with no maximum height restrictions, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. Principle vehicular access to the site shall be in accordance with provisions of Section 1611, Access To A Major Thoroughfare Or Collector Street.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For each story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.
 - d. Ambulance and delivery areas shall be obscured from all residential, office and business districts with a six (6) foot high wall integrated with the main structure.

7. Plant material nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies shall be subject to the following conditions:
 - a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent uses.
8. Overnight lodging facility provided.
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
 - c. No guest shall establish permanent residence at a motel for more than thirty (30) consecutive days within any calendar year.
9. Lumber yards and planing mills provided.
 - a. The storage of lumber and other building materials shall meet all setback requirements for a structure except that all storage materials and outdoor display areas shall be setback 100 feet from a public right-of-way.
 - b. All loading and unloading shall be provided off-street.
 - c. Building separation between storage and/or the principal building on the same site shall be thirty (30) feet, as measured from side-to-side or front to rear, or equal to the buildings height, whichever is greater.
 - d. Screening shall be in accordance with Section 1617 "Screening Walls".
 - e. No property line of a lumberyard or planing mill shall form an exterior boundary of the C-2 District.
10. Commercial businesses that incorporate light manufacturing and/or assembly of products may be permitted when the majority of such products produced on the premises are sold at retail from the premises where produced providing that such uses have direct access to a major thoroughfare and further providing that all processing, except for off-street parking, outdoor sales displays areas, or loading areas, shall be conducted within a completely enclosed building.
11. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 1303. REQUIRED CONDITIONS.

See Section 1203.

SECTION 1304. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of the lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XIV L-I, LIGHT INDUSTRIAL DISTRICT

SECTION 1400. INTENT.

The L-I, Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Municipality's expected future economy for additional manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Municipality's tax revenue.

SECTION 1401. PRINCIPAL USES PERMITTED.

In a Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building.
 - a. Warehousing and wholesale establishments and trucking facilities.
 - b. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood, and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties and meal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and phonographs.
 - g. Laboratories - experimental, film, or testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.

- i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
 - k. Outdoor processing of agricultural products for food or other uses, such as but not necessarily limited to general and specialized agricultural processing activities including the storage, preservation, collection, distribution or processing of crops, products, foodstuffs, fruits or vegetables.
2. Warehouse, storage, and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
 3. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies.
 4. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
 5. Kennels, Commercial.
 6. Trade or industrial schools.
 7. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, lumber yard, building materials outlet, upholsterer, cabinet maker).
 8. Recycling centers when fully enclosed in a building.
 9. Auto engine and body repair, and undercoating shops when located in a completely enclosed building.
 10. Other uses similar to the above uses.
 11. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 1402. USES PERMITTED AFTER SPECIAL APPROVAL.

The following Special Approval Uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and Township Board as specified in Section 1702, "Review and Approval of Special Uses," and Section 1700, "Site Plan Review," of this Zoning Ordinance.

1. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the District and subject to the conditions as set forth in Section 1302.
2. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
3. Mini-warehouses (self-storage facilities) subject to the following conditions:

- a. The minimum size of the site devoted to such use shall not be less than one (1) acre.
 - b. Building setbacks shall be as follows: Front yard not less than twenty (20) feet; side and rear yard not less than ten (10) feet.
 - c. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
 - d. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
 - e. Screening in accordance with Section 1617 "Screening Walls".
 - f. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.
 - g. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
 - h. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Section 1604.
 - i. Vehicular access from this site shall be directly onto a collector or major thoroughfare in accordance with the provisions of Section 1611, Principle Vehicular Access To A Major Thoroughfare Or Collector Street.
4. Adult entertainment use subject to the following conditions:
- a. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within six hundred (600) feet of any of the following uses:
 - 1) All Class "C establishments licensed by the Michigan Liquor Control Commission.
 - 2) Pool or billiard halls.
 - 3) Coin-operated amusement centers.
 - 4) Teen centers or dance halls.
 - 5) Ice or roller skating rinks.
 - 6) Pawn shops.
 - 7) Theaters.
 - 8) Any public park.
 - 9) Any church.
 - 10) Any public or private school having a curriculum including kindergarten or any one or more of the grades, one (1) through twelve (12).

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

- b. No adult entertainment use shall be located within six hundred (600) feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
 - c. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
 - d. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.
5. Industrial parks shall be subject to the following conditions:
- a. Permitted uses shall include all uses permitted by right within this district.
 - b. The minimum required land area for an industrial park shall be ten (10) contiguous acres.
 - c. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
 - d. The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system, when available, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state of Michigan, the Bay County Health Department, the Bay County Drain Commissioner, and Fraser Township.
 - e. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the Township collect, carry off, and dispose of surface water runoff within and draining into the industrial park, and any adjoining contributory and shall be so constructed as to conform with the statutes, ordinances, and regulations of the state of Michigan, the Bay County Health Department, the Bay County Drain Commissioner, and Fraser Township.
 - f. Connection to a public water supply system shall be required.
 - 1) The developer shall provide a usable fire hydrant within five hundred (500) feet of each structure.
 - 2) Water systems shall conform to the statutes, ordinances, and regulations of the state of Michigan, the Bay County Health Department, the Bay County Drain Commissioner, and Fraser Township.

- g. All industrial parks shall have direct access to a paved state or county primary street.
 - h. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.

All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
 - i. No part of any parking access road and/or service area may be located closer than twenty-five (25) feet of any property line.
 - j. Any industrial park adjoining any residential development or zoned residential property shall be provided with a buffer of at least twenty (20) feet which buffer shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
6. The sales of heavy trucks, construction equipment, farm implements and similar equipment when associated with a repair facility.
7. Municipal and private industrial uses such as water treatment plants, reservoirs, sewage treatment plants, lagoon systems designed for sewage or industrial waste treatment, including outdoor storage, subject to the following conditions:
- a. The minimum size of the site devoted to such use shall not be less than ten (10) acres.
 - b. Setbacks for all buildings, structures, and facilities shall not be less than one hundred (100) feet from any property line.
 - c. In no case shall a building, structure, or facility be located closer than three hundred (300) feet from a residential dwelling.
 - d. A fifty (50) wide landscaped and maintained greenbelt shall be provided along all property lines that abut a public road or a residential zoning district. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt with a minimum one (1) deciduous tree or evergreen tree being planted for each thirty (30) lineal feet of the required greenbelt. Deciduous trees shall have a minimum caliper of three (3) inches measured one (1) foot above the ground, and evergreen trees shall have minimum height of five (5) feet. Said trees may be planted at uniform intervals, at random, or in groupings. The Planning Commission may reduce or waive the requirements outline herein provided that such an adjustment is keeping the intent of the Ordinance and that evidence can be provided indicating that said greenbelt is not needed due to existing vegetation, topography, etc.
 - e. Open structures/facilities such as reservoirs, lagoons, treatment areas, etc., shall be fully enclosed and secured with an eight (8) foot high chain-link fence.
 - f. Outdoor storage areas may be permitted provided that a sight-proof barrier shall be required around the perimeter of the storage area. Said barrier shall be located at the setback line and shall be a minimum of six (6) feet in height, constructed of brick, stone, masonry units, or wood products which are determined by the Zoning Administrator to be durable and weather resistant.
 - g. All off-street parking areas and access drives shall be constructed with a hard surfaced and/or dustless material.

- h. A minimum of two (2) parking spaces shall be provided on-site and interior to the required setbacks.
8. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 1403. REQUIRED CONDITIONS.

- 1. Facilities for open storage of materials or equipment shall be totally obscured by a wall on those sides abutting AG, RF, SE, R-1, R-2, RT, RM, C-1, C-2 and C-3 Districts, and on any front yard abutting a public thoroughfare except as otherwise provided in Section 1617. In the M Districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches (4'-6") in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article XVI, General Provisions. The height shall be determined in the same manner as the wall height is above set forth.
- 2. All activities and uses within the District shall conform to the following performance standards:
 - a. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke previously described.
 - b. Open Fires

A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.
 - c. Noxious Gases

Noxious or malodorous gases shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.
 - d. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.
 - e. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

f. Noise

The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty five (65) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noise, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.

g. Vibration

Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.

h. Radio Transmission

For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.

i. Storage of Flammable Materials

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

j. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

k. Water Pollution

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Bay County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:

- 1) No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
- 2) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
- 3) Wastes shall contain no cyanides and no halogens and shall contain not more than 10 ppm of the following gases: hydrogen sulfite, sulfur dioxide, and nitrous oxide.
- 4) Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (½) inch.

- 5) Wastes shall not have chlorine demand greater than 15 ppm.
- 6) Wastes shall not contain phenols in excess of .005 ppm.
- 7) Wastes shall not contain any grease or oil or any oil substance in excess of 100 ppm or exceed a daily average of 25 ppm.

SECTION 1404. AREA AND BULK REQUIREMENTS.

See Article XV, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

ARTICLE XV SCHEDULE OF REGULATIONS.

SECTION 1500. SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT.

Zoning District		Minimum Zoning Lot Size Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Maximum % of Lot Area Covered (By All Buildings)	Minimum Floor Area Per Unit (Sq. Ft.)
		Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Each Side	Rear		
AG	Agriculture District	1 acre (a,t)	200(a)	2 (v)	35 (v)	50 (b)	25 (b,c)	50(b)	30%	800 (u)
RF	Rural Small Farm	1.0 acre (a,t)	150	2 (v)	35 (v)	50 (b)	25 (b,c)	50(b)	30%	800 (u)
SE	Suburban Estates Residential	1.0 acre (a,t)	130	2 (v)	25 (v)	40 (b)	20 (b,c)	50(b)	30%	800 (u)
R-1	Single-Family Residential	10,400 sq. ft. (a)	80 (s)	2 (v)	25 (v)	30 (b)	10 (b,c)	40(b)	30%	800 (u)
R-2	Single-Family Residential	7,200 sq. ft. (a)	60 (s)	2 (v)	25 (v)	25 (b)	5 & 10 (b)	35 (b,c)	30%	720 (u)
RT	Two-Family Residential	6,000 sq. ft. per unit	80 (s)	2 (v)	25 (v)	25 (b)	6 & 10 (b,c)	35 (b)	30%	720 per unit (u)
RM	Multiple-Family Residential	(d)	(d)	2.5 (v)	30 (v)	50 (e,f,i)	30 (e,f,i)	30 (e,f,i)	30%	1 BR-550 2 BR-750 3 BR-950 4 BR-1,150
RMH	Mobile Home Park	10 acres	300	2 (v)	25 (v)	(r)	(r)	(r)	(r)	(r)
C-1	Neighborhood Commercial				30 (v)	25 (j)	(k,n)	20 (l)		
C-2	Community Commercial				30 (v)	30 (j,m)	(k,n)	20 (l)		
C-3	General Commercial				30	30 (j,m)	(k,m)	20 (l)		
L-1	Light Industrial				40(v)	40(o)	20 (m,n)	(p,q)		

See NOTES on following pages.

SECTION 1501.

NOTES TO SCHEDULE OF REGULATIONS.

- (a) Section 1502 Lot Size Averaging
 Section 1503 Single-family Cluster Housing Option
 Section 1504 Residential Open Space Plan
 Section 1505 Zero Lot Line Developments
 Section 1506 Planned Unit Developments
 Section 1507 Hazardous Materials Overlay Zone
- (b) Measured from the of road right-of-way.
- (c) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.
- (d) In an RM Multiple-Family District, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by eighteen hundred (1,800). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency	=	1 room	Plans presented showing 1, 2, or 3
One Bedroom	=	2 rooms	bedroom units and including a "den,"
Two Bedroom	=	3 rooms	"library," or other extra room shall count
Three Bedroom	=	4 rooms	such extra room as a bedroom for the
Four Bedroom	=	5 rooms	purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public or private right-of-way of either interior or bounding roads, floodplains, wetlands, major utility or pipe line easements or rights-of-way, or other lands deemed unbuildable.

- (e) In all RM Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RM Districts is as follows:

$$S = \frac{L^A + L^B + 2(H^A + H^B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L^A = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L^B = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H^A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H^B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

- (f) Along those property lines which abut a single residential district, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{3}$$

Along those property lines which abut a district zoned for other than single-family residential, the minimum required yard shall be determined by the following formula:

$$Y = \frac{L + 2H}{6}$$

Y = required yard.

L = the total length of a line which, when viewed directly from above, is parallel to the lot line and intersects any part of the building.

H = height of the building.

Where a lot line abuts a street, one-half (1/2) the width of the right-of-way of said street may be considered as a yard setback; but in no instance, including the above, shall any yard from building line to property line be less than forty (40) feet.

- (g) Parking may be provided in the front yard provided that for each parking space located within the entire front yard, one hundred (100) square feet of grassed or naturally landscaped area shall be provided. The purpose of the requirement is to aid in environmental balance by providing a natural area for vegetation and water absorption. A minimum setback of twenty-five (25) feet shall be provided and measured from the existing street right-of-way lines.
- (h) The distance from the front lot line to the nearest point of a principal building shall not be less than fifty (50) feet except that where an entire block frontage is developed at one time, under single ownership or control, then the minimum setback may be reduced to forty (40) feet provided that the average setback for all structures shall not be less than forty-five (45) feet.
- (i) Interior courts shall contain a minimum of five hundred (500) square feet with a minimum horizontal dimension of twenty (20) feet.
- (j) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.

- (k) No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

On a corner lot which has a common rear lot line within a residential district, there shall be provided a setback of twenty (20) feet on the side or residential street. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

- (l) Loading and unloading space shall be provided in the rear yard in accordance with requirements found in Section 1607 of this Ordinance.
- (m) No building shall be closer than thirty (30) feet to any adjacent residential district or to any major thoroughfare.
- (n) Off-street parking shall be permitted in a required side yard setback.
- (o) Off-street parking for visitors, over and above the number of spaces required under Section 1604 may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (p) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.
- (q) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office, or business district or from a public street.
- (r) See Article X, Mobile Home Park District.
- (s) Lots shall require public sewer and water.
- (t) An accessory structure may be permitted in a front yard providing the structure is setback a minimum of 100 feet from a public or private road right-of-way, and it does not extend beyond the front building line of existing neighboring residences.
- (u) The main floor area for a single-family or two-family dwelling shall be a minimum of 720 square feet.
- (v) The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, television or radio antennae for personal use; provided, however, that the Township Planning Commission may specify a height limit for any structure when such structure requires authorization as a special approval use.

SECTION 1502. LOT SIZE AVERAGING.

Lot size averaging may be permitted by the Planning Commission, upon application from the Proprietor, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for variation in lot area and width in a development, but with the average lot area meeting the minimum area as required in Article XV for that particular One-Family Residential District.

The Planning Commission must convene a public hearing held in accordance with Section 16(b) of Public Act 184 of 1943, as amended, as part of its review, study, and approval of an area for lot size averaging.

In the case where lot size averaging is permitted:

1. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.
2. Reduction of lot area or width below the minimum required for the zoning district may be permitted for not more than one-third (1/3) of the total number of lots in the development.
3. No lot shall have an area or width greater than ten (10) percent below that area or width required in Section 1500.
4. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

SECTION 1503. SINGLE-FAMILY CLUSTER HOUSING OPTION.

1. The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.
2. The Planning Commission may approve the clustering and/or attaching of single-family dwelling units on parcels of land ten (10) acres or more in size, under single ownership and control. In approving an area for the cluster housing option, the Planning Commission shall find at least one of the following to exist:
 - a. The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
 - b. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width as measured along the thoroughfare, which makes platting difficult.
 - c. The parcel is shaped in such a way that it contains angles, which would make a normal subdivision difficult to achieve and has frontage on a major or secondary thoroughfare.
 - d. A substantial part of the parcel's perimeter is bordered by a major thoroughfare, which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 - e. The parcel contains natural assets, which could be preserved through the use of cluster development. Such assets may include natural stands of large trees, land, which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved. Requests for qualification under these conditions must be supported by documented evidence, which indicates that the natural assets would qualify the parcel under this option.
 - f. The parcel contains natural landforms, which are so arranged that the change of elevation within the site include slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.

- g. The topography is such that achieving road grades of less than five (5) percent would be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.

The Planning Commission must convene a public hearing held in accordance with Section 16(b) of Public Act 184 of 1943, as amended, as part of its review, study, and approval of an area for the cluster housing option.

- 3. In areas meeting the above criteria, the minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Section 1500, may be waived and the attaching of dwelling units may be accomplished subject to the following:

- a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the cluster is to be constructed.

- b. The attaching of single-family dwelling units, one to another, when said homes are attached by means of one or more of the following:

- 1) Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.
- 2) By means of an architectural wall detail which does not form interior room space.
- 3) Through a common party wall in only the garage portion of an abutting structure.

- c. The maximum number of units attached in the above described manner shall not exceed four (4).

- d. In a single-family cluster housing development, the dwelling unit density may be greater than if the total land area (inclusive of buildable and unbuildable areas) were to be developed in the minimum square foot lot areas as required for each single-family district under Section 1300 providing that the single-family cluster development provides common open space equal to a minimum of 30 percent of the total site.

SE Suburban Estates 1.43 d.u./acre
R-1 Residential District 4.20 d.u./acre
R-2 Residential District 6.00 d.u./acre

- 4. Yard requirements shall be provided as follows:

- a. Spacing between any grouping of four (4) or less one-family units and another grouping of such structures shall be equal to at least ten (10) feet, measured between the nearest point of the two groupings. A grouping may include a single, freestanding unit.

- b. All such groupings shall be so situated as to have one side of the building abutting onto a common open space.

- c. Any side of a building adjacent to a private service drive or private lane shall not be nearer to said drive or lane than twenty (20) feet.

- d. Any side of a building adjacent to a public right-of-way shall not be nearer to said public right-of-way than thirty (30) feet.

- e. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the grouping as a front yard.
 - f. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
5. The maximum height of buildings shall be thirty-five (35) feet. In computing the height of an individual unit in a cluster on a slope in excess of ten (10) percent and when the unit is constructed on posts, the first ten (10) feet of the height of the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above this ten (10) feet of post height.
 6. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require the following:

A landscaped berm, at least three (3) feet high, shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough so as not to erode when planted in grass; and they shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured.
 7. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm, and any other details which will assist in reviewing the proposed plan.
 8. Site plans submitted under this option shall be accompanied by information regarding the following:
 - a. The proposed manner of holding title to open land.
 - b. The proposed method of regulating the use of open land.
 - c. The proposed method of maintenance of property and financing thereof.
 - d. Preservation of the natural features under which the proposal qualified.
 9. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure the following:
 - a. That title to the open space is held in common by the owners of all dwelling units in the detached single family cluster development.
 - b. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

SECTION 1504. RESIDENTIAL OPEN SPACE PLAN.

1. The intent of the Residential Open Space Plan is to promote the following objectives:
 - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.

- b. Encourage developers to use a more creative approach in the development of residential areas.
 - c. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
 - d. Encourage the provision of open space within reasonable distance to all building sites, lot development and to further encourage the development of recreational facilities.
2. Modifications to the standards as outlined in Section 1500, may be made in the SE, R-1 and R-2 One-Family Residential Districts when the following conditions are met:
- a. The building site area in the R-1 and R-2 Single-Family Districts may be reduced up to ten (10) percent and up to twenty (20) percent in the SE Suburban Estates District. These area reductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be built upon were developed in the minimum square foot lot areas as required for the underlying zoning districts under Section 1500, Schedule of Regulations. All calculations shall be predicated upon the SE, R-1 and R-2 Districts having the following net densities:
 - SE equals 1.00 d.u./acre without public sewer and water
 - SE equals 0.50 d.u./acre with public sewer and water
 - R-1 equals 4.20 d.u./acre with public sewer and water
 - R-2 equals 6.00 d.u./acre with public sewer and water
 - b. Rear yards may be reduced to thirty (30) feet when such building sites border on land dedicated for park, recreation, and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent residential dwelling building site.
 - c. Under the provisions of item (2a) above of this Section, for each square foot of land gained within a residential development through the reduction of size below the minimum requirements as outlined in Section 1500, at least equal amounts of land shall be dedicated to the common use of the owners of the residential development in a manner approved by the Township Planning Commission, in the case where land shall be dedicated to the public, in a manner approved by Township Board.
 - d. The area to be dedicated for residential open space purposes shall in no instance be less than one (1) acre and shall be provided and distributed in a location and shape approved by the Planning Commission.
 - e. The land area necessary to meet the minimum open space requirements of this Section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
 - f. This plan, for reduced building site sizes, shall be permitted only if it is mutually agreeable to the Township Board and the subdivider or developer where land shall be dedicated to the common use of the lot owners. The plan for reduced sizes shall be subject to the approval of the Township Board in instances where land is proposed to be dedicated to the public.
 - g. This plan, for reduced building site sizes, shall be started within one (1) year after having received final approval and must be completed within three (3) years. Failure to start within this period shall void all previous approval.

- h. Under this planned unit approach, the developer or subdivider shall dedicate the total park area (see item (2a) above) at the time of filing of the final plat on all or any portion of the plat, or in the case of single-family detached developments, at the time of final site plan approval.
3. The Planning Commission must convene a public hearing held in accordance with Section 16(b) of Public Act 184 of 1943, as amended, as part of its review, study, and approval of an area proposed for the residential open space plan. Said notice of the public hearing shall:
 - a. Describe the nature of the residential open space request.
 - b. Indicate the property which is the subject of the residential open space request.
 - c. State when and where the request will be considered by the Planning Commission.
 - d. Indicate when and where written comments will be received concerning the request.

SECTION 1505. ZERO LOT LINE DEVELOPMENTS.

1. A zero lot line is restricted for one-family developments only in the R-2 District with public sewer and water.
2. The intent of the zero lot line concept is to:
 - a. Promote the more efficient use of land, as compared to traditional single-family development, thereby making housing more affordable to a segment of the community.
 - b. Design dwellings that integrate and relate internal and external living areas resulting in more pleasant and enjoyable living facilities.
 - c. Permitting the outdoor space to be grouped and utilized to its maximum benefit by placing the dwelling unit against one of the property lines.
3. The Planning Commission must convene a public hearing held in accordance with Section 16(b) of Public Act 184 of 1943, as amended, as part of its review, study, and approval of an area proposed for zero lot line development.
4. The Planning Commission may approve an application for a zero lot line development which complies with the following development parameters:
 - a. Uses permitted are restricted to detached one-family dwellings on individually platted lots or lots formed by land divisions, including building sites formed by the site condominium process, including every accessory use customarily incidental therewith.
 - b. The minimum lot area shall be nine thousand six hundred (9,600) square feet. The minimum lot width required shall be sixty (60) feet.
 - c. Each dwelling unit shall only be placed on one interior side property line with a zero (0) setback as to abut the adjoining unit, and the dwelling unit setback on the other interior side property line shall be a minimum of sixteen (16) feet. Patios, fences, walks, trellis, garden features, and similar elements shall be permitted within the setback area provided, however, no structure, with the exception of fences and walks, shall be placed within required easements.

A minimum twenty-five (25) foot front yard and twenty-five (25) foot rear yard setback shall be provided. The minimum side yard setback on the street side of a corner lot, or adjacent to any nonresidential district, shall be twenty (20) feet.

- d. The total lot coverage permitted for all buildings on the site shall not exceed thirty (30) percent of the lot area.
- e. Every part of a required setback shall be maintained as an open space, with no principal or accessory structure occupying any portion, except that overhead projections from the building face (such as soffits) and projection of architectural features (such as bay windows or awnings) may project not more than three (3) feet into such space.
- f. The maximum building height shall not exceed two (2) stories and twenty-five (25) feet in height.
- g. The wall of the dwellings located on the zero lot line shall have no windows, doors, air conditioning units, or any other type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.
- h. A minimum of two (2) off-street parking spaces, excluding the private garage or carport, shall be required for each dwelling unit.
- i. All dwellings constructed on a zero lot line must be provided with a firewall as set forth by local Ordinance.

SECTION 1506. PLANNED UNIT DEVELOPMENT DISTRICT.

PUD. Planned Unit Development District

1. **Intent:** The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

Application of Planned Unit Development Provisions

2. **Minimum Parcel Criteria:** The provisions of this Section may be applied to any parcel of land twenty (20) acres or greater, located in all residential districts, with the exception of the R-1 Residential Agricultural District, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
3. **Exceptions to Minimum Parcel Criteria:** Notwithstanding the provisions of paragraph A., an application for a planned unit development on a parcel of land of less than twenty (20) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner,

that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:

- a. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
- b. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or
- c. The parcel of land is adjacent to, or across the road from, a parcel which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.

4. **Application Criteria:** An applicant for planned unit development must demonstrate at least three (3) of the following to qualify a site for a PUD:

- a. The parcel to be developed has frontage on a major or secondary thoroughfare.
- b. The parcel is shaped in such a way that it contains angles which would make a normal subdivision difficult to achieve and has frontage on a major or secondary thoroughfare.
- c. A substantial part of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
- d. The parcel contains a wetland, floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps, wetland maps, or other documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for PUD development under this subsection.
- e. The parcel contains substantial natural assets, which could be preserved through the use of a PUD/cluster development. Such assets may include natural stands of large trees, land, which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved. Requests for qualification under these conditions must be supported by documented evidence, which indicates that the natural assets would qualify the parcel under the PUD District.
- f. The parcel contains natural landforms, which are so arranged that the change of elevation within the site include slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.
- g. The topography is such that achieving road grades of less than five (5) percent would be impossible unless the site were mass graded. The PUD District will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.

5. In areas meeting the above criteria, the minimum yard setbacks, heights, and minimum lot sizes per unit as required by Article XV, may be waived by the clustering and the attaching of dwelling units subject to the conditions set forth in Section 1503.

Planned Unit Development Design Standards

6. A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

- a. **Residential Dwellings:** The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings (clustering), and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing is encouraged as a means of conserving natural features and providing additional common open space.
- b. **Permitted Residential Density Lot Frontage, and Setbacks:** The permitted residential density lot frontage and setbacks shall be determined based on the standards permitted by the underlying zoning district, as modified and indicated below:

Residential Zoning District	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Setbacks		
			Front	Side	Rear
SE, Suburban Estates (without sewers)	20,000 sq. ft.	80 ft.	30 ft.	10 & 15 ft.	25 ft.
SE, Suburban Estates (with sewer)	12,000 sq. ft.	70 feet	25 ft.	5 ft.&10 ft.	25 ft.
R-1, Single-Family (with sewer)	8,000 s. ft.	70 ft.	25 ft.	5 & 10 ft.	25 ft.
R-2, Single-Family (with public sewer)	5,000 sq. ft.	50 ft.	20 ft.	5 ft & 5 ft.	25 ft.

Densities of PUD developments shall be calculated on a gross parcel area minus the area occupied by proposed road rights-of-way or existing dedicated public or private rights-of-way, minus areas designated as easements for public utilities, transmission lines/towers and pipeline easements, plus eighty (80) percent of the area occupied by any wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the modified underlying zoning district as noted above to establish the maximum number of permitted dwelling units.

The minimum permitted lot size for a detached single-family dwelling in areas not served by public sewer and water shall be determined by the Bay County Health Department standards. In no case, however, shall a lot size in the underlying zoning district, as modified above, be less than indicated in this section.

- c. **Common Open Space:** All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. A portion of the common open space requirement may be fulfilled by wetland, floodplain, and/or open water areas, and any other unbuildable land area, provided that not more than twenty (20) percent of the designated common open space area is wetland area, floodplain area, open water and/or other unbuildable area.

- d. **Educational and Recreational Uses:** Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development.
- e. **Commercial Uses:** Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to fifteen (15) percent of the gross area of a parcel greater than thirty (30) acres.
- 1) The following commercial uses may be permitted within a planned unit development:
 - (a) Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.
 - (b) Banks, credit unions, savings and loan associations, and similar financial institutions.
 - (c) Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.
 - (d) Personal service establishments which form services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber shops, photographic studios, dry cleaners, and restaurants (restaurants shall not include fast food facilities or facilities with drive-up windows).
 - 2) Adjacent property, which is zoned commercial and includes as part of the planned unit development proposal, shall not be applied to this provision.
 - 3) Planned commercial uses shall be accessed by public roads developed to Bay County Road Commission standards or private roads developed to the Township's private road ordinance standards and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.
 - 4) Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.
- f. **Off-Street Parking and Loading:** Off-street parking and loading/unloading spaces shall be provided in accordance with Article XVI of this Ordinance.
- g. **Other Site Improvements:** Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

- h. **Perimeter Setback and Buffering:** The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a one hundred (100) foot perimeter setback with a landscaped buffer area from all boundaries of the PUD and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment may be modified by the Planning Commission providing it can be demonstrated that such areas do not serve the intent of this requirement.

However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.

- i. **Phasing:** Each residential development phase shall be designed to stand alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as total the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50) percent of the total number of residential dwelling units.

- j. **Planned Unit Development Agreement:** The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

- k. **Land Division Requirements:** All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Subdivision Control Act, PA 288 of 1967, as amended, and with the Fraser Township Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act, PA 59 of 1978 and the condominium provisions of this Ordinance.

Procedure for Review and Approval

7. Conceptual Planned Unit Development Submittal

An applicant for planned unit development approval shall prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The conceptual submittal shall be processed in accordance with the following procedures.

- a. The applicant shall provide twenty (20) copies of the conceptual submittal to Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the conceptual submittal on the Planning Commission's agenda.
- b. The following minimum information must be provided as part of the concept submittal.

Statement of purpose, objectives, and development program including:

- 1) Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
- 2) Total project area.
- 3) Description of existing site characteristics.
- 4) Description of proposed character of the development.
- 5) Densities, areas and setbacks for various residential types.
- 6) Area and percent of developed and undeveloped open spaces.
- 7) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
- 8) Proposed project phasing and estimated timing schedule by phase to completion.
- 9) Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.
- 10) Generalized development plan and program, including:
- 11) Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.
- 12) Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following:
 - a) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.

- b) Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.
 - c) Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.
 - d) Proposed internal pedestrian and vehicular circulation system.
 - e) Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.
 - f) Areas to be preserved in a natural state.
 - g) Other data or graphics which will serve to further describe the proposed planned unit development.
- c. The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission shall refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant.
- d. The Planning Commission upon reviewing the conceptual planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and prior to granting conceptual PUD site plan approval, the Planning Commission sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the following notification procedures:
- 1) One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township.
 - 2) Notice of the Public Hearing also shall be sent by first class mail to the owners of the property for which planned unit development approval is being considered; to the owners of record of all real property and to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question. (If the name of the occupant is not known, the term "occupant" may be used in making notification.)
- Notifications need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.
- In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 3) Notice of the public hearing shall be made not less than five (5) nor more than fifteen (15) days prior to the public hearing date.
 - 4) The public hearing notice shall:

- a) Describe the nature of the planned unit development proposal.
 - b) Adequately describe the property in question.
 - c) State the date, time, and place of the public hearing.
 - d) Indicate when and where written comments concerning the request will be received.
- e. After the public hearing, the Planning Commission submits a report on the public hearing and the Commission's recommendation to the Township Board. Before recommending conceptual approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of Section 1506.4. exist and the requirements of Section 1506.6 have been met.
 - f. The Township Board reviews the public hearing report and the Planning Commission recommendation and either approves, approves with modifications, or denies the preliminary planned unit development submittal.
 - g. Following approval of the conceptual planned unit development submittal, the Township Board authorizes the developer to prepare the preliminary planned unit development submittal.

Preliminary Planned Unit Development Submittal

- 8. A preliminary planned unit development submittal shall be processed in accordance with the following procedures:
 - a. The applicant shall provide twenty (20) copies of the preliminary planned unit development submittal to the Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.
 - b. The following minimum information must be provided by the preliminary planned unit development submittal.

Existing Site Features

- 1) An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.
- 2) Physical development plan prepared at a minimum scale of 1 inch equals 100 feet.
- 3) Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.
- 4) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.

- 5) Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.
- 6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.
- 7) Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.

Proposed Development Features

- 8) Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.
- 9) Layout, numbers, and dimensions of single-family lots, including building setback lines.
- 10) Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
- 11) Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
- 12) Depiction of major wooded areas and description of means to be employed to preserve them.
- 13) An indication of ownership, and existing and proposed use of any parcels identified as "excepted."
- 14) An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Bay County Drain Commissioner.
- 15) Conceptual site grading and conceptual landscaping plans.
- 16) Depiction of proposed development phases.
- 17) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

Tabulations

- 18) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.

- 19) Total site density of single-family and multiple-family dwellings and percent of ground area covered by structures other than detached single-family dwelling units.
 - 20) Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.
- c. Planning Commission accepts the submittal and refers the appropriate portions to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.
 - d. The Planning Commission reviews the preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner, and appropriate state and county agencies. After its review, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of Section 1506.4 exists and the requirements of Section 1506.6 and 1506.7, a have been met prior to making a recommendation to approve, deny, or approve with modifications to the Township Board.
 - e. The Township Board, upon receiving a recommendation from the Planning Commission and upon reviewing the planned unit development agreement can either approve, approve with conditions, or deny the planned unit development submittal.
 - f. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two such twenty-four (24) month extensions may be granted.

Final Planned Unit Development Submittal

- 9. The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.

- a. The final planned unit development submittal must be prepared as one of the following:

- 1) Subdivision Plat as Defined by the Subdivision Control Act

The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Subdivision Control Act, the Fraser Township Subdivision Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.

2) Condominium Plan as Defined by the Condominium Act

The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

b. The developer prepares a planned unit development agreement which is reviewed by the Township Attorney, Planner, and Engineer. The planned unit development agreement shall contain the following:

- 1) Legal description of the total site.
- 2) Statement of developer's interest in the land proposed for development.
- 3) Statement regarding the manner in which open space is to be maintained.
- 4) Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
- 5) Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
- 6) Statement of required modifications (variances) to the regulations, which are otherwise applicable to the site.
- 7) Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.

c. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:

- 1) Detailed grading plan.
- 2) Detailed landscaping plan.
- 3) Detailed utilities layout.

Tabulations showing

- 4) Total phase acreage and percent of total planned unit development.
- 5) Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.
- 6) Total phase density and percent of total planned unit development.
- 7) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).

- 8) Percent of ground area covered by structures other than detached single-family dwelling units.

Supporting materials

- 9) Legal description of the total phase, each use area, and dedicated open space.
- 10) Copies of covenants, easements, and other restrictions to be imposed.
- 11) Proposed dates of construction start and completion of phase.

d. The final planned unit development submittal shall not:

- 1) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or
- 2) Involve a reduction of the area set aside for common space; or
- 3) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or
- 4) Increase by more than five (5) percent the total ground area covered by buildings.

e. The final planned unit development submittal shall be processed in accordance with the following procedures:

- 1) The applicant shall provide twenty (20) copies of the final planned unit development submittal to the Zoning Administrator at least fourteen (14) days before the meeting at which the submittal will be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the final submittal on the Planning Commission's agenda.
- 2) The Planning Commission accepts plan and refers the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.
- 3) The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or require modifications to assure conformance, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance.

f. Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:

- 1) Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.

- 2) The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
 - 3) The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.
 - 4) Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Township Board and the developer.
- g. Following approval of a final planned unit development submittal by the Planning Commission, the developer begins processing the plat through the Township Board in conformance with the Subdivision Control Act and the Fraser Township Subdivision Ordinance or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.

Appeals

- 10. No decision or condition related to a planned unit development submittal shall be taken to the Board of Appeals.

Fees

- 11. Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer.

SECTION 1507. HAZARDOUS SUBSTANCES OVERLAY ZONE.

1. Intent

The intent of the Hazardous Substance Overlay Zone is to provide supplemental development regulations in designated areas so as to permanently protect the Fraser Township’s drinking water source from long-term contamination originating from the improper use, storage or generation of hazardous substances or polluting materials. Due to the vulnerability of ground water aquifers to contamination, the need for public health protection, and the significant public investment in the municipal water supply system, these regulations contain protective measures, which apply to certain areas of the community.

2. Scope

The provisions of the Hazardous Substances Overlay Zone shall apply to all nonresidential uses and facilities, including private and public facilities, which use, store or generate hazardous substances in a quantity greater than 100 kilograms per month (25 gallons or 220 pounds), and which shall be subject to site plan review under the provisions of this Zoning Ordinance.

3. Definitions

- a. **AQUIFER:** A geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

- b. **DEVELOPMENT:** The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
- c. **ENVIRONMENTAL CONTAMINATION:** The release of a hazardous substance, or the potential release of a discarded hazardous substance, in a quantity which is or may become injurious to the environment, or to the public health, safety, or welfare.
- d. **FACILITY:** Any building, structure, or installation from which there may be a discharge of hazardous substances.
- e. **HAZARDOUS SUBSTANCE:** A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767; "hazardous waste" as defined in the Hazardous Waste Management Act, Act No. 64 of the Public Acts of 1979, being Sections 299.501 to 299.551 of the Michigan Compiled Laws; "petroleum" as defined in the Leaking Underground Storage Tank Act, Act No. 478 of the Public Acts of 1988, being Sections 299.831 to 299.850 of the Michigan Compiled Laws.
- f. **POLLUTING MATERIAL (S):** Any hazardous substance as so defined that can cause pollution to groundwater sources and/or become injurious to the public health, safety, or welfare of the general public or to the environment.
- g. **PRIMARY CONTAINMENT FACILITY:** A tank, pit, container, pipe, or vessel of first containment of a hazardous substance.
- h. **SECONDARY CONTAINMENT FACILITY:** A second tank, catchment, pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, groundwater, or surface waters, of any pollutant which may emanate from said storage container or containers.

4. **Hazardous Substance Protection Standards**

- a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, and street slopes.
- b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or water course, and shall not significantly increase flooding or the potential for environmental contamination of surface or groundwater, on-site or off-site.
- c. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and Township requirements, unless a groundwater discharge permit or permit exclusion has been obtained from the Michigan Department of Environmental Quality.
- d. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of hazardous substances to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
- e. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No releases to groundwater, including direct and indirect releases

shall be allowed without applicable groundwater discharge permit or permit exclusion from the Michigan Department of Environmental Quality.

- f. In determining conformance with the standards in this zoning ordinance, the Township shall take into consideration the publication titled "Small Business Guide to Secondary Containment", Clinton River Watershed Council, 1991, and other applicable references.

5. Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials

- a. Primary containment of hazardous substances shall be product-tight.
- b. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of five (5) gallons or less packaged for retail use shall be exempt from this item.
- c. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
- d. Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained to applicable requirements of Act 245 (Michigan Water Resources Commission Act of 1929, as amended).
- e. Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled, used and stored, shall be designed and constructed to prevent unpermitted discharge or runoff to floor drains, rivers, lakes, wetlands, soils or groundwater.

6. Underground Storage Tanks for Hazardous Substances and Polluting Materials

- a. Existing and new underground storage tank systems as defined under the Underground Storage Tank Regulatory Act, Act No. 423 of P.A. of 1984 shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency (E.P.A.) and the Michigan Department of Natural Resources.
- b. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality. Applicable leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records shall be required to be retained and available for review by State or Township officials for a period of five (5) years for tank tightness and for a two (2) year period for retention and all other monitoring or test results.
- c. Out-of-service and/or abandoned underground storage tanks shall be emptied and permanently closed in accordance with the requirements of the Michigan Department of Natural Resource Environmental Response Division and Fraser Township.

7. Well Abandonment

Out of service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health Well Construction Unit.

8. Site(s) with Contaminated Soils and/or Groundwater

- a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.
- b. Development shall be prohibited on a site of environmental contamination unless information is available indicating that the development will not exacerbate the contamination or impede its remediation.

9. Construction Standards

- a. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, hauling hazardous substances in proximity to water bodies or wetlands may be improper.
- b. Hazardous substances and polluting materials stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and un-permitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage of quantities greater than 100 kilograms (25 gallons or 220 pounds) shall have secondary containment.
- c. If the contractor will be storing or handling hazardous substances or polluting materials that require a manufacturer's material safety data sheet, the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
- d. Upon completion of construction, all hazardous substances and polluting materials, including containment systems no longer used or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable State and Federal Regulations.

10. Maintenance

In areas where hazardous substances or polluting materials are handled structural integrity of the building must be maintained to avoid inadvertent discharge of hazardous substances to soils and groundwater. Cracks and holes in floors, foundations and walls that could cause hazardous substances to be released, shall be repaired in areas where hazardous substances are handled or stored.

11. Development Review Requirements

The following development review requirements are in addition to the development requirements found under Section 1700; Site Plan Review:

- a. Specify location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, loading/unloading, recycling and use or disposal of hazardous substances or polluting materials.

- b. Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.
- c. Specify location of exterior drains, dry wells, catch basins, retention/detention areas, pumps, and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- d. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.
- e. Submit a list (Hazardous Substances Reporting Form for Site Plan Review) of the types and quantities of hazardous substances and polluting materials which will be used, stored, or generated on-site including chemicals, hazardous substances/materials, petroleum products, hazardous wastes and other polluting materials. The list shall include common name (trade name) of materials, chemical name (components), form (liquid, pressurized liquid, solid, gas, pressurized gas, etc.), maximum quantity on hand at any one time, and type of storage containers (aboveground tank, underground tank, drums, cylinders, metal container, wooden or composition container, portable tank). Material Safety Data supplied to the Fire Department and to employees by an employer may also be submitted for site plan review purposes.
- f. Submit any State/County Environmental Permits necessary for the storage of and/or discharge of hazardous substances or polluting materials.

12. Exemptions and Waivers

The transportation of any hazardous substance or polluting material shall be exempt from the provisions of this Ordinance provided the transporting motor vehicle or rail car is in continuous transit, or that it is transporting substances to or from a properly licensed for solid or hazardous waste treatment, storage, or disposal facility.

ARTICLE XVI GENERAL PROVISIONS

SECTION 1600. CONFLICTING REGULATIONS.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

SECTION 1601. BUILDING REGULATIONS.

1. Scope

No building or structure, or part thereof, shall hereafter be erected, constructed, used, reconstructed, altered or maintained, and no lot or land, or part thereof, shall hereafter be used or maintained and no new use made of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

2. Unlawful Building

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

3. Temporary Building

No temporary building shall be erected unless a valid building permit exists for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy. The approval of a temporary building may not exceed one (1) year; however, the Zoning Board of Appeals may grant multiple extensions up to six (6) months each for good cause shown, when the approval is due to expire.

4. Building Occupancy Other Than Completed Dwellings

Basements, garages, barns, and other accessory buildings shall not be occupied either temporarily or permanently as dwellings. No commercial or industrial buildings shall be occupied for dwelling purposes.

5. Frontage on a Public or Private Road or Private Driveway.

No building shall be erected on a lot unless said lot fronts its full minimum lot width, as required by Section 1500, upon a public or private street and a private driveway. Mobile home parks, multi-family developments, or commercial, office, or industrial centers need not front each such structure within the development upon publicly dedicated streets provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Township.

6. One Lot, One Building

In all single family districts, only one (1) dwelling shall be placed on a single lot of record.

SECTION 1602. NONCONFORMING USES AND BUILDINGS.

1. Intent

It is the intent of this Section to provide for the regulation of legally nonconforming structures, lots of record, uses and signs, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of which such regulations are established, and thus the gradual elimination of such nonconformities is generally desirable. The regulations of this Section permit such nonconformities to continue without specific limitation of time but are intended to restrict further investments which would make them more permanent.

2. Authority to Continue

Except as otherwise provided in this Section, any nonconforming lot, use, sign, or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structure and land in combination.

All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Section.

3. Nonconforming Uses or Structures

A nonconforming use or structure is considered to be any nonresidential use or structure in a residential district, industrial use in a commercial/business district, or any residential use in a nonresidential district.

a. Termination by Damage or Destruction

In the event a nonconforming structure or use is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure or use as determined by the Zoning Administrator, same shall not be rebuilt, restored, or reoccupied for any use unless it shall thereafter conform to all regulations of this Ordinance, unless the structure is being rebuilt, restored, or reoccupied by the owner of said structure. When such a nonconforming structure or use is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with Section 1602, 2 above and other applicable regulations of this Ordinance.

b. Changing Nonconforming Uses

No structure or use shall be changed unless the new structure or use conforms to the regulations for the district in which such structure or use is located.

c. Discontinuance of Use

When a nonconforming use of a structure or structures and land in combination, is discontinued or ceases to exist for six (6) consecutive months, or for eighteen (18) months during any three year period, the structure, or structures and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

d. Enlarging a Nonconforming Use

- 1) No nonconforming use or structure shall be enlarged upon, expanded, or extended, including extension of hours of operation. Normal maintenance and incidental repair of a nonconforming use shall be permitted, provided that this does not violate any other section of this Ordinance.
- 2) A nonconforming residence may construct an accessory building in accordance with Section 1603, Accessory Buildings.
- 3) Nothing in this Section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in accordance with other applicable provisions, and involving no structural alteration or enlargement of such structure.
- 4) No nonconforming use or structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- 5) Notwithstanding any other provision of this Section to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of the Ordinance.

4. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance provided the width, depth, and area is not less than sixty-six and two-thirds (66 2/3) percent of that required by this Ordinance. Yard requirement variances may be requested of the Board of Zoning Appeals.

5. Nonconforming Site Requirements

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. Expansion

No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

b. Termination

Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed in the absence of a prior variance only in conformity with the provisions of this Ordinance and with the requirements of the prevailing structural building codes.

c. Relocation

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6. Conditional Use Interpretation

Any conditional use as provided for in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

SECTION 1603. ACCESSORY BUILDINGS AND STRUCTURES.

Accessory buildings, structures and uses are permitted only in connection with and on the same lot with an existing principal building, structure or use, provided such buildings, structures and uses are incidental to the principal building or use and shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Accessory buildings and structures shall not be erected in any front yard (also, see Section 1500, footnote "t").
3. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard.
4. No detached accessory building shall be located closer than three (3) feet to any side or rear lot line. No detached accessory building shall be located closer than ten (10) feet to any main building except for garages upon meeting the following conditions.
 - a. The foundation shall not be less than the minimum required by local Building Code for frost protection (42 inches); and,
 - b. On Those portions of garages located within ten (10) feet of the main building, a fire separation of not less than 1 hour fire resistance rating shall be provided on the garage building side.
5. No detached accessory building in SE, R-1, R-2, RT, RM and RMH Districts shall exceed one (1) story or fifteen (15) feet in height.

Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structure in said districts.

6. When an accessory building is located on a corner lot, the lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot.
7. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances, shall not be located in required side yard setback.
8. Decks or patios shall be subject to the following regulations:

- a. Where a deck is structurally attached to a main building it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building. A maximum four (4) foot wide walkway to a deck may occupy a portion of the required side yard setback.
 - b. Decks shall not be erected in any minimum side or front yard setback except that an open deck without a roof or sunscreen may project into a required front yard setback a distance not exceeding ten (10) feet. A deck may not occupy more than twenty-five (25%) percent of a required rear yard.
 - c. A permit shall be required for construction of all decks. Concrete or wood patios constructed on grade and not intended for enclosure or a structure shall not be required to secure a permit.
9. When an accessory building and/or garage is not structurally attached, it shall be located in the rear yard, except as may be modified below:
- a. On a waterfront lot, accessory structures shall be erected on the street frontage of the lot except that the required front yard setback from the street front lot line shall be a minimum of twenty (20) feet.
 - b. For a lot abutting a lake or other impoundment of water, with a private or public road bisecting the lot and the opposite lot line not fronting onto a street, accessory structures may be built on either side of the road in accordance with the following provisions:
 - 1) Accessory structures construction on the portion of the lot adjacent to the water body shall be constructed in accordance with the provisions of Section 1603.9.a.
 - 2) Accessory structures constructed on the opposite side of the road of a waterfront lot, on that portion of the lot not adjacent to the water, shall be constructed no closer than twenty (20) feet to the edge of the roadway adjacent to the street; no closer than three (3) feet to the rear lot line; and no closer than three (3) feet to any side lot line.

SECTION 1604. OFF-STREET PARKING REQUIREMENTS.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- 1. Off-street parking spaces may be located within a rear yard or within a nonrequired side yard unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard nor with a required side yard setback unless otherwise provided in this Ordinance.
- 2. Off-street parking shall be on the same lot of the building it is intended to serve, except as may be otherwise provided for by this Ordinance.
- 3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveways, garage, or combination thereof and shall be located on the premises they are intended to serve, and also subject to the provisions of Section 1603, Accessory Buildings and Structures for garages.
- 4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.

5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. The joint use of parking facilities by two or more uses is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.

In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different times from the peak requirement for other joint uses, the maximum capacity required for joint use will be less than the sum of total individual space requirements.

A copy of an agreement between joint users shall be filed prior to the occupancy of the building by the new occupant and recorded with the Register of Deeds of Bay County. The agreement shall include guarantee for continued use of the parking facility for each party to joint use.

7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
11. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern, and be defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

a. **RESIDENTIAL**

- 1) **Residential, detached or attached, one-family and two family structures.** Two (2) spaces for each dwelling unit.
- 2) **Residential, multiple-family.** Two (2) plus one-quarter ($\frac{1}{4}$) per bedroom.
- 3) **Housing for the elderly.** One (1) space for each three (3) dwelling units and one (1) for each employee. Should units revert to general occupancy, two (2) spaces plus one-quarter ($\frac{1}{4}$) per bedroom.
- 4) **Mobile home park.** Two (2) for each mobile home site and one (1) space for each employee of the mobile home park.

b. **INSTITUTIONAL**

- 1) **Churches or Temples.** One (1) space for each four (4) seats or eight (8) feet of pews in the main unit of worship, provided that the number may be reduced proportionately one (1) space for each one (1) available on-street parking space within three-hundred (300) feet of the facility except in residential areas.
- 2) **Hospitals.** One (1) space for each two (2) beds, plus one (1) space for each doctor assigned to staff and one (1) space for each two (2) employees in the largest working shift other than doctors.
- 3) **Convalescent or nursing home.** One (1) space for each six (6) beds, plus one (1) space for each employee in the largest working shift, plus one (1) space for each staff member and visiting doctor.
- 4) **Elementary and junior high schools.** One (1) for each one (1) teacher, employee, and administrator, in addition to the requirements of the auditorium.
- 5) **Senior high school.** One (1) space for each teacher, employee, or administrator and one (1) space for each three (3) students, in addition to the requirements of the auditorium.
- 6) **Private clubs or lodge halls.** One (1) space for each fifty (50) sq. ft. of assembly area.
- 7) **Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses.** One (1) for each two (2) member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
- 8) **Golf courses open to the general public, except miniature or "Par 3" courses.** Four (4) spaces for each green, plus (50) percent of the requirements for any other accessory use such as a restaurant or bar, plus one (1) space for each employee.
- 9) **Fraternity or sorority.** Two (2) spaces for each bedroom, plus one (1) space for each five (5) active members.
- 10) **Stadium, sports arena, or similar place of outdoor assembly.** One (1) for each three (3) seats or six (6) feet of benches.
- 11) **Theaters and auditoriums.** One (1) space for each three (3) seats plus one (1) space for each two (2) employees in the largest working shift.
- 12) **Nursery school, day nurseries or child care center.** Two (2) spaces, plus one (1) space for each employee on the maximum shift plus a paved unobstructed pick-up space with an adequate stacking area; and one (1) space for each six (6) students.
- 13) **Library.** One (1) space for each one hundred fifty (150) sq. ft. of floor area devoted for public use, plus one (1) space for each employee in the largest working shift.

c. **BUSINESS AND COMMERCIAL**

- 1) **Planned commercial or shopping center.** One (1) space for each 150 sq. ft. of usable floor area for the first 15,000 sq. ft., plus one (1) space for each 200 sq. ft. of usable floor area for the next 15,001 sq. ft. to 150,000 sq. ft. of usable floor area, plus one (1) space for each 250 sq. ft. for that area in excess of 150,000 sq. ft. of usable floor area.

- 2) **Autowash (automatic).** One (1) space for each one (1) employee. In addition, reservoir parking spaces equal in number to 5 times the maximum capacity of the autowash. Maximum capacity of the autowash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
- 3) **Autowash (self-service or coin operated).** Five (5) stacking spaces for each washing bay.
- 4) **Beauty parlor or barber shop.** Three (3) spaces for each of the first two (2) beauty or barber chairs, and 1½ spaces for each additional chair.
- 5) **Bowling alleys.** Four and one-half (4½) spaces for each lane, plus one (1) space for each employee in the largest working shift, plus 50 percent of the spaces otherwise required for accessory uses (e.g. bars, restaurants, game rooms, etc.)
- 6) **Dance halls and assembly halls.** Thirty (30) spaces for each 1,000 sq. ft. of usable floor area.
- 7) **Skating rinks.** One (1) space for each two (2) seats or six (6) feet of benches or one (1) space for each 150 sq. ft. of skating area, whichever is greater.
- 8) **Pool or billiard parlors.** Two (2) spaces per table plus one (1) space for each three (3) seats and one (1) space for each employee in the largest working shift.
- 9) **Establishment for sale and consumption on the premises of beverages, food, or refreshments.** One (1) space for each three (3) seats for the first (150 seats, plus one (1) space for each two (2) seats over 150 seats, plus one (1) space for each two (2) employees in the largest working shift.
- 10) **Furniture and appliance, household equipment, repair shops, showroom or a plumber, decorator, electrical, or similar trade, shoe repair and other similar uses.** One (1) space for each 1,000 sq. ft. of usable floor area plus one (1) space for each employee in the largest working shift and one (1) space for each company vehicle.
- 11) **Gasoline service station - full service.** Two (2) spaces for each lubrication stall, rack, or bay; and one (1) space for each employee in the largest working shift.
- 12) **Gasoline service station - self-service.** One (1) space for each 150 sq. ft. of usable floor area in the cashier's and office area and in any convenience retail area. In no instance shall any required parking or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
- 13) **Quick oil change facility.** Three (3) stacking spaces for each oil change bay or rack plus one (1) space for each employee in the largest working shift.
- 14) **Laundromats and coin operated dry cleaners.** One (1) space for each two (2) washing and dry-cleaning machines.
- 15) **Miniature or "Par-3" golf courses.** Three (3) spaces for each hole plus one (1) space for each employee in the largest working shift.
- 16) **Mortuary establishments.** One (1) space for each 50 sq. ft. of slumber or viewing rooms, plus one (1) space for each employee and each mortuary vehicle.

- 17) **Motel, hotel, or other commercial lodge.** Ninth tenths (0.9) space for each room to be rented, plus one (1) space for each employee, plus parking figured separately at 75 percent of the requirement for banquet rooms, meeting rooms, restaurants and lounges/bars.
- 18) **Motor vehicle sales and service establishments.** One (1) space for each 250 sq. ft. of enclosed floor space for a sales room, plus one (1) space for each 2,500 sq. ft. of open sales/display area, plus two (2) spaces for each auto service stall in the service room, plus one (1) space for each employee in the largest working shift.
- 19) **Retail stores except as otherwise specified herein.** One (1) space for each 150 sq. ft. of usable floor area for buildings with 25,000 sq. ft. or less; one (1) space for each 200 sq. ft. of usable floor area for buildings between 25,001 and 50,000 sq. ft.; one (1) space for each 300 sq. ft. of usable floor area for buildings with 50,001 sq. ft. or more.
- 20) **Establishments offering carry-out service, being establishments primarily serving customers over a counter or through a window, i.e., food carry-out, dry cleaner pick-up, meat markets, bakers, shoe repair, etc.** One (1) space for each 30 sq. ft. of usable floor area devoted to customer assembly and/or waiting area. Parking needs devoted to areas for the consumption of food on the premises shall be computed separately for such seating areas (see item 9 under Business and Commercial Uses).
- 21) **Drive-in/through restaurant.** One (1) parking space for each employee in the largest working shift; one (1) for each two (2) seats provided; and one (1) for each thirty (30) square feet of usable floor area devoted to customer waiting area.
- 22) **Mini-warehouse facility.** At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee in the largest working shift shall be provided adjacent to the rental office.

d. **OFFICES**

- 1) **Banks.** One (1) space for each 200 sq. ft. of usable floor area, plus eight (8) stacking spaces for the first drive-in window and six (6) stacking spaces for each additional window.
- 2) **Business offices or professional offices except as otherwise specified.** One (1) space for each 250 sq. ft. of usable floor area.
- 3) **Professional offices of doctors, dentists or similar professions.** Two (2) spaces each examination or treatment room or dental chair, plus one (1) space for each doctor, dentist, and other employees in the largest working shift.
- 4) **Real estate offices.** One (1) space for each 100 sq. ft. of usable floor area.

e. **INDUSTRIAL**

- 1) **Industrial or research establishments, and related accessory offices.** Three (3) spaces plus one (1) space for every employee in the largest working shift or three (3) spaces plus one (1) space for every 550 sq. ft. of usable floor area, whichever is greater.

- 2) **Warehouses and wholesale establishments and related accessory offices.**
 Three (3) spaces plus one (1) space for every one (1) employee in the largest working shift, or three (3) spaces for every 1,700 sq. ft. of usable floor area, whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.

13. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

14. **Parking Set Aside (Landbanking) Provision (A Special Conditional Use):** An applicant, in lieu of providing all of a project's required off-street parking, may request, as a Special Conditional Use, a provision to set aside or landbank up to twenty (20) percent of a project's required off-street parking for projects having (50) or more required parking spaces providing that the area required for said parking is left as open space. Said open space shall be capable of being developed into the required off-street parking if so deemed necessary by the Planning Commission and/or the Township Zoning Administrator based on complaints or observed parking problems due to a shortage of available parking spaces anytime during the life of the conditional use permit. Should a set aside area be required to be developed for required off-street parking, the conditional use permit shall become null and void.

The Township Board shall have the authority to approve a conditional use permit upon receipt of a recommendation from the Planning Commission subject to all the requirements in Section 1702; Review and Approval Conditional Uses. Should a conditional use permit be granted for a parking set aside area, the permit shall be conditioned that should the open space provided under this set aside provision ever be deemed necessary to revert to the required off-street parking spaces by the Planning Commission and/or the Township Zoning Administrator, the applicant and/or the current property owner shall fulfill the requirement for the number of off-street parking spaces as originally required. The required off-street parking spaces shall be developed and contain the balance of off-street parking spaces required for the project.

15. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by the above grade signs and painted pavement as reserved for physically handicapped persons.

TOTAL SPACES IN	REQUIRED NUMBER OF
<u>PARKING LOT</u>	<u>ACCESSIBLE SPACES</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall have a minimum of 96 width inches (8') with an adjacent access aisle of 60 inches (5') minimum. Parking must be located on the shortest

possible route from parking facilities to an accessible building entrance. Parking spaces must meet all other applicable requirements as set forth in the Building Code.

SECTION 1605. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION, AND MAINTENANCE.

Whenever the off-street parking requirements in Section 1504, above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING PATTERN	MANEUVERING LANE WIDTH		PARKING STALL WIDTH	PARKING STALL DEPTH (90° MEASURE)	TOTAL DEPTH OF ONE TIER OF SPACE PLUS MANEUVERING LANE	TOTAL DEPTH OF TWO TIERS OF SPACES PLUS MANEUVERING LANE
	(2-WAY MOVEMENT)	(1-WAY MOVEMENT)				
0° (parallel parking)	24'	12'	8.0'	22'	20'	40'
45°	23'	12'	9.5'	13'	25'	49'
60°	24'	16'	9.5'	16'	32'	56'
90°	24'	N/A	10'	18'	43'	60'

3. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern shall permit two-way movement.
4. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be permitted to traverse land zoned for single family residential use.

6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. An obscuring wall shall be provided on rear and side property lines of the off-street parking area abutting or adjacent to a residential district. The obscuring wall shall not be less than four feet six inches (4'-6") in height measured from the surface of the parking area. In instances where an obscuring wall is required on a corner lot the wall height shall be reduced to two (2) feet in accordance with Section 1617.

All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

The Planning Commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this Section.

8. All lighting used to illuminate any off-street parking area shall be installed in accordance with Section 1620, Exterior Lighting.
9. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
10. Parking aisles shall not exceed three hundred (300) feet without a break in circulation.
11. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian ways.
12. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.
13. Off-street parking areas shall be landscaped in accordance with Section 1615, 3, b, Parking Lot Landscaping.

SECTION 1606. OFF-SITE PARKING FACILITIES.

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

1. Residential Uses

Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served; but in no case at a distance in excess of three hundred (300) feet from such zoning lot.

2. Nonresidential Uses

Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within three hundred (300) feet of such zoning lot. No parking spaces accessory to a use in a business or industrial district shall be located in a residential district, unless authorized by the Planning Commission.

3. Agreement Required

A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

SECTION 1607. OFF-STREET LOADING AND UNLOADING.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

	<u>TOTAL FLOOR AREA OF THE BUILDING</u>	<u>OFF-STREET LOADING SPACE REQUIREMENTS</u>
Office Use	0 - 10,000 square feet	One (1) usable loading space 8' x 22' or 9' x 18'
	10,001 - 50,000 square feet	One (1) usable loading space 10' x 50' in area
	Over 50,000 square feet	Two (2) usable loading spaces 10' x 50' in area
Commercial and Industrial Uses	0 - 1,400 square feet	One (1) usable loading space 10' x 25' in area
	1,401 - 20,000 square feet	One (1) usable loading space 10' x 50' in area
	20,001 - 50,000 square feet	Two (2) usable loading spaces, each 10' x 50' in area
	Over 50,000 square feet	Three (3) usable loading spaces plus one (1) space for each 50,000 square feet in excess of 50,000 square feet each 10' x 50' in area

1. All loading spaces shall be in addition to the off-street parking area access drive, and maneuvering lane requirements.
2. Off-street loading space shall have a clearance of fourteen (14) feet in height.
3. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with Section 1617, Screening Walls.
4. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public

thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

SECTION 1608. RECREATIONAL VEHICLE STORAGE.

1. The open parking or storage of trailers, boats or similar vehicles not owned by the property owner or tenant of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, a travel trailer may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks.
2. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and shall be stored in the side or rear yards only. Such vehicles shall be subject to applicable provisions concerning Accessory Buildings as set forth in Section 1604.
3. A travel trailer parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.

SECTION 1609. HOME OCCUPATIONS.

1. GENERAL CONDITIONS. The following general conditions shall apply to all home occupations:
 - a. A home occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
 - b. A home occupation use shall not endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, electrical interference, fire hazards, or the like, involved in or resulting from such home occupation.
 - c. No employees shall be permitted, either gratuitously or for compensation of any kind, other than members of the immediate family residing in the dwelling unit.
 - d. There shall be no internal or external alterations, additions, or changes to or special construction features placed in, on, or about the dwelling unit to accommodate or facilitate the home occupation, except as required for a Class II or Class III home occupation.
 - e. A home occupation shall not involve and public or private nuisance.
 - f. A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes.
 - g. A home occupation shall not be located in a dwelling unit in any area other than residential (AG, SE, R-1, R-2, RT, RM and RMH) zoning districts.
 - h. Only one Class II or Class III home occupation in a dwelling unit shall be permitted at one time.
 - i. All activities, except horticultural, relating to the home occupation shall be carried on indoors. There shall be no outdoor storage of items.
 - j. There shall be no outside display of any kind, nor any change in the outside appearance of the dwelling. Class I and Class II home occupations are allowed one (1) non-illuminated name plate sign containing only the name, address, and occupation of the resident of the dwelling unit. The sign shall not be more than two (2) square feet in area, which shall be

mounted flat against the wall of the dwelling unit or the structure housing the home occupation. A Class II or Class III home occupation in an AG or RF zoning district may be allowed one (1) non-illuminated sign not to exceed nine (9) square feet in area which shall contain only the name, address, and occupation of the resident of the dwelling unit. Said sign shall be mounted flat against the wall of the dwelling unit or the structure housing the home occupation.

- k. The home occupation shall utilize no more than twenty (20) percent of the floor area of the dwelling unit.
- l. No equipment or process shall be used in a home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal human senses off the subject site. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the site, or causes fluctuation in line voltage off the site.
- m. An occupation requiring township, county, state, or federal registration or licensing shall be registered or licensed and shall comply with all township, county, state and federal laws and regulations. Occupations requiring alterations or modifications to the dwelling unit for the purpose of complying with licensing laws or regulations will not be permitted as a Class I home occupation.
- n. A home occupation approval is for the applicant and members of his or her immediate family residing in the dwelling unit. Home occupation approval is not transferable with sale, rental, or lease of the dwelling unit.

2. **CLASSES OF HOME OCCUPATIONS**

- a. The general characteristics of the three (3) classes of home occupations are described as follows:
 - 1) Class I home occupations are those which are not visible from outside the dwelling and which have no impact on the residential character of the neighborhood. Class I home occupations are allowed in all residential zoning districts.
 - 2) Class II home occupations are to have minimal impact on the neighborhood and do not involve the use of accessory buildings. Class II home occupations may only be approved in the AG, RF, SE, R-1 or R-2 districts.
 - 3) Class III home occupations are also intended to have minimal impact on the neighborhood, but do allow the use of accessory buildings. Class III home occupations may be approved only in the AG or RF districts.
- b. No approval from the Fraser Township Planning Commission is required for a Class I home occupation. In addition to all required general conditions, a Class I home occupation shall observe the following restrictions:
 - 1) All activities shall be carried on inside the dwelling unit. No storage shall be permitted outside the dwelling unit or in any accessory building.
 - 2) No customers are allowed at the dwelling unit.
 - 3) No vehicular traffic from customers, shipments or deliveries is allowed. No special business vehicles generated by the home occupation are permitted on the premises.

- c. A Class II home occupation may only be allowed with approval of the Fraser Township Planning Commission. In addition to all required general conditions, a Class II home occupation shall observe the following restrictions:
- 1) Class II home occupations are not permitted within two-family or multiple-family dwellings.
 - 2) The Class II home occupation shall not generate traffic in excess of that which might be expected in a residential neighborhood, but in any case shall not exceed the (10) vehicle trips per day, excluding those trips by the occupants of the home. Shipments or deliveries by vehicles having more than two (2) axles are prohibited.
 - 3) There shall be no more than two (2) customer vehicles generated by the Class II home occupation parking on the premises at any time. There shall be no special business vehicles generated by the home occupation permitted on the premises at any time. All parking generated by the home occupation shall be provided on the premises and not on streets or roads.
 - 4) A Class II home occupation shall not offer for sale any article or service which is not produced on the premises, except products incidental to services performed or articles produced on the premises. No services for animals are permitted.
 - 5) Distributors who involve door to door sales of consumer goods sold at retail, but do not include sales at the dwelling unit or any on-site storage of other than minimal inventory, may be permitted as a Class II home occupation.
 - 6) The Fraser Township Planning Commission may stipulate the hours of operation.
 - 7) Should an approved home occupation cease activities for a period of one (1) year, or if the type of home occupation changes, re-application shall be made to and approval must be granted by the Fraser Township Planning Commission prior to resumption of the home occupation activity.
- d. A Class III home occupation may only be allowed with approval of the Fraser Township Planning Commission. In addition to all general conditions, a Class III home occupation shall observe the following restricted conditions:
- 1) A Class III home occupation may be permitted in both the dwelling unit and accessory building.
 - 2) The Class III home occupation shall not generate traffic in excess of that which might be expected in a residential neighborhood, but in any case shall not exceed ten (10) vehicle trips per day, excluding those trips by the occupants of the home.
 - 3) There shall be no more than two (2) customer vehicles generated by the Class III home occupation on the premises at any time. All parking generated by the Class III home occupation shall be provided on the premises and off the street or road.
 - 4) A Class III home occupation shall not sell or offer for sale any article or service which is not produced on the premises, except products incidental to services performed or articles produced on the premises.
 - 5) The Fraser Township Planning Commission may stipulate the hours of operation.

- 6) Should an approved home occupation cease activities for a period of one (1) year, or if the type of home occupation changes, re-application shall be made to and approval must be granted by the Fraser Township Planning Commission prior to resumption of the home occupation activity.

3. APPROVAL PROCEDURE FOR HOME OCCUPATIONS

- a. Class I home occupations require no township approval. Class II home occupations may be permitted by the Fraser Township Planning Commission as uses permitted after special approval pursuant to the public hearing and other requirements found in Section 1702, Review and Approval of Conditional Uses of this Ordinance.
- b. Prior to granting approval, the Planning Commission shall determine that the proposed home occupation is not incompatible with already existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic. In addition, the home occupation shall comply with the conditions of Sub-Section 1609. 2.
- c. An informal site plan (does not need to comply with the formal site plan requirements found in Article XVII) or plot plan and letter describing the proposed use, portion of the dwelling devoted to the home occupation use, lot or parcel identification (address and property number), size of lot or parcel, dimension of lot lines, existing improvements, location of structures on adjacent lots or parcels within one hundred (100) feet, abutting streets or roads, and the driveway, shall be sufficient.

SECTION 1610. BED AND BREAKFAST OPERATIONS.

A private residence that contains six (6) or fewer sleeping rooms and that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent, is the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, serves breakfast at no extra cost to its transient tenants, does not involve the employment of persons other than the occupants of the residence, and has a properly operating smoke detector in every sleeping room and a properly operating fire extinguisher on every floor.

A Bed and Breakfast establishment shall be operated in compliance with applicable state laws, except in instances in which provisions of this ordinance are more strict, in which case this ordinance shall prevail. For the purpose of this definition, a transient tenant shall mean a person who rents a room in a Bed and Breakfast establishment for fewer than fourteen (14) consecutive days. Bed and Breakfast establishments shall operate only in certain residential districts as provided in this ordinance.

Bed and Breakfast establishments as a subordinate use to single-family dwelling units and subject to all of the following conditions:

1. Such facility shall be located in either an AG, RF, SE, R-1 or R-2 district and be located on and have direct access to a state trunkline, as identified by the subject property's address, or on a major street (section line road, but not including any local or private road serving a residential development; i.e., subdivision, site condominium, lots created through a land division, etc.).
2. Such facility shall not be located within 500 feet, as measured from the nearest property lines, from another such facility or an existing non-conforming business use.
3. Off-street parking is provided in a manner than complies with Section 1604 and 1605 of this ordinance. One (1) off-street parking space for the operator plus one (1) additional space per room to be rented shall be provided.
4. No residential structure shall be removed in order to allow for a Bed and Breakfast use nor shall such structure be removed in order to provide for parking for such a use. Further, it is the Township's intent to not encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide adequate parking.

5. There shall be ample open space other than that required to accommodate the required off-street parking. Natural screening by use of plant material or other screening by use of fencing is required to screen parking areas from adjoining residential properties.
6. Each Bed and Breakfast operator shall keep a list of the names of all persons staying at the Bed and Breakfast operation. The guest register shall be available for inspection by Township officials at any time.
7. Not more than one (1) sign shall be permitted for such a facility. The sign shall comply with other sections of this ordinance, except that the following conditions shall prevail:
 - a. Sign may be either a wall or ground sign.
 - b. Sign face shall be one-sided and shall have a surface area of not more than six (6) square feet.
 - c. If the sign is illuminated, the source of illumination shall be a single light bulb of not greater than 75 watts, which shall be located not more than eighteen (18) inches from the sign face. The source of illumination shall not be visible from the street or neighboring properties.
 - d. If the sign is a wall sign, it shall be mounted directly on the principal building. If the sign is a ground sign, it shall be located not more than twelve (12) feet from the principal building.
 - e. The distance measured between the face of a ground sign and the ground shall not be less than eighteen (18) inches nor greater than thirty (30) inches.
 - f. Sign face shall be parallel to the property's front lot line and shall not obscure vehicle vision from intersection streets, alleys, or private drives.
 - g. Sign shall have un-obscured visibility from a reasonable approach distance along the adjacent major street or trunkline. Such visibility shall be affirmed in the site plan review.
8. Bed and Breakfast establishment shall be operated in compliance with all applicable codes, ordinances and laws of the Township, County and State.
9. A Bed and Breakfast establishment shall be considered to have ceased operation when active rental operation of the facility has lapsed for more than twelve (12) months.

SECTION 1611. ACCESS TO A MAJOR THOROUGHFARE OR COLLECTOR STREET.

For uses making reference to this Section, vehicular access shall be provided only to an existing or planned major thoroughfare, service drive, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, service drive, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

SECTION 1612. RESIDENTIAL ENTRANCEWAY.

In all Residential Districts, so called entranceway structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and

may be located in a required yard, except as provided in Section 1613 provided that such entranceway structures shall comply to all codes of the Municipality, and shall be approved by the Building Department and a permit issued.

SECTION 1613. CORNER CLEARANCE.

Except as may otherwise be provided in the Ordinance, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 1614. SIGNS.

1. Intent

The Township finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and/or general welfare of the residents of the Township, and that the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The Township finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the Township, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the Township, and may cause deterioration of business and residential areas of the community. Therefore, the purpose of this section and the subsections thereunder is to permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display, endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses; to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products; to keep signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential and public land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the zoning district in which they are located, but also upon the overall existing aesthetic character of the Township.

2. General Conditions

Except as otherwise provided, the following conditions shall apply in all districts:

- a. Prior to the erection or structural alteration of a sign, a building permit shall be secured. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Zoning Administrator so that he may ensure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Zoning Administrator.
- b. Illumination of signs shall be so shaded and shielded as not to interfere with the vision of persons on adjacent roadways or neighboring properties.
- c. No sign, except those maintained by the Township, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

3. Measurement of Sign Area

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. An area so created shall include all solid surfaces, as well as all openings. Structural members not bearing copy or display material shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes. Signs painted on a wall are also regulated by the provisions of this Ordinance.

4. Sign (Definitions): Is a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. Signs include, but are not limited to, figures, devices, pennants, emblems and pictures. Any of the above which is not placed out of doors, when placed near inside the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign. Signs shall include the following types:

ABANDONED SIGN: A sign which advertises a bona fide business, lessor, owner, product or activity no longer conducted or available upon the premises where such sign is displayed.

ACCESSORY SIGN: A sign which is accessory to the main or principal use of the premises.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER: Any sign printed or displayed upon cloth or other flexible material, with or without frames. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BULLETIN BOARD/ANNOUNCEMENT SIGN: A sign related to a public school, parochial school, private school, public park or recreation facility, church or other religious institution, which identifies activities or events to take place involving the patrons of such specific use.

CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes

is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

FLASHING SIGN: An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN/GROUND SIGN: A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

IDENTIFICATION SIGN: A sign stating the name or description of the use of the premises on which the sign is located.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

ILLUMINATED SIGN: Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN: Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN: A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

NONACCESSORY SIGN: A sign which is not accessory to the main or principal use of the premises.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this Ordinance.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PROJECTING SIGN: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquee signs.

REAL ESTATE SIGN: A sign placed upon a property advertising that particular property for sale, rent, or lease.

RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

RESIDENTIAL DEVELOPMENT SIGN: A sign placed on the premises of a subdivision, or other real estate development site, to identify a proposed start of development, the participants of such development (such as owner, contractor, architect, leasing agent, etc.), and relative date of availability.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure.

SWINGING SIGN: Signs which are designed or constructed to move or pivot as a result of wind pressure for the purpose of attracting attention.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted.

WALL SIGN: A sign erected or fastened against the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than fourteen (14) inches beyond the surface of the portion of the building wall on which erected or fastened.

5. Permitted Signs in the Residential Districts

- a. One (1) sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot. Such sign not to be placed in the public right-of-way, and shall be removed within twenty-four (24) hours of closing.
- b. Home occupation signs in accordance with Section 1609.
- c. One (1) freestanding sign advertising a recorded subdivision or development not-to-exceed twenty (20) square feet in area and four (4) feet in height and placed no closer to any street right-of-way than one-third (1/3) the minimum authorized front yard depth. Such sign shall be removed within one (1) year after the sale of ninety (90) percent of all lots or units within said subdivision or development.
- d. Residential development signs indicating only the name of the development and the management/developer thereof, subject to the following:
 - 1) The residential development signs shall be monument signs. For purpose of this section, a monument sign shall be defined as a sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
 - 2) There shall not be more than two (2) residential development signs for each major point of vehicular access to development.
 - 3) Residential development signs at any location shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred (100) square feet for the combined surface of all sign faces.
 - 4) Residential development signs shall not project higher than six (6) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

- 5) Residential development signs may be located in any required yard but shall not extend over any lot line or within ten (10) feet of any point of any public right-of-way. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Administrator. A residential development sign (s), proposed to be located within a public right-of-way, shall specifically be subject to review and approval of the Township Board.
 - e. Two (2) wall or two (2) freestanding signs or combination thereof identifying a park, school, church, public building, other authorized use, or a lawful nonconforming use, each not-to-exceed thirty-two (32) square feet and be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth. Freestanding signs shall not exceed four (4) feet in height. In addition, wall signs may not project above the roof or parapet line and may not project more than one (1) foot beyond the face of the wall of the building. Wall signs shall be attached to, and be parallel to, the wall of the building.
 - f. One (1) unlighted nameplate, identifying the name of the occupant, not-to-exceed three (3) square feet in area.
6. Permitted Signs in the Nonresidential Districts

Signs shall be limited to one (1) flat wall sign and one (1) freestanding sign on the premises of a business establishment or composite of businesses under a single ownership by an individual, firm or corporation, subject to the following conditions:

a. Wall Signs

- 1) Flat wall signs may not project above the roof or parapet line and may not project more than one (1) foot beyond the face of the wall of the building. Wall signs shall be attached to, and be parallel to, the wall of the building.
- 2) Wall signs shall be limited in number to one (1) wall sign per wall providing such a sign faces a public right-of-way or off-street parking area. The maximum size of any such sign shall not exceed ten (10) percent of the building facade where so provided.
- 3) In the instance of several tenants utilizing a common public entranceway, a common wall sign shall be permitted provided any such sign shall not exceed two (2) square feet in area for each tenant listed, or one hundred (100) square feet in area for all tenants listed, whichever is more restrictive. No occupant shall be listed on more than one (1) such sign per side of building having an individual means of access.

b. Freestanding Signs

- 1) A maximum of one (1) freestanding sign shall be permitted per structure or planned grouping of structures where a building does not cover the full area of the property. Signs may be freestanding or ground supported anywhere back of the property line provided, however, such signs shall not be placed closer than fifty (50) feet to any residential district, or closer than three (3) feet from a front property and/or right-of-way line or to adjacent nonresidential properties. The Planning Commission may allow two (2) freestanding signs for a structure or planned grouping of structures with multiple tenants providing the property has not less than five (500) feet of road frontage.
- 2) The allowable height for such signs shall not be over twenty (20) feet.

- 3) The maximum sign area shall be fifty (50) square feet in area if the lot or parcel of land on which the sign is located has less than 200 feet of road frontage on the road toward which the sign is primarily oriented; one-hundred (100) square feet on a road frontage with two hundred (200) or more but less than four hundred (400) feet of road frontage; and one hundred-fifty (150) square feet on a road frontage with four hundred (400) or more feet of frontage; except as may otherwise be provided.
- 4) Freestanding signs shall have two (2) sides or less.
- 5) Lots having frontage on 2 major thoroughfares or collector streets shall be permitted a second freestanding sign.
- 6) Sign Area Bonus in Nonresidential Districts

Monument signs may be substituted for an equal number of freestanding signs. They shall not exceed a height of six (6) feet. They shall not be placed closer than ten (10) feet to front lot line. The area of a monument sign may be increased in size by twenty (20) percent over that allowed for freestanding signs.

c. Freestanding Signs for Shopping Centers

- 1) One (1) freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings, providing that such centers have multiple tenants and/or uses, and further provided that the site contains a minimum of three (3) acres of land. Such freestanding signs shall not be permitted for individual tenants located in an approved business center development.
- 2) The allowable height for such signs shall not be over twenty-five (25) feet.
- 3) The maximum sign area shall be one hundred fifty (150) square feet per side.
- 4) Freestanding signs shall have two (2) sides or less.
- 5) Business centers having frontage on two major thoroughfares or collector streets shall be permitted on a second freestanding sign

7. Canopy Signs

- a. Canopy signs may be installed in lieu of wall signs provided the canopy structure, to which they are a part, do not extend into a public right-of-way or encroach over abutting property lines.
- b. The maximum size of any canopy sign shall not exceed ten (10) percent of the building façade where so provided.
- c. Any such canopy structure shall not be less than two (2) feet from any vehicular parking space or maneuvering lane.

- d. A minimum clearance under the canopy of seven (7) feet shall be maintained above the sidewalk and/or ground by all canopy structures.
 - e. Canopies hereinafter erected shall, whenever practicable, match the established clearance height and projection of canopies which exist on abutting parcels and/or businesses.
 - f. Where a building has a canopy constructed as an integral part of such building, one (1) additional wall sign may be permitted per customer under the canopy and perpendicular to the building provided it is not more than two (2) square feet in area and further provided that a minimum clearance of seven (7) feet shall be maintained above the sidewalk or ground.
 - g. Only the copy area of an opaque canopy should be identified as sign area used for calculation purposes. For any translucent canopy, the entire canopy area shall be considered as a sign for calculation purposes.
8. Other Permitted Signs (No Permit Needed)
- a. Highway signs erected by the U.S. Government, State of Michigan, Bay County, or Fraser Township.
 - b. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
 - c. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, does not obstruct traffic vision, and does not contain any advertising copy or logos.
 - d. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.
 - e. Placards posted to control or prohibit hunting and/or trespassing within the Township.
 - f. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
 - g. Memorial signs or tablets which are either: (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
 - h. Menu boards and drive-through signs used in connection with fast-food restaurants.
9. Temporary Signs
- a. Non-illuminated temporary signs promoting political parties, candidates, or proposals so long as such signs are removed within three (3) days after the completion of election activities. Signs in place beyond three (3) days are declared to be a nuisance. Signs in residential areas shall not exceed six (6) square feet. Signs in nonresidential districts shall not exceed thirty-two (32) square feet.
 - b. Special decorative displays or signs used for holidays, public announcements or promotion of civic welfare or charitable purposes when not used for a commercial purpose when authorized by the Township Zoning Administrator. In considering such authorization, the Township shall consider the following standards:

- 1) The size, character, and nature of the display or sign shall consider the proposed site of display for proper scale and relationship with the site and adjoining properties.
 - 2) The duration or time period during which the display or sign will be utilized shall coincide with the purpose for which it was approved.
 - 3) The purpose(s) for which the sign display is to be erected.
 - 4) The arrangements made for the removal of the sign or display after the termination of its usefulness.
 - 5) The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
 - 6) Whether or not the sign or display will constitute a traffic hazard.
- c. Construction signs showing names of building contractors, professional firms, and lending institutions on sites under construction not-to-exceed twenty (20) square feet in area and four (4) feet in height and not located nearer than ten (10) feet to a public right-of-way. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed within fourteen (14) days of the beginning of the use of the project.
- d. Illuminated portable signs for up to four (4) special events per year not to exceed fifteen (15) days per event, such as grand openings, fair and festivals, and announcements of new products, service or management, and including the event period provided the following conditions are met:
- 1) They do not exceed forty (40) square feet in area on any side.
 - 2) They are not located closer than ten (10) feet to a street right-of-way.
 - 3) No portable sign shall exceed ten (10) feet in height.
 - 4) No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - 5) Portable signs shall be limited to fifteen (15) days per event period.
 - 6) Only one (1) portable sign per lot shall be permitted.
 - 7) Prior to the establishment of a portable sign, an application for a permit shall be filed, accompanied by any requisite processing fees which may be established by Township Board resolution, with the Township Zoning Administrator.

10. Prohibited Signs

- a. Inflatable signs.
- b. Signs which incorporate, in any manner or are illuminated by, any flashing or moving lights other than for the conveyance of noncommercial information which requires periodic change, such as temperature, stock averages, time, and date.

- c. Exterior banners, pennants, spinners, balloons and streamers, other than a sign permitted as a temporary sign.
- d. Exterior string lights used in the connection with a commercial premise, other than holiday decorations.
- e. Any sign which is structurally or electrically unsafe.
- f. Signs displaying moving or animated parts or images.
- g. Portable signs, illuminated or non-illuminated, except for temporary signs pursuant to the provisions in this Section.

11. Nonconforming Signs

Nonconforming signs shall not:

- a. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign in a way, which increases its nonconforming status.
- c. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Zoning Administrator.

12. Nonaccessory Signs (Billboard Signs)

- a. Nonaccessory signs are permitted in the Commercial and Industrial Districts.
- b. Nonaccessory signs shall be regulated as follows:
 - 1) They shall be located a minimum of three hundred (300) feet from adjacent residentially zoned property;
 - 2) They shall be located a minimum of one thousand (1,000) feet from other nonaccessory signs on the same side of the right-of-way;
 - 3) They shall have the same setbacks as other principal structures in the zone in which they are situated;
 - 4) They shall not exceed three hundred (300) square feet in area;
 - 5) They shall not exceed twenty-five (25) feet in height; and
 - 6) They shall be freestanding ground signs. No sign shall be erected on the roof of any building, nor have any one (1) sign above another.

13. Sign Permits

- a. Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Building Department.

- b. Application for initial sign permits shall be made upon forms provided by the Building Department and shall contain or have attached thereto the following information:
 - 1) Name, address, and telephone number of the applicant.
 - 2) Location of building, structure, or lot to which or upon the sign or other advertising structure is to be attached or erected.
 - 3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
 - 4) Blueprints or ink drawings, in a number specified by the Building Department, of the plans and specifications and method of construction and attachment to the building or in the ground.
 - 5) Name of person, firm, corporation or association erecting the structure.
 - 6) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
 - 7) Any electrical permit required and issued for said sign. Application requesting the electrical permit for the proposed sign must accompany the sign application.
 - 8) Such information as the Building Department shall require to show full compliance with this Ordinance.
- c. Every applicant, before being granted a permit hereunder, shall pay to the Building Department a permit fee for each sign or other advertising structure regulated by this Section as may be established, by resolution, by the Township Board.
- d. It shall be the duty of the Building Department, upon the filing of an application for a building permit to erect a sign upon the review and approval of a site plan for said sign or advertising structure by the Planning Commission, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this Ordinance, a permit to erect such a structure shall be issued. If the construction authorization under a building permit has not been initiated within ninety (90) days after the date of issuance, the permit shall become null and void.

14. Residential Address Signs

- a. Prior to the occupancy of any residential dwelling unit, there shall be posted a residential address sign.
- b. The residential address sign shall consist of numbers, which are clearly visible from the adjoining street or road.
- c. The color of the numbers shall be sufficiently contrast with the color of the building or plate to which they are attached to make them readily distinguishable by a passerby. Said numbers shall not be less than four (4) inches in height, and numbers written in script shall be prohibited.

SECTION 1615. LANDSCAPING.

- 1. Intent

Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all non-residential land uses as specified in this Ordinance throughout the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. Scope of Application

The requirements set forth in this section shall apply to all non-residential uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in Section 1600, 7.

In cases where the use of an existing building changes and requires administrative or commission site plan review, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more additional plantings.

3. Landscaping Design Standards

Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards:

a. General Landscaping

All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground cover and other ornamental materials as required below, except where specific landscape elements, such as a greenbelt, berm, or screening are required:

- 1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.
- 2) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each 1,000 square feet or portion thereof of landscaped open-space area.
- 3) On sites which are two (2) acres or larger in size, the landscaped area shall include a greenbelt of a minimum ten (10) foot width, located and continually maintained along a public right-of-way.
- 4) Planning Commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 1616, 1.
- 5) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

b. Parking Lot Landscaping.

Off-street parking areas shall be landscaped as follows:

- 1) In off-street parking areas containing twenty (20) or more parking spaces, an area equal to at least five (5) percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.
- 2) Parking lot landscaping shall be in units not less than five (5) feet in any single dimension and not less than one hundred fifty (150) square feet in any single island area. Not more than two (2) landscaped units of one hundred fifty (150) square feet may be combined in plans designed to meet the minimum requirements.
- 3) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- 4) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- 5) A minimum of one (1) deciduous tree shall be planted in each landscaped unit.

c. Greenbelt Buffer

Where required, greenbelts and greenbelt buffers shall conform to the following standards:

- 1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular or pedestrian access.
- 2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
- 3) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length.
- 4) Two (2) shrubs shall be required for each fifteen (15) linear feet of greenbelt area.
- 5) For the purpose of determining required plant material, required greenbelt area length shall be measured along the lot lines adjacent to the greenbelt area inclusive of all driveways.

d. Berms

Where required, earth berms or landscaped berms shall conform to the following standards:

- 1) The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal, and shall provide a two (2) foot minimum crest. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

- 2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- 3) A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
- 4) Eight (8) shrubs per tree may be planted as substitute for trees (see item "3" above).
- 5) For the purpose of determining required plant material, required berm length shall be measured along the length of the berm.
- 6) Planning Commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 1616,1.

e. Evergreen Screening

- 1) Where required, evergreen screening shall consist of closely-spaced plantings which form a visual barrier that is at least eight (8) feet above ground level within five (5) years of planting.
- 2) Planning Commission may reduce or waive the requirements outlined herein provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 1616,1.

f. Landscaping of Rights-of-Way and Other Adjacent Public Open-Space Areas

Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

g. Regulations Pertaining to Landscaping Areas Used for Sight Distance

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than two (2) feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of two (2) feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- 1) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- 2) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured

along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

h. Maintenance of Landscaping

- 1) All required landscape areas shall be planted and maintained with living plant materials. All landscaping which is located more than fifty (50) feet from a building site shall have an irrigation (water sprinkler) system installed to assist in maintaining plant materials in a healthy condition.
- 2) Upon completion of the installation of the landscaping, the owner shall implement a seasonal maintenance program to replace all diseased, dead or damaged plants, replenish mulch, control weeds, fertilize and prune all plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

i. Existing Plant Material

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve the intent of this Ordinance, more specifically Section 1616,1. All such material "to be saved" shall be so indicated on the landscape plan.

All existing plant materials must first be verified by the Zoning Administrator, prior to issuance of a Building Permit, to determine the health and desirability of such materials. The property owner of applicant may enlist the services of a registered landscape architect or registered forester to verify existing plant materials and may submit a site plan and/or report. The Planning Commission may require the above information when deemed necessary.

If such existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Zoning Administrator, said trees shall be replaced with trees of comparable type, prior to issuance of a Certificate of Occupancy.

SECTION 1616. PLANT MATERIALS.

Whenever in this Ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this Ordinance.

1. Plant Material Spacing

Trees shall not be planted closer than four (4) feet from the fence line or property line and shrubs shall not be planted closer than two (2) feet from the fence or property line.

2. Suggested Plant Materials Minimum Size

- a. Deciduous Trees Two (2) inch Caliper and ten (10) feet in height

- f. Evergreen Shrubs Twenty-four (24) inch in height or width
 - (1) Globe Arborvitae
 - (2) Dwarf Mugo Pine
 - (3) Andorra Juniper
 - (4) Broadmoor Juniper
 - (5) Tamarix Juniper

3. Trees Not Permitted

- a. Box Elder
- b. Soft Maples (Red-Silver)
- c. Slippery Elms
- d. Poplars
- e. Willows
- f. Horse Chestnut (nut bearing)
- g. Tree of Heaven
- h. Catalpa
- i. Ginkgo (female)
- j. Basswood
- k. Chinese Elm
- l. Cottonwood

4. Existing Plant Materials

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this section.

All existing plant materials must first be verified by the Zoning Administrator, prior to issuance of a Building Permit, to determine the health and desirability of such materials. The property owner or applicant may enlist the services of a registered landscape architect or registered forester to verify existing plant materials and may submit a site plan and/or report. The Planning Commission may require the above information where they deem necessary.

If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

In the event that healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the Zoning Administrator, said trees shall be replaced with trees of comparable type, prior to issuance of Certificate of Occupancy.

SECTION 1617. SCREENING WALLS.

- 1. For the Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall. The height of the wall shall be constructed and measured from the surface of the parking area or land on the nonresidential side of the wall:

<u>USE</u>	<u>MINIMUM HEIGHT REQUIREMENTS</u>
a. Off-street Parking Area	4'-6" high wall

b.	Commercial	4'-6" high wall
c.	Industrial	4'-6" high wall
d.	Open Storage Areas and Loading and Unloading Zones	4'-6" to 8'-0" high wall or fence (See also Sections 1103 and 1308)

USE

MINIMUM HEIGHT REQUIREMENTS

e.	Trash Receptacles	6'-0" high wall (see also Section 1321)
f.	Utility Buildings, Stations, and Substations	6'-0" high wall or fence

2. In the case of the variable wall height requirement in (d) above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or fence shall be less than the above required minimum, nor greater than the above required maximum height.
3. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in accordance with Section 1616, 3 (d)(e). The Planning Commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
4. Required walls shall have no openings for vehicular traffic except as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, and easily maintained.
5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from abutting residential district(s).

SECTION 1618. FENCES, WALLS and HEDGES.

The installation, erection, and/or maintenance of a fence is hereby prohibited except in compliance with the requirements, herein. A permit to be issued by the building inspector shall be obtained prior to installation or erection of any fence within Fraser Township.

Application shall be made upon a form provided by the Building Department, and shall require such information as may be required by the Building Department in order to determine whether such fence is in conformity with the requirements of this Ordinance. The filing fee(s) for a fence permit shall be as presently established or as hereinafter adopted by resolution of the Township Board.

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts, which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the base of the fence, and shall not extend toward the front of the lot nearer than the front of the house or dwelling.

Fences on lake front property shall not exceed six (6) feet in height, measured from the base of the fence, and may extend from a seawall or the high water line, whichever is greater, alongside

property lines to a fifteen (15) foot setback line measured from the road right-of-way line. A privacy fence can be installed to separate front and rear yards providing said fence shall not exceed six (6) feet in height, measured from the base of the fence and shall not extend beyond the front building line or the rear building line of the home between said home and the side property lines. A decorative fence may be installed in the rear yard (road side yard) of a lake front property with said decorative fence extending from the fifteen (15) foot setback line to the road right-of-way line and across the rear yard between the side lot lines. Said decorative fences shall conform to the development standard as noted in this Section.

Decorative fences (does not include chain link fences) shall be permitted in front yard (rear yard for lake front properties) providing they do not exceed two and one-half (2.5) feet in height and the vertical surface in any five (5) foot section, measured from the finished ground grade to the top of the fence, shall have openings of at least fifty (50) percent of the total surface area of each five (5) foot section of fence, including all framing members, posts, horizontal or vertical support members. Chain link fences may be allowed in lieu of decorative fences in a front yard (rear yard for lakefront properties) providing that the height of said fence does not exceed three (3) feet.

2. Fences on lots of record shall not contain barbed wire, razor wire, electric current or charge of electricity, except that barbed wire may be placed on the top of fences in nonresidential districts to enclose open storage areas or utility buildings or stations. Barbed wire cradles shall consist of no more than three (3) strands of wire and shall overhang into the property, which it is to protect.
3. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
4. All fences in areas zoned or used for business offices or commercial purposes shall be of an ornamental type, and shall not be more than six (6) feet in height above ground level.
5. All Fences in areas zoned or used for industrial purposes shall not exceed eight (8) feet in height above ground.
6. Fences shall be constructed of wood (dimensional lumber only), metal or masonry, and other acceptable materials, excluding plastic, wood or metal interwoven weave designs. Only new material shall be used, which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay.
7. Fences shall be constructed of the following materials:
 - a. All wood fences shall be constructed using dimensional lumber of either cedar, redwood or treated wood, including post. Dimensional lumber shall have a minimum thickness of 3/4 inch, and fence post shall be 3 1/2 by 3 1/2 inch or larger. Such fences shall be constructed with the finished side (side with no framing material being visible) facing the adjacent property.
 - b. Chain link fences shall be constructed using two (2) inch pipe for all posts and support members.
8. All fences must be located entirely on the private property of the person constructing the fence, except that if the adjoining property owner(s) consent in writing to the construction of a fence on the property line, it may be so constructed. Such written consent shall be filed with the application for a permit. In the case of adjoining properties, only one (1) fence between the two (2) properties may be erected.

9. A fence may be erected parallel to the side street lot line of a corner lot provided it is located at least one (1) foot inside the side street lot line and does not extend beyond the front building line into the front yard.
10. Fraser Township shall not be responsible for the enforcement of any agreements relative to the mutual or separate payments of the cost or construction, maintenance, or repair of fences.
11. Fraser Township shall not be responsible for the determination of the location of any fence to be erected on a lot line.
12. Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any unsafe shall be deemed a nuisance. The Building Department shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed and shall provide a time limiting such repairs, modification, or removal.

SECTION 1619. OUTDOOR TRASH STORAGE AREAS.

1. In all Commercial and Industrial Districts, there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse, which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the Planning Commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.
2. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
3. A screen wall in accordance with Section 1617, Screening Walls of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
4. In no instance shall any such refuse be visible above the required screening.

SECTION 1620. EXTERIOR LIGHTING.

1. All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from all adjacent residential districts, adjacent residences, and public rights-of-way.
2. All outdoor lighting in all use districts shall be directed and confined to the ground area or building surface. In no case shall the source of light cause illumination in excess of one (1) foot candle when measured, at grade, at any adjoining residential district boundary line.
3. All illumination shall not be of a flashing, moving or intermittent type other than used in connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature or stock averages.
4. All illumination shall be constant in intensity and color at all times when in use.

SECTION 1621.

ACCELERATION-DECELERATION-PASSING LANES.

Vehicular access and egress from all zoning lots, except residential developments involving five (5) or less dwelling units, shall be provided with the following:

1. Driveways and/or streets providing ingress and egress to all two-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes. The requirement for the installation of a passing lane may be waived by the Planning Commission provided such waiver is obtained by the applicant from the Bay County Road Commission or Michigan Department of Transportation by the time the application for site plan approval has been submitted.
2. Driveways and/or streets providing ingress and egress to all three-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes.
3. Driveways and/or streets providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers or turning lanes for traffic safety as required by the Bay County Road Commission.
4. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the Bay County Road Commission.

SECTION 1622.

SOIL REMOVAL; EXCAVATION; FILLING.

1. Prohibition, Permits Required:
 - a. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct any soil removal or excavation within the unincorporated areas of the Township without first procuring a Special Condition Use Permit, from the Township Planning Commission as specified below. This provision shall not apply to excavations for building construction purposes, pursuant to a Building Permit issued under the Township Building Code, or for ponds regulated by Section 1623.
 - b. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except that, pursuant to the terms and conditions of a Special Condition Use Permit that may be granted in a proper case by the Planning Commission in areas designated as AG, Agricultural District.
2. Application for Special Condition Use Permit
 - a. Application for a Special Condition Use Permit hereunder shall be made in accordance with Section 1702, Review and Approval of Special Condition Uses. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of 1" to 100' with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding and excavation

and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk.

- b. The original of each application shall be signed by the applicant and sworn to before a notary public. Two conformed copies shall be filed with said original.

3. Reference of Application to Building Official, Investigation and Report, Standards:

One copy of the application shall be referred to the Building Official, or his duly authorized agent, who shall investigate the premises described in the application, including the surrounding area, and within a reasonable time make recommendations to the Planning Commission as to whether the Special Condition Use Permit should be granted subject to this Ordinance, or whether the application should be denied. Recommendations shall include a report on the following matters, which, in addition to those general standards outlined in Section 1702, shall serve as the standards to be used by the Building Official in making his recommendation to the Planning Commission regarding the Special Condition Use Application:

- a. The qualifications of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health, safety, and general welfare.

No Special Condition Use Permit shall be granted to an applicant deemed unfit by the Township Board on the basis of the clear and substantial weight of the facts presented.

- b. The full and complete effect on the public health, safety, and general welfare of granting the Special Condition Use Permit without special terms and conditions. For an application to be granted on this basis, the Township Planning Commission, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.

- c. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefore. Even subject to special terms and conditions, an application shall not be granted unless the Township Planning Commission, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.

- d. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare of the residents of the Township shall be considered. No application shall be granted on any basis whatever if the Township Planning Commission, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation. The Building Official, or his duly authorized agent, shall include on his report to the Planning Commission and the Planning Commission shall consider in its recommendation to the Township Planning Commission, whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special condition approval.

In recommending approval of a special condition use permit to the Township Planning Commission, the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may recommend denial, approval or approval with conditions, a request for special condition use approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.

Upon holding a public hearing and completing the review of the special condition use request, the Planning Commission shall within thirty (30) days provide its recommendation. The recommendation findings shall include a record of those conditions that are recommended to be imposed. The Township Planning Commission, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special condition use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn there from and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Planning Commission and the landowner, and the Township Planning Commission shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A special condition use permit shall be issued by the Township Planning Commission upon approval. The Township Planning Commission shall forward a copy of the permit to the owner/applicant, Clerk, and Building Official. The Building Official shall not issue a building permit until he has received a copy of the special condition use permit approved by the Township Planning Commission.

4. Rules and Conditions:

Each party granted a special condition use permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the special condition use permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

- a. No top soil, earth or sand shall be removed and no excavation shall be conducted on a parcel of less than five (5) acres in area, or within two hundred (200) feet of any public thoroughfare, or within a distance of one hundred (100) feet, plus the measurement of the depth of the cut, of any adjoining private property line.
- b. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the excavation operations, unless an impoundment of water has been previously approved by the Township Planning Commission as a part of restoration operations as described in item (d), below.
- c. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights and watchman provided

where found by the Township Planning Commission to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Planning Commission as a part of restoration operations (as described in item (d) immediately below). Slopes at a ratio of four (4) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface, to a depth of six (6) feet.

- d. Where a permit for soil removal or excavation specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or excavation operation, shall commence and complete with all due dispatch the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
- e. Any gravel or dirt roads used for the purpose of ingress and egress to said excavation site shall be dust free by a hard surface or chemical treatment.
- f. In the case of a permit for filling:
 - 1) Evidence of compliance with PA 641 of 1978, as may be amended (the Solid Waste Management Act) must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation;
 - 2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Township Board, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the Special Condition Use Permit holder to keep the area in a reasonably clean and neat condition;
 - 3) All rubbish and garbage fill when deposited must be thoroughly compacted;
 - 4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the special condition use permit, shall be covered with a compacted layer of soil matter twelve (12) inches thick and of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.
 - 5) Conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed and covered so as to reduce odor and the scattering of the

matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the conveyor of such rubbish or garbage and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the public highways by the tracking of the vehicles shall be removed and the affected area restored to its prior condition.

- g. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any special condition use permit, for the purposes of making inspections, and for causing compliance with the terms of this Ordinance in the event the permit holder shall fail to do so. It shall be the duty of the Building Official or his duly authorized agents to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.

5. Permits; Suspensions; Revocation:

In the event a special condition use permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Planning Commission, the Building Official shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Planning Commission within ten (10) days after receipt of such notice. If it shall appear to the Township Planning Commission from the facts presented that the special condition use permit holder has been committing the violation as charged, then the Township Planning Commission shall revoke said permit. In the event of the revocation of a special condition use permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Planning Commission, based on the standards of this Ordinance and conditions previously imposed by the Township Planning Commission.

6. Dangerous Excavations or Holes Prohibited:

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This section shall not apply to excavations operated under a special condition use permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Building Official, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state of Michigan, Bay County, Fraser Township, or other governmental agencies.

7. Restoration

All areas within any landfill or excavation site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a special condition use permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.

The Township Building Official shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Planning Commission

may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, the Township Planning Commission shall set a new date which shall be final.

SECTION 1623. PONDS.

1. Intent

The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.

2. General provisions

- a. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the building official.
- b. A pond shall not be constructed on a lot or parcel of land which, is less than 5.0 acres in size.
- c. Water shall be maintained in all pond excavations.
- d. All soil and similar materials excavated during the construction of the pond shall remain on the property.

3. Application and review procedures

- a. Application shall be made to the Township Building Official. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond will be established, and a site plan submitted in accordance with Section 1700, Site Plan Review Procedures.
- b. Evidence shall also be presented at the time of application that the Bay County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
- c. The applicant shall also, at the discretion of the Building Official at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed.
- d. The Building Official may, at his discretion, administratively review and approve applications for a pond construction permit, in lieu of a more formal review and consideration by the Township Planning Commission, provided all of the following conditions exist:
 - 1) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less;
 - 2) The subject site and/or adjoining properties do not contain natural assets including trees, woodlots, endangered species habitats, state regulated wetlands, 100-year

floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.

- 3) The outside edge of the pond is not within fifty (50) feet of an existing County Drain;
- 4) The proposed pond is not located within one hundred (100) feet of a public right-of-way, private easement, or school site, and no closer than one hundred (100) feet from a side or rear property line; and
- 5) The proposed pond is not within fifty (50) feet of an existing state regulated wetland.

4. Design requirements

Private ponds shall be permitted as an accessory use provided they meet the following requirements:

- a. The minimum setback distance for the pond shall be a minimum of one hundred (100) feet from any property line. A pond may cross a property line only upon submittal of an easement reviewed and accepted by the Planning Commission allowing such occupation.
- b. There shall be a distance of not less than fifty (50) feet between the outside edge of the pond and any building.
- c. There shall be a distance of not less than fifty (50) feet from any overhead transmission lines.
- d. Slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet.
- e. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion and in no case shall excavated materials be deposited in a manner which alters the natural drainage of other properties.
- f. Any pond constructed in any zoning district, other than AG or RF Districts, shall be completely fenced and provided with a self-latching gate. The fence shall be at least four (4) feet in height and shall contain no openings greater than six (6) inches square. The fence shall be maintained in compliance with this Section as long as the pond continues in existence.

5. Limitations

- a. No pond shall be located upon, cross, or extend beyond an existing property line unless the criteria in 4. a. above has been met.
- b. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extensions may be granted by the Planning Commission for cause shown.
- c. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the township or by other public agencies having jurisdiction.

6. Fees Required

Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the Township Board.

SECTION 1624. MOVING OF BUILDING OR STRUCTURE.

Any building or structure shall not be moved upon any premises in the Township until a building permit for such removal shall have been secured. Any building or structure shall fully conform to all the provisions of this Ordinance and the Township Building Code in the same manner as a new building or structure. No building or structure shall be moved to any site within the Township until the owner has posted a cash deposit in any amount specified by the Township Board, guaranteeing full compliance with the building permit and Township Ordinances.

SECTION 1625. SINGLE-FAMILY DWELLINGS.

Any single-family dwelling shall comply with the following minimum standards:

1. **Minimum Size:** Each dwelling shall contain the minimum number of square feet specified in Section 1500, prior to any alterations or additions. Each dwelling shall be at least 24 feet in width for at least 60 percent of its length.
2. **Foundation:** Each dwelling shall be provided with adequate foundation supports. At a minimum, this shall include a concrete foundation, which extends at least 42 inches below grade and extending around the complete outside perimeter of the dwelling. A crawl space of not less than 24 inches shall be provided. Adequate additional support in the form of columns or beams shall be provided as required by the building inspector. Each dwelling shall be securely anchored to the foundation.
3. **Storage Facilities:** Each dwelling shall have either a basement, garage or storage building containing at least 400 square feet of storage area constructed at the same time as the dwelling.
4. **Roof:** Each above ground dwelling shall have a roof with no less than a 4 – 12 pitch and maintains a minimum of a twelve (12) inch overhang from all walls of the dwelling..
5. **Construction Code:** Each dwelling and dwelling addition shall comply with either the mobile home provisions of the Michigan Construction Code or the construction provisions of the BOCA Building Code.

SECTION 1626. TEMPORARY MOBILE HOMES.

Permission to place a temporary mobile home on a lot or parcel of land, which does not meet the Single-Family Dwelling standards found in Section 1625, may only be granted by the Zoning Administrator for a six (6) month period provided that the zoning conditions are complied with prior to placing the mobile home on the property subject to the following:

1. The petitioner must intend to construct or repair a permanent single-family dwelling on the property during the time he occupies the temporary mobile home.
2. A site drawing shall be submitted showing the proposed location of the mobile home on the property and any proposed or existing driveways and buildings.
3. The location of the temporary mobile home on the site shall be such as to minimize any adverse effects on adjoining properties.

4. The temporary mobile home must contain at least 700 square feet in area.
5. A water well and septic tank shall be installed with the approval of the Bay County Health Department.
6. A cash deposit in the amount of Five Hundred (\$500.00) Dollars shall be deposited with the Township Treasurer to guarantee compliance with the requirements of this Ordinance section. The cash deposit shall be used by the Township to defray any cost incidental to enforcing the removal of the mobile home at the expiration of the approval period. The unused portion of the deposit shall be returned within 30 days after the mobile home has been removed from the Township, or placed in an authorized mobile home park.
7. An affidavit as to the construction of the permanent dwelling, and the removal of the temporary mobile home, and the purpose of the cash deposit shall be sworn to by the petitioner and provided to the Zoning Administrator.
8. All necessary construction permits for the mobile home and for the permanent home to be constructed and/or repaired shall be acquired.
9. A smoke detector system and a fire extinguisher approved by the Building Inspector shall be installed in the mobile home.

An extension for an additional six month period may be granted by the zoning administrator if the petitioner has made substantial progress on completion of the permanent dwelling. Any additional extensions may only be granted by the Planning Commission.

SECTION 1627. STORAGE OF UNOCCUPIED MOBILE HOMES.

Permission to temporarily store an unoccupied mobile home, which does not comply with the Single-Family Dwelling standards of Section 1625, may only be granted by the Zoning Administrator if the following conditions are complied with:

1. The petition must demonstrate a need for temporary storage of the mobile home for purpose of sale, transfer of the mobile home to another location outside of the Township, or reconstruction of the mobile home in order to comply with the Single-Family Dwelling standards.
2. The mobile home must be removed from the Township or brought into compliance with the Single-Family Dwelling standards within ninety (90) days of the date the mobile home is placed on the property.
3. A cash deposit, in the amount of Five Hundred (\$500.00) Dollars, shall be deposited with the Township Treasurer to guarantee removal or reconstruction of the mobile home. The cash deposit shall be used by the Township to defray any costs incidental to enforcing the removal of the mobile home at the expiration of the approval period. The unused portion of the deposit shall be returned within thirty (30) days after the mobile home has been removed from the Township, or placed in an authorized mobile home park.
4. An affidavit as to the removal or reconstruction of the mobile home and the purpose of the cash deposit shall be sworn to by the petitioner and provided to the Zoning Administrator.

An extension for an additional ninety (90) day period may be granted by the Planning Commission if the petitioner presents a good faith reason for an extension.

This Section does not apply to mobile homes located in a RMH, Mobile Home Park zoning district.

SECTION 1628.**PRIVATE SWIMMING POOLS.**

Private swimming pools shall be permitted as an accessory use within the rear yard or a non-required side yard, provided they meet the following requirements:

1. Private swimming pools shall require the Zoning Administrator's review and approval.
2. The minimum distance between an adjoining property line and the outside of the wall shall be no less than fifteen (15) feet.
3. There shall be a distance of not less than ten (10) feet between the outside pool wall and any building located on the same lot or parcel.
4. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
5. No swimming pool shall be located in an easement.
6. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval.
7. The swimming pool shall be placed at least ten (10) feet from any overhead wiring as measured horizontally when viewed from above.

SECTION 1629.**PRIVATE ROADS.****1. INTENT**

This provision shall apply to the creation, construction, extension, and/or alteration of private roads serving all zoning districts in Fraser Township. All uses with access from a private road in areas with public water and/or sewer availability shall be required to connect to said utilities. In addition, private roads developed in areas with public water and/or sewer availability shall be required to provide adequate utility easements within the private road easements subject to review and approval of the Township Attorney and Engineer. The application and review process for private road development shall be considered as a Special approval Use and follow the procedures of Article 1700, Section 1702 of this Ordinance.

2. Definitions:

- a. Private Road: A way or means of approach which provides access to two or more buildings or parcels, and which is constructed and maintained by the proprietors and is not dedicated for general public use.
- b. Private Driveway: A privately owned and maintained property which is used for vehicular ingress and egress serving not more than two (2) residential building sites.
- c. Proprietors: Those constructing or desiring to construct a private road and all those property owners whose property is being or is intended to be served by a private road.

3. Private Roads Permitted: Private roads are permitted provided they conform to the requirements of this Section.

4. Construction Standards and Road Geometrics: Except as otherwise provided in this Ordinance, the creation of a road that serves a division of land or a development consisting of one or more principal buildings, other than a subdivision as defined by the Subdivision Control Act of 1967, shall meet or exceed the cross-sectional construction standards established by the Bay County Road Commission for public roads, shall have a minimum roadway surface of at least six (6) inches of 22 A road gravel or stone, and sufficient supporting base as determined by the Township Engineer. For those private roads that service five or more buildable lots or dwelling units, said private roads shall be built to the Bay County Road Commission Standards, subject to the requirements of this Section. Also, drainage by means of ditches and/or culverts shall be provided pursuant to the Bay County Road Commission's cross-section standards for roads.

The Zoning Board of Appeals, pursuant to Section 20 of the Rural Township Zoning Act (Act 184 of 1943, as amended) shall not grant a variance of the above stated construction standards, road geometrics, or design standards in this Section, unless the Planning Commission first reviews and makes a recommendation concerning the variance request. The Planning Commission shall consider the following conditions prior to making their recommendation.

- a. Whether anticipated traffic flows will overburden the proposed roadway design.
- b. If any unusual topographic conditions will constrain roadway design.
- c. To what extent roadway design will preserve natural features on the site.
- d. Whether any stub road connections would be created.
- e. Whether or not the proposed roadway should be constructed with curb and gutter drainage structures.

The Planning Commission shall make reference to the specific criteria met in their recommendation to the Zoning Board of Appeals.

5. Right-of-Way Width: All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or the current Bay County Road Commission's designated right-of-way width, whichever is greater.
6. A Roadway Surface: All private roadway surfaces shall be developed with a minimum width of 20 feet and shall be centered on said right-of-way (easement).
7. Dedication of Rights-of-Way or Easements: While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description, and must include the grades for these roads.
8. Connection to County Roads and/or State Roads: Construction authorization from the Bay County Road Commission and/or the Michigan Department of Transportation is required for connection to a County or state road. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972.
9. Cul-de-sacs: Cul-de-sacs shall meet or exceed Bay County Road Commission cross-section specifications and:
 - a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel within the development and that building envelope, lot or parcel fronts upon the cul-de-sac.

- b. Frontage measurements along a cul-de-sac shall be measured at the front setback line and at right angles to the lot depth.
 - c. Not more than four (4) dwelling units or structures shall have frontage on a cul-de-sac.
- 10. Limit on Length: Private roads with only one connection to a county road or state highway or another approved private road meeting the requirements of this Ordinance shall not be longer than seven hundred fifty (750) feet.
- 11. Maximum Number of Principal Single-Family Dwellings or Parcels of Land Served: No more than twenty-five (25) dwelling units or parcels of land may be served by a single private road if only one (1) point of intersection is provided between a private road and a public road. No more than seventy-five (75) dwelling units or parcels of land may be served by a private road where two or more points of intersection are provided between a private road or roads and public roads. Where more than seventy-five (75) dwelling units or parcels of land are served, the road shall be a paved public street built to full Bay County Road Commission standards.
- 12. Road Construction Application: Application for road construction shall be made at the same time as application for land division, if applicable, and at least twenty-one (21) days prior to the meeting date for which the applicant requests consideration. Prior to approval by the Planning Commission, the applicant shall prepare and provide ten (10) sets of a general property development plot plan (site plan) complying with the requirements for site plan review and approval pursuant to the requirements found in Article 1700 of this Ordinance. The following additional information shall be submitted:
 - a. Road maintenance agreement signed by proprietor(s) to be recorded with the Township Clerk and Bay County Register of Deeds providing for:
 - 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - 2) A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Bay County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements.
 - 4) A notice that no public funds of the Township of Fraser are to be used to build, repair, or maintain the private road.
 - 5) The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.) All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks (front yard measured from the right-of-way or easement line), etc.
 - 6) The provisions of Section 1629, 3 and 10 shall be stated in the agreement.
 - b. Road easement agreement signed by the proprietor(s) to be recorded with the Township Clerk and Bay County Register of Deeds providing for:

- 1) Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.
- 2) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties and having a need to use the road.

13. Application Review and Approval or Rejection:

- a. The following information shall be submitted to the Zoning Administrator: a site plan for the private road, proposed road maintenance agreement and road easement agreement. The Zoning Administrator shall submit the private road site plan to the Bay County Road Commission and/or the Michigan Department of Transportation and the Township Engineer for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney and Township Engineer for review and comment.
 - b. The recommendations of the Bay County Road Commission and Township Engineer shall be forwarded to the Planning Commission for its recommendation.
 - c. The reports of the Bay County Road Commission, and the Township Engineer shall be forwarded to the Planning Commission who shall be responsible for granting final approval for the private road.
 - d. If the private road application is approved by the Planning Commission, construction authorization will be issued by the Zoning Administrator. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
 - e. The applicant will arrange for timely inspections by the Township Engineer during construction of, and upon completion of the private road.
14. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Bay County Road Commission or the Township in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1-1/2) years of the date of approval of the private road.
15. Issuance of Building Permit for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.
16. Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Zoning Administrator shall check with the Bay County Road Commission to avoid a duplicate of names and give approval of same.
17. Private Drives Serving One or Two Single-Family Dwelling: When a private driveway serves one (1) or two (2) residential units, compliance with the established standards of the Bay County Road Commission for public roads is not required. However, in the event any divisions of land are thereafter made, or the private drive serves an additional third dwelling unit, then such drive shall

comply with the established cross-sectional standards of the Bay County Road Commission for public roads except that it need not be paved unless required by subsection 3 above or subsection 10 above. Further, a performance guarantee may be required. Also, if the residential unit is more than 150 feet from a public or private road right-of-way/easement, the following minimum standards shall be met:

- a. All trees and brush shall be cleared for a minimum width of fourteen (14) feet for the full length of all driveways.
- b. All topsoil, stumps, and unstable soil shall be removed and back filled with appropriate sand. The driveway surface shall be surfaced and maintained with gravel, crushed stone, or finely crushed concrete or similar material for a minimum width of twelve (12) feet and at a minimum depth of four (4) inches for the full length of the driveway.
- c. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
- d. Driveways shall provide a minimum centerline radius of forty (40) feet for all curves to insure access by firefighting equipment. In addition, the driveway shall provide minimum clearance from trees and brush of eighteen (18) feet through all curved sections.
- e. No bridges shall be permitted as part of a driveway construction unless they are certified by a registered engineer as capable of supporting a 30-ton fire truck.
- f. Any structures which span any driveway shall maintain not less than fourteen (14) feet vertical and horizontal clearance.
- g. A culvert, twelve (12) inch minimum diameter, and extending three (3) feet beyond each side of the driveway, shall be provided where a driveway crosses a ditch center line of a private road with which it intersects.
- h. Any driveway serving two (2) residential dwellings shall provide a clear and unobstructed turnaround area capable of permitting a fire truck to adequately turn around and egress the subject site. Said turnaround shall meet all of the design and construction standards for private driveways, and final design of the turnaround area shall be subject to the review and approval of the Planning Commission.
- i. An application for a driveway shall include a drawing which shows the location, dimensions, and setbacks of all buildings and driveways, proposed or existing, on the subject property. The drawing shall also indicate the location and dimensions of any easement on which the driveway is proposed to be located.
- j. All driveways shall be located on a legally valid and recorded easement. The Planning Commission may require an easement up to 66 feet in width.
- k. If a driveway serves more than one residential dwelling, a maintenance agreement meeting the requirements of the Planning Commission shall be required between the subject property owners utilizing the driveway.

RENEWABLE ENERGY-WIND AND SOLAR

SECTION 1630.

A. WIND ENERGY SYSTEMS

1. PURPOSE AND INTENT.

The general purpose and intent of these regulations is to regulate the establishment of wind energy systems with regard to the development and location requirements for on-site systems (generally small systems) and utility grids (generally large systems). On-site wind energy systems are sized primarily to serve the needs of a home, farm or small business, which are typically served by one wind turbine. Utility grid energy systems are sized to provide power to wholesale or retail customers using the electric utility transmission and distribution grid system and may include a dozen to even hundreds of wind turbines. It is the further purpose and intent of these regulations to:

- a. Provide for the appropriate location and development criteria for wind energy systems within the Township; and
- b. Allow and encourage the location of wind energy systems within certain zoning districts; and
- c. Minimize the adverse effects of such facilities through careful design and location criteria; and
- d. Protect the character of individual properties throughout the Township from the effects of wind energy system facilities; and
- e. Promote the public health, safety, and welfare.

2. DEFINITIONS

Anemometer Tower: A freestanding tower containing instrumentation such as anemometers that are designed to provide present moment wind data (wind speeds and direction) for use by the supervisory control and data acquisition (SCADA) systems which are temporarily used to determine how much wind power a site can be expected to generate.

Ambient: The amount of sound pressure level exceeded by 90% of the time.

ANSI: ANSI means the American National Standards Institute.

dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Height (Tower): The height of a wind turbine is measured from the natural grade to the tip of the rotor blade at its highest point.

FAA: Federal Aviation Administration

IEC: The International Electrotechnical Commission.

ISO: The International Organization for Standardization.

L_{max}: Sound levels that cannot exceed the maximum decibel limit stated in the ordinance, which prevents the ability to use an average decibel amount.

Unit Boundary: The boundary around property used for the purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower(s) and equipment is located. For purposes of required setbacks, the Unit Boundary shall not cross road rights-of-way (public or private).

On-Site Wind Energy System: A wind project used for generating electric power from the wind which is intended to primarily serve the needs of the consumer at the site, i.e., agriculture, residential, commercial, industrial and public land uses.

Participating Landowner: A landowner who has leased land to the WECS Applicant, received financial remuneration from the WECS Applicant, recorded with the Bay County Register of Deeds said agreement, and has a contract with the WECS Applicant. A Participating Landowner may also be called a WECS contract lease holder. A Participating Landowner may or may not have turbines or infrastructure located on their property.

Non-Participating Landowner: A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to their owned land to the WECS Applicant.

Rotor: An element of a wind energy system that acts as a multi-blade airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA (supervisory control and data acquisition): A computer system that monitors and controls WECS units.

Shadow Flicker: The alternating changes in light caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Sound Pressure: The average rate at which sound energy is transmitted through a unit area in a specific direction. The pressure of sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy System: A commercial wind facility (WECS) used for generating power by the use of wind at multiple tower (WECS) locations in a community and includes accessory energy uses such as but not limited to electric substations and SCADA towers. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility transmission and distribution grid.

Wind Energy Conversion System (WECS): Any combination of the following:

- (a) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- (b) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- (c) A shaft, gearing, belt, or coupling to convert the rotation of the surface area into a form suitable for driving a generator, or alternator, or other electricity-producing device;
- (d) The generator, alternator, or another device to convert the mechanical energy of the surface area into electrical energy;

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

(f) Any other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WECS Applicant: The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a WECS and WECS Testing Facility. An Applicant must have the legal authority to represent and bind the Participating Landowner, lessee, who will construct, own and operate the WECS and WECS Testing Facility. The duties and obligations regarding a zoning approval (special land use and site plan approvals) for any approved WECS or Testing facility shall be with the WECS or Testing facility owner, and jointly and severally with the owner, operator, and lessee of the WECS or Testing facility if different than the WECS owner.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using the site for construction of a wind energy system. Such a system includes a structure and equipment like a meteorological tower for the collection wind data and other meteorological data and transmission to a collection source. Said meteorological tower shall not be deemed to be a communication tower.

3. **ON-SITE WIND ENERGY SYSTEMS AND ANEMOMETER TOWERS.**

An On-Site Wind Energy System shall be subject to the review and approval of the Planning Commission as specified in the requirements of Section 1700., Review and Approval of Site Plans and Section 1702., Review and Approval of Special Approval Uses of this Zoning Ordinance.

In addition, On-Site Energy Systems shall be permitted, subject to the conditions hereinafter required and to any and all reasonable conditions which may be imposed in accordance with Section 504 (4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended:

- a. On-Site Systems: On-site energy systems are designed primarily to serve the needs of a home, farm, or small business.
- b. Tower Height: The maximum tower height shall not exceed 75 feet above grade which is measured from grade to the tip of a blade in its vertical position.
- c. Towers: Wind Energy System Towers shall be limited to a mono-pole design with lattice and guy towers being expressly prohibited.
- d. Location Requirements: Freestanding On-Site Energy Systems shall be expressly prohibited from locating in a front or side yard and are permitted only in a rear yard on parcels with a minimum lot size of two (2) acres. Roof top and/or structure installations may be allowed providing the applicant can demonstrate that such an installation meets building code requirements for wind loads and weight. Furthermore, the integrity of the structure for such an installation needs to be verified by having documentation from a licensed architect or engineer as to the suitability for a roof top and/or structure installation.
- e. Property Setback: The distance between freestanding On-Site Wind Energy System and the owner's property lines and the owner's residential dwelling shall be equal to one and one-half (1 1/2) times the height of the wind energy system. Required setbacks are designed to insure safety on the on-site dwelling and adjacent properties in case of a tower or rotor failure, and from preventing sound levels and shadow flicker from impacting adjacent properties. Roof top and/or structure locations for wind energy systems shall be set back from the owner's property lines by a distance equal to one and one-half (1 1/2)

times its height with its height being the distance measured from grade to the tip of the rotor blade at its highest vertical position.

- f. Sound Pressure Level: On-Site Wind Energy Systems shall not exceed 45 dB(A)Lmax at the property line closest to the wind energy system. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms.
- g. Construction Codes and Other Regulations: On-Site Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. On-site wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- h. Safety: An On-Site Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. On-site wind energy systems (towers) shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
- i. Shadow Flicker: On-site WECS shall produce no off-site shadow flicker. Measures to eliminate all effects of shadow flicker on adjacent properties, such as programming the WECS to stop rotating during times when shadow crosses occupied structure, may be required. This shadow flicker limit may be waived if the owner of the affected property owner submits for records a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker at the residence or structure may result from installation and waives the Township requirement for no shadow flicker on the property. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgement must be recorded with the Bay County Register of Deeds.
- j. System Maintenance: The applicant shall maintain the on-site energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security.
- k. Abandonment/Removal Requirements: Any on-site energy system which has reached the end of its useful life or has been abandoned shall be removed. An on-site energy system shall be considered abandoned when it fails to be operated for one (1) year. Upon a notice issued by the Zoning Administrator, the on-site energy system owner shall have thirty (30) days to provide sufficient evidence that the system has not been abandoned or the Township shall have the authority to enter the owner's property and remove the system at the owner's expense.
- l. Permit Process and Requirements: Upon gaining Site Plan Approval and Special Use Approval, the owner shall obtain the applicable building and electrical permits which shall be required for the installation of an on-site energy system. The building permit application shall be accompanied by deliverables including the following:
 - 1) An approved site plan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.
 - 2) Wind energy systems specifications, including manufacture and model, rotor diameter, tower type, height and manufacture.

- 3) Tower foundation blueprints or drawings prepared and signed by a professional engineer licensed to practice in the State of Michigan or by the manufacturer's specifications for the tower being proposed for installation.

4. UTILITY GRID WIND ENERGY SYSTEM AND ANEMOMETER TOWERS:

A Utility Grid Wind Energy System shall be subject to the review and approval of the Planning Commission as specified in the requirements of Section 1700., Review and Approval of Site Plans and Section 1702., Review and Approval of Special Approval Uses of this Zoning Ordinance. In addition, On-Site Energy Systems shall be permitted, subject to the conditions hereinafter required and to any and all reasonable condition which may be imposed in accordance with Section 504 (4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended:

- a. Utility Grid Energy Systems: Utility Grid Energy Systems are designed primarily to provide power to wholesale or retail customers using the electric utility transmission and distribution grid to transport and deliver the wind generated electricity.
- b. Tower Height: The maximum tower height shall not exceed 475 feet above grade which is measured from grade to the tip of a blade in its vertical position.
- c. Towers: Wind Energy System Towers shall be limited to a mono-pole design with lattice and guy towers being expressly prohibited. Said towers shall be painted a non-reflective color such as beige, gray or off-white. The wind turbine base and blades shall be of a color consistent with all other turbines in the area, and no stripping of color or advertisement shall be visible on the blades or tower.
- d. Location Requirements: Utility Grid Energy Systems shall be located on parcels of land (owned or leased) that at a minimum, meets the required setbacks for all towers on the site and are only located on parcels zoned in the AG Agricultural District, which also includes any other structures located on the site, i.e. operations and/or maintenance buildings, substations, etc. Utility Grid Systems shall not be located East of I-75 corridor.
- e. Property Setback: The distance between a Utility Grid Wind Energy System (tower) and the owner's property lines (includes leased land boundaries) shall be equal to four (4) times the height of the wind energy system (tower) measured from grade to the tip of a blade in its vertical position. Operations and maintenance office buildings, substations, or ancillary equipment shall comply with property setback requirements of the respective zoning district in which it is located. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utility providers.
- f. Sound Pressure Level: Utility Grid Wind Energy Systems shall not exceed 45 dB(A) Lmax at the property line or leased boundary line closest to the wind energy system or to property line. This sound pressure level shall not exceed 55 dB(C) Lmax at the participating land owner or non-participating land owner(s) which is located on the WECS site or should the participating landowner and non-landowner sign waivers to allow a higher sound pressure level.
- g. Construction Codes and Other Regulations: Utility Grid Energy Systems, including towers, shall comply with all applicable construction and electrical codes and building permit requirements. Utility grid wind energy systems shall comply with Federal Aviation Administration requirements, the Michigan Tall Structures Act, and (local jurisdiction airport overlay zone regulations). An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Utility Grid Wind Energy Systems shall comply with applicable utility, Michigan Public Service, Federal Aviation Administration and Federal Energy Regulatory Commission interconnection standards. Construction time hours for site preparation and wind tower installation shall be between 7:00 A.M. & 5:00 P.M. Monday through Friday.

- h. Road Improvements: A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
- i. Safety: A Utility Grid Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding of the rotor blades. All wind towers shall have lightning protection as may be required by the FAA. The minimum vertical blade tip clearance from grade shall be **100** feet for a wind energy system employing a horizontal axis rotor. The minimum distance between wind towers shall be one and one-half (1 ½) times the height of the tower with the distance between towers being measured from the tip of the blade's rotation arc in its most horizontal position. **An un-redacted copy of the Safety Manual for the specific model of turbine being proposed to be installed, and a statement from the applicant verifying that the WECS will be operated in compliance with all requirements and recommendations therein, is required before approval of a WECS.**
- j. Shadow Flicker: No amount of Shadow Flicker may fall on or in a Non-Participating Parcel. Site plan and other documents and drawings shall show mitigation measures to eliminate potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Measures to eliminate all effects of shadow flicker on all Non-Participating parcels beginning at the property lines, such as programming the WECS to stop rotating during times when shadow crosses occupied structures, shall be required. If the Shadow Flicker Impact Analysis shows potential for shadow flicker to fall on any Non-Participating Parcel and the affected property owner wishes to waive his/her rights to the protections provided by this Ordinance, the property owner shall submit for records a signed and notarized letter of acknowledgement that verifies the owner's understanding that shadow flicker on his/her parcel may result from installation and waives the Township requirement for no shadow flicker on the Non-Participating Parcel. If the affected property owner wants this waiver to apply to future owners of the affected property, the signed and notarized letter of acknowledgement must be recorded with the Bay County Register of Deeds.
- k. Site Lighting: A lighting plan for each WECS and Testing Facility shall be included with the applicant's site plan. Such a plan shall describe all lighting that will be utilized and documentation that the FAA requirements are met. RADAR activated lighting shall be utilized if allowed by the FAA. Such a plan shall include but not limited to, the planned number and location of lights, light color, activations method, effect on Township residents and whether any lights blink. In addition, all such lighting shall be fully shielded from ground, be FAA compliant, and be of the most current design to minimize lighting blinking and brightness nuisance.
- l. Utility Grid Wind Energy Systems: Utility grid towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground. A Utility Grid Wind Energy System site shall be designed to prevent unauthorized access to electrical and mechanical components by fully enclosing and securing the subject site by an eight (8) foot high chain link fence with lockable gates that are to be kept locked at all times when service personnel are not present. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Additionally, a sign shall be posted at the entrances containing the following information: emergency contact, emergency phone number and emergency shutdown procedures **and that the site contains high voltage.**
- m. All buildings on the site are to be kept secured and locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. A sign(s) shall be posted near the

tower(s) or operations and/or maintenance building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about potential danger from electrical equipment, high voltage and falling ice.

- n. System Maintenance: The applicant shall maintain the Utility Grid Wind Energy System in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security.
- o. Site Insurance: The applicant shall provide proof of insurance for each WECS at all times for at least \$2,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to the Township that confirms coverage for the Applicant, Participating Landowners, and Non-Participating Landowners.
- p. Transfer or Sale: In the event of a transfer or sale of the WECS, the Township shall be notified, and the special land use may be approved by the Township Planning Commission. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all WECS as outlined herein, including a public hearing. Upon transfer or sale, the security bond shall be maintained at all times, the estimated cost of decommissioning shall be resubmitted, and the security bond adjusted for the estimate.
- q. Permitting Cost: An escrow account shall be established when the Applicant applies for a Special Use Approval and Site Plan Approval for a WECS and WECS Testing. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use and site plan approvals, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports of studies which the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. At any point during the zoning review process, the Township may require that the Applicant place additional monies into the Township escrow account should the existing escrow account filed by Applicant prove insufficient. If the escrow account needs replenishing and the Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within ninety (90) days of permitting process completion. An itemized billing of all expenses shall be provided to the Applicant.
- r. Site Plan: The Applicant shall submit a site plan in full compliance with Section 1700 of this Ordinance. The Applicant shall also submit a written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards, as well as information regarding health, safety and welfare in areas including, but not limited to, noise, vibrations, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fall or collapse, and what results should be expected in such an event
- s. Communication Interference: Each WECS and Testing Facility shall be designed, constructed and operated so as not to cause radio, emergency radio, television or other communication interference.
- t. Abandonment/Removal Requirements: Any Utility Grid Wind Energy System which has reached the end of its useful life or has been abandoned shall be removed. An on-site energy system shall be considered abandoned when it fails to operated for one (1) year. Upon a notice issued by the Zoning Administrator, the utility grid system owner/operator

shall have thirty (30) days to provide evidence that the system has not been abandoned or the Township shall have the authority to enter the owners/operators site and remove the system at the owners/operators expense. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed. More specifically, decommissioning shall consist of:

- 1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site. WECS and associated facilities shall have their foundations and/or footings removed to a depth of ten (10) feet.
- 2) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- 3) Stabilization or re-vegetation of the site necessary to minimize erosion.

u. Permit Process and Requirements: Upon gaining Site Plan Approval and Special Use Approval, the owner/operator shall obtain the applicable building and electrical permits which shall be required for the installation of a utility grid energy system. The building permit application shall be accompanied by deliverables including the following:

- 1) An approved site plan prepared and signed by a professional engineer licensed to practice in the State of Michigan showing location, dimensions, and types of existing structures on the property including any overhead utility lines.

2) Wind energy systems specifications, including manufacture and model, rotor diameter, tower type, and height.

3) Tower foundation blueprints or drawing prepared and signed by a professional engineer licensed to practice in the State of Michigan.

4) An un-redacted copy of the Safety Manual for the specific model of turbine being proposed to be installed, and a statement from the applicant verifying that the WECS will be operated in compliance with all requirements and recommendations therein, is required before approval of a WECS.

v. Financial Surety: The special use approval granting authority shall require the applicant (operator) or property owner leasing his or her land for utility wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Township must remove the facility. This amount shall be in a form determined by a qualified certified Michigan professional engineer acceptable to the Township, and in no case, shall such amount be less than \$1,000,000 per WECS. The cost of decommissioning shall be reviewed every two (2) years to ensure adequate funds are allocated for decommissioning; the surety form shall be appropriately adjusted to reflect the then current decommissioning estimated. In the event WECS owner, operator, parent company, performance bond defaults on any or all of the previously decommissioning requirements, the Participated Landowner(s) upon each WECS is located shall be responsible and liable for the removal of each WECS. Failure of the Participating Landowner to comply with the removal and decommissioning guidelines shall result in the Township having the WECS removed at the expense of the Participating Landowner. If funding is not available to cover the cost of removal by the Participating Landowner, legal action to pursue the seizure of the Participating Landowners property (ies) will take place to cover such costs.

B. SOLAR ENERGY SYSTEMS AND SOLAR FARMS

1. PURPOSE AND INTENT.

The general purpose and intent of these regulations is to regulate the establishment of solar energy systems with regard to the development and location requirements for on-site systems (solar energy systems) and utility grid (solar farm systems). On-site solar energy systems are sized primarily to serve the needs of a home, farm or small business. Utility grid energy systems are sized to provide power to wholesale or retail customers using the electric utility transmission and distribution grid system and may include a dozen to even hundreds of solar devices. It is the further purpose and intent of these regulations to:

- a. Provide for the appropriate location and development criteria for solar energy systems within the Township; and
- b. Allow and encourage the location of solar energy systems within certain zoning districts; and
- c. Minimize the adverse effects of such facilities through careful design and location criteria; and
- d. Protect the character of individual properties throughout the Township from the effects of solar energy system facilities; and
- e. Promote the public health, safety, and welfare.

2. DEFINITIONS

Collector Surface: Any part of a solar device that absorbs solar energy for the use in the collector's energy transformation. Collector surface does not include frames, support and mounting hardware.

Renewable Energy Facility: A facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or other solar based technology.

Solar Collector: A device, structure or part of a device or structure in which substantial purpose is used to transform solar energy into thermal, mechanical, chemical or electric energy.

Solar Energy: Direct radiant energy derived from the sun.

Solar Panel: A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.

Solar Energy System: A single residential, farm, or small business solar energy conversion system consisting of building mounted panels, ground mounted solar arrays, or other solar fixtures, and associated control or conversion electronics that will be used to produce utility power primarily for on-site use.

Solar Farm: A utility scaled commercial facility with one or more solar panels and all associated equipment involved in the conversion of solar radiation into electrical energy which functions as the principal use of land on which such system is situated.

3. SOLAR ENERGY SYSTEMS AND SOLAR FARMS

An on-site ground mounted solar energy system shall be subject to the review and approval of the Planning Commission as specified in the requirements of Section 1700, Review and Approval of Site Plans and Section 1702, Review and Approval of Special

Approval Uses of this Zoning Ordinance. Building mounted solar energy systems shall not require site plan or special use approval other than criteria noted in item (5) below. In addition, solar energy systems shall be permitted, subject to the condition hereinafter required and to any and all reasonable conditions which may be imposed in accordance with Section 504 (4) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

4. SOLAR ENERGY SYSTEMS (GROUND MOUNTED)

- a. Solar Energy Systems: Ground mounted solar energy systems shall be permitted in all zoning districts providing that only one such system containing no more than 400 square feet in area nor exceeding the height of eight (8) feet shall be allowed on a lot or premise consisting of one (1) or more acres of land.
- b. Location Requirements: Ground mounted solar energy systems shall be permitted only in a rear yard.
- c. Setbacks: Ground mounted solar energy systems shall maintain a minimum setback of twenty (20) feet from all property lines and structures.
- d. Glare: The applicant shall provide documentation that glares will be eliminated, insofar as possible. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, as to not affect neighboring properties.
- e. Mechanical Equipment: All mechanical equipment shall be screened from neighboring residences by fencing or landscaping.

5. SOLAR ENERGY SYSTEMS (BUILDING MOUNTED)

- a. Building Mounted Solar Panels: An Administrative Review by the Zoning Administrator is required for all building-mounted solar energy collectors permitted as an accessory use and hereinafter referred to as the Township.
- b. Photographs: The applicant shall provide photographs of the property's existing condition which shall be submitted by the applicant to the Township.
- c. Renderings or Catalog Cuts: The applicant shall provide renderings and/or catalog cuts of the proposed solar energy equipment to the Township.
- d. Certificate of Compliance: The applicant shall provide information demonstrating that the system has been tested and approved by the Underwriters Laboratories (UL) or other approved independent testing agencies.
- e. Plot Plan: A plot plan indicating where the solar energy equipment is to be located on the building shall be provided to the Township.
- f. Height: Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof, but in any event, shall not exceed the maximum height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof. Solar collectors that are wall mounted shall not exceed the height of the building wall to which they are attached.
- g. Weight: Solar energy collectors mounted on the roof shall be only of such weight as can be safely supported by the roof. Proof thereof, in the form of certification by a professional engineer, or other qualified person, shall be submitted to the Township's

Building Official prior to installation; such certification shall be subject to the Building Official's approval.

- h. Attachment to a Roof or Wall: Solar energy collectors that are roof mounted, wall mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Building Official prior to installation, such proof shall be subject to the Building Official's approval.
- i. Location: Solar energy collectors shall not be located or mounted on a building wall that is parallel to an adjacent public right-of-way.
- j. Solar Collector Surfaces: The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building shall be generally neutral in color and substantially non-reflective of light.
- k. Manufacturer's Directions: Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township's Building Official prior to installation to verify compliance with the manufacturer's directions.
- l. Codes: Solar energy collectors, and installation and use thereof, shall comply with Township construction codes, electrical codes, and any other applicable Township codes.

6. SOLAR ENERGY FARMS

- a. Location: Solar Farms shall only be located in the AG, Agricultural District.
- b. Landowner Authorization: The applicant shall provide a legal description of participating property(ies) on which the solar farm will be located along with the name, address, and phone number of the applicant, including the name of authorized representative of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the participating property(ies).
- c. Site Plan: In addition to the requirement found in Section 1700 of this Ordinance, the site plan shall include the number, location, and spacing of solar panels, proposed height of panels, location of access roads, planned location of underground or overhead electrical lines connecting the solar farm to a substation or other electric load and other related facilities or appurtenances.
- d. Height: The maximum height of solar collector panels shall be limited to twenty (20) feet when oriented at maximum tilt.
- e. Setbacks: All photovoltaic panels and support structures associated with a solar farm shall be setback a minimum of fifty (50) feet from all property lines.
- f. Lot Coverage: Solar farms are exempt from maximum lot coverage requirements found in this Ordinance.
- g. Fencing: A security chain-link fence of eight (8) feet in height shall be placed around the perimeter of the solar farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Additionally, a sign shall be posted at the entrances containing the following information; emergency contact, emergency phone number and emergency shutdown procedures.

- h. Glare: Solar farms shall be sited so that concentrated glare shall not be directed toward or onto nearby properties or roadways at any time of day.
- i. Clear Area: A ten (10) foot area clear of trees, bushes, or brush shall be required surrounding all ground-mounted photovoltaic arrays and electrical equipment.
- j. Utility Interconnecton: No solar farm shall be interconnected with an electric utility company until the utility company has reviewed and made comment on it. The solar farm shall comply with all applicable state construction and electrical codes including local code and permit requirements. The use of above ground transmission lines are prohibited within the solar farm site.
- k. Liability Insurance: The applicant shall maintain a current general liability insurance policy covering bodily injury and property damage within limits of at least \$1 Million per occurrence and \$1 Million in the aggregate, and provide proof that it meets the insurance requirement of the Township prior to approval.
- l. Decommissioning Plan: The solar farm application shall contain a decommissioning plan to ensure it is properly decommissioned upon the end of project life, inoperability of the solar farm, or facility abandonment. Decommissioning shall include the removal of all structures, fencing and equipment, foundations, footings and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning, including restoration, shall be completed within one (1) year of the project life, inoperability of the solar farm or abandonment, at the owners or operators expense. A site will be considered decommissioned when, after inspection and approval of the Township, all structures and equipment are removed and the site is in its natural condition. The decommissioning plan shall state; (1)how the facility will be decommissioned, (2)a professional engineer's estimated cost of decommissioning, and (3)the financial resources to be used to accomplish decommissioning.
- m. Financial Surety: The special use approval granting authority shall require the applicant (operator) or property owner leasing his or her land for a solar farm to provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of removal in the event the Township must remove the facility. This amount and form shall be determined to be reasonable by a qualified certified Michigan professional engineer acceptable to the Township. The cost of decommissioning shall be reviewed every two (2) years to ensure adequate funds are allocated for decommissioning; the surety form shall be appropriately adjusted to reflect the then current decommissioning estimate.
- n. Road Improvements: A description of the routes to be used by construction and delivery vehicles and of any road improvements that shall be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Solar Energy System.
- o. Transfer or Sale: In the event of a transfer or sale of the Solar Energy System, the Township shall be notified, and the special land use may be approved by the Township Planning Commission. Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all Solar Energy System as outlined herein, including a public hearing. Upon transfer or sale, the security bond shall be maintained at all times, the estimated cost of decommissioning shall be resubmitted, and the security bond adjusted for the new estimate.

SECTION 1631. MEDICAL MARIHUANA.

1. Intent:

This Section provides for the legal growing and dispensing of medical marihuana in Fraser Township as provided by the Michigan Medical Marihuana Act of 2008.

2. Scope:

The provisions of this Section shall apply to all residential areas and expressly prohibit all nonresidential areas in Fraser Township from participating in the growing and/or dispensing of medical marihuana.

3. Definitions:

a. **“Debilitating Medical Condition”** means one or more of the following:

- 1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease, nail-patella syndrome ((NPS) or the treatment of these conditions.
- 2) A chronic or debilitating disease or medical condition who’s treatment produces one or more of the following: cachexia or wasting syndrome, sever and chronic pain, severe nausea, seizures, including but not limited to those characteristics or epilepsy; or severe and persistent muscle spasm, including but not limited to those characteristic of multiple sclerosis.
- 3) Any other condition or its treatment approved by the department, as provided for in MCL.333.26425.

b. **“Department”** means the state department of community health.

c. **“Drug Paraphernalia”** means all equipment, products and materials of any kind, which is used, intended for use, or designed for use in planting, propagation, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, repacking, storing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978, as amended), in violation of the laws of the State of Michigan.

d. **“Enclosed, Locked Facility”** means a closet, room or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.

- e. **“Marihuana”** means that term as defined in Section 7106 of the public health code, 1978 PA 38, MCL 333.7106.
- f. **“Medical Marihuana Dispensary”** means any retail store, store front, office building, or other structure or any type of mobile unit or entity, including any group (more than one) of primary caregivers, that dispenses, facilitates, sells, or provides, in any manner, marihuana or cannabis or any product containing marihuana or cannabis.
- g. **“Medical Use”** means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition.
- h. **“Physician”** means an individual licensed as a physician under Part 170 of the health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the code of health 1978 PA 368, MCL 333.17501 to 333.17556.
- i. **“Primary Caregiver”** means a person who is at least 21 years of age and who has agreed to assist with a patient’s medical use of marihuana and who has never been convicted of a felony involving illegal drugs. A primary caregiver can serve up to five (5) qualifying registered patients and shall possess a registry identification card issued by the state department of health.
- j. **“Qualifying Patient”** means a person who has been diagnosed by a physician as have a debilitating medical condition and who possesses a registry identification card issued by the state department of health.
- k. **“Registry Identification Card”** means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.
- l. **“Usable Marihuana”** means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does include the seeds, stalks, and roots of the plant.
- m. **“Visiting Qualifying Patient”** means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.
- n. **“Written Certification”** means a document signed by physician, stating the patient’s debilitating medical condition and stating that, in the physician’s professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient’s debilitating medical condition or symptoms associated with the debilitation medical condition.

4. **GROWING MEDICAL MARIHUANA**

- a. **“Qualifying Patients”** may grow up to twelve (12) plants for their own use providing the medical use of marihuana is in accordance with this Section and the Michigan Medical Marihuana Act of 2008, and provided that the qualifying patient possesses an amount of marihuana that does not exceed 2.5 ounces of usable marihuana at any one time, and further, the cultivated marihuana shall be kept in an enclosed, locked facility.
- b. **“Primary Caregivers”**, who have been issued and possess a registry identification card, may care up to five (5) qualifying patients and can grow up to twelve (12) plants for each qualifying patient provided that the primary caregiver possesses an amount of marihuana that does not exceed 2.5 ounces of usable marihuana for each qualifying patient to whom

he or she is connected through by the department's registration process. Cultivated marihuana for the qualifying patients shall be kept in an enclosed, locked facility.

- c. The growing of medical marihuana shall be prohibited in any non-residential zoning district and shall further be limited to agricultural and/or residential zoned parcels of land containing not less than one (1) acre of land.
- d. In no case shall the growing of medical marihuana be permitted when it is within 1,000 feet of any child day care center, church, any type of school, eating and drinking establishments or public or private recreational facilities.

5. MEDICAL MARIHUANA DISPENSARY

- a. A medical marihuana dispensary, as defined above in item 3.f., shall be expressly prohibited from locating in Fraser Township.
- b. Medical marihuana may be legally dispensed to qualified patients including a qualified visiting patient provided if it does not exceed the five (5) permitted qualified patients that are allowed to be served by the primary caregiver by either dispensing medical marihuana at their residence to the qualified patient or by transporting medical marihuana to the qualified patient's residence.

6. MEDICAL MARIHUANA USE

- a. The smoking, consumption or possession of medical marihuana shall be prohibited from all public places, including but necessarily limited to: public sidewalks, parks, recreation areas, means of public transportation, school buses and all school grounds, etc.
- b. The smoking, consumption or possession of medical marihuana shall be prohibited from private smoking clubs and/or establishments.
- c. The smoking, consumption or possession of medical marihuana shall be prohibited when it is within 1,000 feet of any child day care center, church, any type of school, eating and drinking establishments or public/private recreational facilities.

SECTION 1632. OUTDOOR FURNACES.

1. PURPOSE AND INTENT.

The general purpose and intent of these regulations is to regulate the establishment of outdoor furnace systems ("solid fuel external heating devices) with regard to the development and location requirements for an outdoor furnace, a self-contained unit designed to provide heat to a building or structure, located outside of that building or structure. Also, it is the purpose and intent of these regulations to insure the safety of such devices and that the environmental impacts are taken into consideration, particularly concerning the production of offensive odors and the potential health effects of uncontrolled emissions. Furthermore, it is the intent to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and are not detrimental to the health, safety and general welfare of Township residents. It is the further purpose and intent of these regulations to:

- a. Provide for the appropriate location and development criteria for outdoor furnace systems within the Township; and
- b. Allow the location of outdoor furnace systems within restricted areas; and

- c. Minimize the adverse effects of such facilities through careful design and location criteria; and
- d. Protect the character of individual properties throughout the Township from the effects of outdoor furnace system facilities; and
- e. Promote the public health, safety, and welfare.

2. **DEFINITIONS**

Chimney: Flue or stack that carries off exhaust from an Outdoor Furnace firebox or burn chamber.

EPA: The United States Environmental Protection Agency.

EPA OWHH Phase 1 Program: EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 1 Program administered by the United States Environmental Protection Agency.

EPA OWHH Phase 1 Program Qualified Model: An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase 1 qualified. The model has met the EPA OWHH Phase 1 emission levels and has the proper qualifying label and hangtag.

Exterior (Outdoor) Furnace: Any device, contrivance or apparatus or any part thereof which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed by conduit or other mechanism into any interior space for the supply of heat or energy, including but not limited to combination fuel furnaces or boilers which burn solid fuel. An Outdoor Furnace may also be referred to as an Outdoor Wood Furnace, Outdoor Wood Boiler or Outdoor Wood-fired Hydronic Heater.

Firewood: Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three (3) inches in diameter, including untreated lumber.

Fuel (Solid): The materials used for combustion purposes in an outdoor furnace which may include, coal, corn, firewood and wood pellets.

Untreated Lumber: 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, varnishes, resins or other substance.

Treated Lumber: Lumber/wood that has been milled and treated or combined with a preservative product.

3. **OUTDOOR FURNACE SYSTEMS.**

Outdoor Furnace Systems may be permitted, subject to the conditions hereinafter required and to any and all reasonable conditions which may be imposed in accordance with all applicable Township construction codes and zoning requirements except as imposed herein; the U.S. Environmental Protection Agency (EPA); state and county regulations; and all other applicable codes and requirements.

4. **OUTDOOR FURNACE REGULATIONS.**

- a. No person shall construct, install, establish, operate or maintain an Outdoor Furnace other than in compliance with this Ordinance.
- b. No person shall operate an Outdoor Furnace unless such operation conforms to manufacturer's instructions regarding such operation and the requirements of this

Ordinance regarding fuels that may be burned in an Outdoor Furnace as set forth in E.4. of this Section and the chimney height as set forth in E.3. of this Section.

- c. All new Outdoor Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Ordinance. In the case of a conflict, the requirements of this Ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- d. The owner of any new Outdoor Furnace shall include a copy of the manufacturer's manual or instructions to the Township with the owner's applications for a zoning permit and construction permits.
- e. All new Outdoor Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL (Underwriters Laboratories), CAN / CSA (Canada National Standard / Canada Standards Association), ANSI (American National Standards Institute) or other appropriate safety standards.

5. **OUTDOOR FURNACE REQUIREMENTS.**

- a. Location Requirements: EPA OWHH Phase 1 Program qualified Outdoor Furnaces shall be expressly prohibited from locating in any zoning district other than the AG, Agricultural District with a minimum parcel size of not less than two (2) acres. However, if the applicant can demonstrate that their outdoor furnace is a clean burning and equipped with a catalytic converter, the Outdoor Furnace may be located in the AG, Agricultural District, RF, Rural Small Farm District and SE, Suburban Estates District and all non-residential districts providing the subject parcel contains not less than two (2) acres of land. Outdoor Furnaces shall be expressly prohibited from locating in a plated subdivision or site condominium development. Outdoor Furnaces shall also be expressly prohibited from locating in a front or side yard and are permitted only in a rear yard and shall be located no closer than ten (10) feet from any combustible materials.
- b. Property Setbacks: The distance between an EPA OWHH Phase 1 Program qualified Outdoor Furnace and the owner's property lines shall be one hundred (100) feet and not less than fifty (50) feet from the residence being served. The distance between an Outdoor Furnace to any residence not being served by the Outdoor Furnace shall not be less than three hundred (300) feet.
- c. Chimney Height: The height of the chimney and/or emission stack for an EPA OWHH Phase 1 Program qualified Outdoor Furnace when located within three hundred (300) feet of any residence shall not be less than two (2) feet above the peak of the residence. If there is an existing Outdoor Furnace already installed and there is new construction of a residence not served by the Outdoor Furnace within three hundred (300) feet of such Outdoor Furnace, then the owner of such Outdoor Furnace shall conform to the chimney requirements of this regulation within thirty (30) days of the date such construction is completed.
- d. Permitted Fuel: Only firewood, untreated lumber, coal, corn and wood pellets are permitted to be burned in any outdoor furnace. The burning of any other materials in an outdoor furnace is expressly prohibited i.e., trash, plastics, rubber, foam, synthetic fabrics and materials, PVC and ABC products, polystyrene products, any flammable liquid or gas

material, household garbage, treated wood and/or wood products, composite wood products, plywood, leaves, paper products, cardboard, etc.

- e. Spark Arrestors: All outdoor furnaces shall be equipped with properly functioning spark arrestors.
- f. Abandonment/Removal Requirements: Any Outdoor Furnace which has reached the end of its useful life or has been abandoned shall be removed. An Outdoor Furnace shall be considered abandoned when it fails to operate for one (1) year. Upon a notice issued by the Fraser Township Zoning Administrator, the Outdoor Furnace owner shall have thirty (30) days to provide sufficient evidence that the system has not been abandoned or the Township shall have the authority to enter the owner's property and remove the system at the owner's expense.
- g. Permit Process and Requirements: The owner shall obtain the applicable zoning and construction permits (the later pursuant to the Michigan Residential Code; Section 105.2) for applicable building, electrical, mechanical and plumbing permits, which shall be required prior to the installation of an Outdoor Furnace system. The applicable building, electrical, mechanical and plumbing permit applications shall be accompanied by deliverables including the following:
 - 1) An approved site survey showing location, dimensions, and types of existing structures on the owner's property including residences within 300 feet from the Outdoor Furnace location.
 - 2) Outdoor Furnace systems specifications, including manufacture and model, along with a copy of the manufacture's installation and operation manual.

6. **SUSPENSION OF AN OUTDOOR FURNACE APPROVAL.**

A Special Use Approval issued pursuant to this Section and Section 1702 may be suspended as the Zoning Administrator may determine to be necessary to protect the public health, safety and welfare of the residents of Fraser Township if any of the following conditions occur:

- a. Malodorous air contaminants from the Outdoor Furnace are detectable outside the property of the person on whose land the Outdoor Furnace is located; and
- b. Emissions from the Outdoor Furnace interfere with the reasonable enjoyment of life or property; and
- c. The emissions from the Outdoor Furnace cause damage to vegetation or property; or
- d. The emissions from the Outdoor Furnace are or may be harmful to human or animal health.

A suspended Special Use Approval may be reinstated once the condition which resulted in the suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a Special Use Approval shall be considered a violation of the

Special Use Approval and will result in the permanent suspension of the Special Use Approval and all applicable construction permits, including the removal of the Outdoor Furnace from the owner's land.

A suspended Outdoor Furnace Approval may be reinstated once the condition which resulted in the suspension is remedied and reasonable assurances are given that such condition will not recur.

Recurrence of a condition which has previously resulted in suspension of an Outdoor Furnace Approval shall be considered a violation of the required Zoning Permit and will result in the permanent suspension of the Zoning Permit and all applicable construction permits, including the removal of the Outdoor Furnace from the owner's land.

ARTICLE XVII REVIEW AND APPROVAL PROCEDURES

SECTION 1700. REVIEW AND APPROVAL OF SITE PLANS.

1. Application

Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Township Planning Commission in accordance with the Ordinance requirements of this Article.

- a. Site Plan reviews are required for all permitted principal uses and structures in all zoning districts (except for agricultural structures, single-family detached and two-family dwellings and their accessory uses) and all conditional approval uses in all zoning districts. Refer to Section 1702, Review and Approval of Conditional Uses.

- b. When the proposed new construction or remodeling constitutes an addition to an existing building, or use, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a more formal review by the Township Planning Commission. The Zoning Administrator may conduct an administrative review provided both of the following are true:
 - 1) No variances to the Ordinance are required.

 - 2) The proposed new construction would not increase the total square footage of the building greater than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.

- c. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a more formal review by the Township Planning Commission. The Zoning Administrator may conduct an administrative review provided all of the following are true:

Such use is conducted within a completely enclosed building.

 - 1) Reoccupancy does not create additional parking demands, beyond twenty-five (25) percent of that which exists.

 - 2) Reoccupancy does not substantially alter the character of the site.

- d. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard.

2. Copies Required

Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. Twelve (12) complete copies of all site plans shall be filed with the Zoning Administrator, who shall place the request on the next Planning Commission agenda.

3. Information Required

The following information shall be included on the site plan:

- a. A scale of not less than 1" equals 50' if the subject property is less than three (3) acres and 1" equals 100' if three (3) acres or more.
- b. Date, north point and scale.
- c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within fifty (50) feet.
- d. Legal description of parcel.
- e. Existing and proposed topography with contours at two (2) foot intervals, (based on U.S.G.S. datum), extending a minimum of 50' feet beyond site boundaries. This requirement may be waived when no significant grade changes are proposed for existing uses.
- f. An inventory of existing vegetation on the site and an indication of any alterations.
- g. The location and nature of any streams, drains, swamps, marshes, and/or unstable soils.
- h. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins and fencing which are proposed. The applicant shall contact the Municipality and municipal engineer to determine the adequacy of utility and storm water proposals, slope and sod erosion requirements to determine if any such requirements will adversely affect the site plan.
- i. A schedule of off-street parking requirements and basis for calculation.
- j. A detailed landscaping plan and schedule of plant materials and sizes.
- k. Cross section drawings of any retaining or screen walls, berms, etc.
- l. The location and width of all existing and proposed sidewalks on or bordering the subject site. Where the subject site borders a public right-of-way, a concrete sidewalk five (5) feet in width shall be provided within the public right-of-way one foot from the subjects site's property line.
- m. The location of all existing and proposed structures of the subject property and all existing structures within 50 feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
- n. The location of all existing and proposed drives and parking areas.
- o. The location and right-of-way widths of all abutting streets and alleys.
- p. The names, addresses, and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- q. The names, addresses and telephone numbers, of the owners and developers.
- r. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:

- 1) Estimated number of employees.
 - 2) Hours of operation.
 - 3) Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
 - 4) Modifications to vegetative cover, drainage patterns, earth work, problem areas.
 - 5) Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.
 - 6) Estimated costs of proposed landscaping berms, walls, acceleration-deceleration lanes, or bypass lanes or any other required site improvement not covered in the Building Permit cost estimates, shall be provided.
- s. Proposed building floor plans and elevations including overall dimensions and building heights shall be submitted.

4. Content of Site Plan File

The site plan(s), all supplementary data, together with minutes of any meeting and/or hearings related to the proposed site plan shall become part of the official site plan file.

1. Standards for Approval

In the process of reviewing the site plan, the Planning Commission shall consider:

- a. Specific development requirements set forth in the Zoning Ordinance.
- b. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - 1) Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
 - 2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - 3) Accessibility afforded to emergency vehicles.
- d. The arrangement of use areas on the site in relation to functional, efficient and compatible arrangements within the site and also to adjacent uses.
- e. The Planning Commission may further require landscaping, fences, screenwalls and retaining walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant. Planning Commission may require a 36" high barrier, guard, or fence at vertical grade changes over 30" in height.
- f. In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares,

thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money be placed in escrow with the Municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Clerk.

- g. The cost estimates, as required in this section shall be reviewed by the appropriate Municipal official (i.e. Zoning Administrator, Engineer or Planner) for their compliance with current cost estimates. These reviews and recommendations shall be forwarded to the Planning Commission for inclusion in any approved site plan.
- h. The Planning Commission may waive site plan information for topography, vegetation, problem soils, landscaping, employment data environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development. The Zoning Official may waive these requirements for plans administratively reviewed (Section 1700, 1. b. and c).

2. Planning Commission Actions

The Planning Commission, upon reviewing a site plan, shall take one of the following actions:

- a. Approval - If the site plan meets all the Zoning Ordinance and related development requirements and standards, the Planning Commission shall record such approval and the Chairman shall sign three (3) copies of the site plan filing one in the official site plan file, forwarding one to the Zoning Administrator, and returning one to the applicant.
- b. Disapproval - If the site plan does not meet Zoning Ordinance and related development requirements and standards, the Planning Commission shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.
- c. Conditional Approval - If minor corrections to the site are necessary, which can be clearly noted, then the Planning Commission shall so note such conditions and the Chairman shall sign three (3) site plans as conditionally approved and stating the necessary conditions. One copy shall be retained in the official site plan file, one forwarded to the Zoning Administrator, and one returned to the applicant.
- d. Table - If the site plan is found to be in violation of the requirements or incomplete with respect to necessary information, the Planning Commission may table action on the site plan until ordinance compliance is shown or required additional information is provided.

3. Performance Guarantees

To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Township to ensure faithful completion of the improvements and also be subject to the following:

- a. A performance guarantee, in the amount of one hundred (100) percent of the cost for improvements, shall be deposited prior to the issuance of a building permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than ten (10) percent which shall be

retained by the Municipality until all work has been completed and subsequently inspected and approved by the Zoning Administrator. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.

- b. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (the state Subdivision Control Act).
- c. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

4. Period of Completion

An approved site plan shall remain valid for a period of one (1) year from the date of approval. In the event all improvements are not installed, then any such remaining improvements shall be completed no later than July 1 of the following construction season except that the Township Board may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions. Projects under construction may be extended beyond the two (2) twelve (12) month extensions with Township Board approval.

SECTION 1701. REVIEW AND APPROVAL OF CONDOMINIUM DEVELOPMENTS.

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

1. Initial Information

Concurrently with notice required to be given Fraser Township pursuant to Section 71 of Pubic Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium development shall provide the following information:

- 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 development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium development.
- b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- c. The acreage content of the land on which the condominium development will be developed.
- d. The purpose of the development (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 system is contemplated.
- g. Whether or not a community sanitary sewer system is contemplated.

2. Information to be Kept Current

The information shall be furnished to the Township Zoning Administrator and shall be updated.

3. Site Plans for New Projects

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Section 1700 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certifications of Occupancy.

4. Site Plans for Expandable or Convertible Projects

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 1500 of this Ordinance.

5. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished.

The condominium development developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey." The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

6. Monuments Required

All condominium developments 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.

- a. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- b. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended nor required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- c. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly 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.

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

7. Compliance with Federal, State, and Local Law

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

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

9. Single-Family Detached Condominiums

- a. Single-family detached condominium project shall be subject to all requirements and standards of the applicable One-Family Residential Districts.
- b. The design of a single-family detached condominium project shall be subject to the design layout standards of Fraser Township's Subdivision Regulations as may be amended, except as may otherwise be provided by this Ordinance.
- c. The construction of a single-family detached condominium project shall be subject to the engineering design standards of Fraser Township, as may be amended, except as may otherwise be provided by this ordinance.
- d. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five (5) feet in width and shall be constructed of concrete four (4) inches thick. In addition, walkways shall be located on both sides of all interior roadways and so located as to provide access to all general common areas. Upon review of the site plan, the Planning Commission may approve alternative locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.
- e. The natural features and character of the lands shall be preserved wherever practicable. In addition, street trees shall be provided in the ratio of at least one per dwelling unit. All unimproved surface area on the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape material, except that patios, terraces, decks, and similar site features may be allowed.

10. Final Documents to be Provided

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not-to-exceed ten and one-half by fourteen (10-1/2 x 14) inches.

SECTION 1702. REVIEW AND APPROVAL OF SPECIAL APPROVAL USES.

1. Application

- a. The uses identified as special approval uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- b. The Township Planning Commission, as provided herein, shall have the authority to approve special approval uses, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special condition use included in the various provisions of this Zoning Ordinance.

2. Data Required

- a. Application for any special approval use as provided under the provisions of this Ordinance shall be made to the Zoning Administrator by filing an official special condition use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant.
- b. An application for a special approval use shall contain the following:
 - 1) Applicant's name, address and telephone number.
 - 2) Address and tax description number of the subject parcel.
 - 3) A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - 4) A certified survey drawing of the subject parcel.
 - 5) A complete site plan containing all of the applicable data outlined in Section 1700, review and approval of site plans.
 - 6) Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Section 1702,4 below.

3. Public Hearing Requirements

Upon receipt of an application for a use requiring special approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than five (5) nor more than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the

Township and sent by first class mail to the owners of the property for which a special approval use is being considered, to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question. The notice shall:

- a. Describe the nature of the special approval use request.
- b. Adequately describe the property in question.
- c. State the date, time, and place of the public hearing.
- d. Indicate when and where written comments concerning the request will be received.

4. Standards for Approval

- a. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - 1) Will be harmonious with and in accordance with the general objective of the Future Land Use Plan.
 - 2) Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
 - 3) Will not be hazardous or detrimental to existing or future neighboring uses.
 - 4) Will represent a substantial improvement to property in the immediate vicinity and general benefit to the community as a whole.
 - 5) Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal; or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - 6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - 7) Will 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.
 - 8) Will be consistent with the intent and purposes of this Ordinance.
- b. If the facts regarding the special approval use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not approve the special approval use.

In approving a special approval use, the Planning Commission may impose such reasonable conditions concerning the use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may deny, approve or approve with conditions, on a Request for Special Approval Uses. Any action on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval use under consideration which specifies the basis for the decision and any conditions recommended.

- c. Upon holding a public hearing and review of the special approval use request, the Planning Commission shall within thirty (30) days take action on the request. The finding shall include a record of those conditions which are recommended to be imposed. The Township Planning Commission may deny, approve, or approve with conditions, any request for a special approval use. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Planning Commission and the landowner, and the Township Planning Commission shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
- d. The special approval use review and site plan review may occur concurrently at the discretion of the Township Planning Commission.

SECTION 1703. WIRELESS COMMUNICATION FACILITIES.

1. PURPOSE AND INTENT.

The general purpose and intent of these regulations is to regulate the establishment of wireless communication support facilities (WCSF) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within Fraser Township. It is the further purpose and intent of these regulations to:

- a. Provide for the appropriate location and development criteria for wireless communication support facilities and wireless communication antenna within the Township; and
- b. Allow and encourage the location of wireless communication support facilities in non-residential zoning districts; and
- c. Minimize the adverse effects of such facilities through careful design, siting and screening criteria; and
- d. Maximize the use of existing and future wireless communication support facilities and encouraging multiple uses on such facilities; and
- e. Protect the character of residential areas throughout the Township from the effects of wireless communication facilities; and
- f. Promote the public health, safety, and welfare.

2. WIRELESS COMMUNICATION ANTENNA (WCA)

- a. To encourage co-location and to minimize the number of WCSF within the Township, WCAs shall be considered a permitted accessory use when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on or to which it is attached. Provided further that the location of any WCA shall not exceed two hundred (200) feet unless:
 - 1) Located on a lawfully existing or approved WCSF; or

- 2) Located on a structure existing prior to the adoption of this regulation; or
 - 3) Located on a structure which has received a height variance.
- b. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
 - c. If a WCA requires an accessory equipment storage structure, it shall not be greater than 15 feet in height and shall meet all zoning requirements.
 - d. WCAs shall not be allowed on any site used as a single family dwelling unit.
 - e. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
 - f. No accessory equipment structure or area shall be allowed in any rights-of-way.
 - g. The installation of a WCA in any zoning district must be reviewed by the Planning Commission. The Planning Commission shall review all such requests and shall approve such requests that meet the requirements of this section. Such review by the Planning Commission shall be without notice.
 - h. A WCA proposed to be located on a historic landmark or in a designated historic district may be denied if the WCA would create an adverse impact on the historic character of the historic landmark or district.
 - i. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

3. WIRELESS COMMUNICATION SUPPORT FACILITIES (WCSF)

a. General Criteria

- 1) All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association / Telecommunications Industry Association (EIA /TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
- 2) The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- 3) The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider and emergency telephone numbers.
- 4) The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.

- 5) The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCSF of the accessory equipment structure or storage area, whichever is closer.
- 6) The WCSF shall have a landscaped buffer so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way, residential use or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits while at the same time providing the visual buffer required hereby. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six (6) feet at maturity and conifer trees planted on fifteen (15) foot centers along the approved buffer of a species approved by the Planning Commission unless safety requirements of the principal use requires otherwise (i.e., utility substations).
- 7) The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location.
- 8) The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- 9) If co-location is not part of the application then the applicant must demonstrate in the application as to why co-location is not possible.
- 10) This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
- 11) WCSFs shall have a nonreflective finish.
- 12) A minimum of two (2) parking spaces shall be provided on-site and interior to the perimeter barrier. The parking area shall be provided with a permanent durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within such parking area.

b. Replacement of Existing WCSF

An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provided that:

- 1) The replacement WCSF shall not exceed a total height of 150 feet or, if the existing WCSF has an approved height greater than 150 feet, the replacement WCSF shall not exceed the approved height.
- 2) The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
- 3) The applicant shall cause the existing WCSF to be removed within ninety days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within 180 days of the Township's final construction inspection of the replacement WCSF.

- 4) If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within 60 days of the Township's final construction inspection of the replacement WCSF.
- 5) The replacement WCSF shall meet all criteria and requirements in subsection C.1. hereof.
- 6) The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission. The Planning Commission shall review all such requests and shall approve such requests that meet the requirements of this section. Such review by the Planning Commission shall be without notice.

c. Review Criteria for all new WCSFs, except replacement WCSFs

- 1) A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
 - a) Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;
 - b) Unavailability of suitable locations to accommodate system design or engineering on existing WCSFs or other structures;
 - c) Radio frequency interference or other signal interference problems at existing WCSF or others structures;
 - d) The cost of using an existing WCSF(s) or other structure exceeds the costs of permitting and constructing a new WCSF;
 - e) Other factors which demonstrate the reasonable need for the new WCSF.
- 2) The applicant must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity.
- 3) The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the Township based on those entities who have requested approval of WCSF in the past, current FCC license holders and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed. If, during a period of thirty days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new WCSF, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
- 4) New WCSFs shall meet the following additional criteria

- a) The WCSF shall not exceed 150 feet in height except that commercial radio and television towers, and public radio and television towers shall be allowed to exceed 150 feet in height providing the towers are centrally located on a site of not less than one (1) times the height of the tower measured from the base of the tower to all points on each property line. The Planning Commission may modify this requirement providing the applicant can demonstrate with a certified engineering report that the fall zone for the tower is less than one (1) times the tower's height. This provision shall not apply to a WCSF shown necessary for the co-location of a WCA for public safety communication by a governmental agency.
 - b) All WCSF's over one hundred (100) feet in height shall be designed for co-location.
 - c) All WCSFs which are located within 250 feet of a lot used for a residential use or a residential zoning district as measured from the base of the WCSF shall be a Special Conditions Use Approval subject to Section 1502 (Review and Approval of Conditional Uses) of this Ordinance.
 - d) The WCSF shall meet all criteria and requirements of subsection C.
 - e) The installation of a WCSF must be reviewed by the Planning Commission. The Planning Commission shall review all such WCSFs and shall approve such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.
- 5) Application Requirements for New WCSFs
- a) A site plan prepared in accordance with Section 1700 (Review and Approval of Site Plans) shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - b) The site plan shall also include a detailed landscaping plan (in accordance with Section 1715,3,C and paragraph C.1.f. above) where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe.
 - c) The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.
 - d) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph C.5. below. In this regard, the security shall be in the form of cash, surety bond, letter of credit, or an agreement in a form approved

by the Township's attorney establishing the land in question as security for removal.

- e) The application shall include a map showing existing and known proposed WCFs within Fraser Township, and further showing existing and known WCFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.
- f) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the WCF is on the premises.

d. **Additional Criteria for Special Condition Use Approval and Review**

The installation of a WCSF in any zoning district other than a non-residential district shall be subject to the following:

- 1) WCSFs shall also meet all criteria and requirements of this section.
- 2) WCSFs shall be located on lots or parcels of not less than two acres, except in the AG Districts.
- 3) WCSFs may be located on property owned and used by:
 - a) federal, state or local government entities
 - b) schools, colleges and universities
 - c) utility companies
 - d) cemeteries
 - e) golf courses and associated facilities (public and private)
- 4) If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other sites are not reasonable.
- 5) WCSFs proposed to be located on a historic landmark or in a designated historic district may be denied if the WCSF would create an adverse impact on the historic character of the historic landmark or district.
- 6) The Planning Commission may require a visual / line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visualization.

e. **Removal Abandoned WCSFs**

Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for 180 days or more. Where a WCSF is abandoned but not removed or demolished as required hereby, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the

time application was made for establishing the WCF or the Township may place a lien on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.

f. **Variances and Appeals**

Variances from this section may be requested from the Zoning Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCSF so long as such additional height does not exceed 30 feet. Appeals of a Planning Commission decision shall be taken to the Zoning Board of Appeals.

ARTICLE XVIII BOARD OF APPEALS

SECTION 1800. PURPOSE.

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public is secured, and that justice be done, there is hereby established a Zoning Board of Appeals (ZBA).

SECTION 1801. CREATION AND MEMBERSHIP.

The ZBA shall perform its duties and exercise its powers as provided in Section 20 of Act 184 of the Public Acts of 1943, as amended (the Township Rural Zoning Act). The ZBA shall consist of a maximum of seven (7) members, selected from the electorate, appointed by the Supervisor, with the consent of the Township Board.

1. The first member of the ZBA shall be a member of the Planning Commission.
2. The remaining members shall have been a resident of the Township for at least one (1) year prior to the date of appointment, and shall be qualified and registered electors of the Township on such day and throughout his tenure of office. One member may be a member of the Township Board.
3. An employee or contractor of the Township Board may not serve as a member of the ZBA.
4. The Zoning Board of Appeals shall not exceed seven (7) members each to be appointed by the Township Board. Term of the appointments shall be for three (3) years.
5. Any appointive vacancies in the ZBA shall be filled by the Township Board for the remainder of the unexpired term.
6. The Township Board may also appoint not more than two (2) alternate members to the ZBA. Appointments shall be as follows: One (1) alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the ZBA shall be filled by appointment made by the Township Board for the remainder of the unexpired term. The alternate members shall:
 - a. Sit as regular members of the ZBA in the absence of a regular member if a regular member is absent from, or unable to, attend two (2) or more consecutive meetings of the ZBA, or will be unable to attend meetings for a period of more than thirty (30) consecutive days
 - b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest.

The alternate member having been appointed shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the ZBA. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the ZBA.

SECTION 1802. COMPENSATION.

Each member and alternate member may receive a reasonable sum as determined by the Township Board for his services in attending each regular or special meeting of the ZBA.

SECTION 1803. REMOVAL.

Appointed members may be removed for nonperformance of duty or misconduct in office by the Township Board only after consideration of written charges and a public hearing. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

SECTION 1804. MEETINGS.

1. The Board of Appeals shall annually elect its own chairman, vice chairman, and secretary.
2. All meetings of the Board of Appeals shall be held at the call of the chairman and at such times as such Board may determine.
3. All hearings conducted by the ZBA shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the Township Clerk, and shall be a public record.
4. The ZBA shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.
5. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

SECTION 1805. APPEAL AND NOTICE REQUIREMENTS.

1. An appeal may be taken to the ZBA by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision of the Building Official. An appeal shall be made in accordance with the processing procedures established by the Zoning Board of Appeals. Each appeal shall be accompanied by a processing fee in an amount established by resolution of the Township Board, and may be amended from time to time. No portion of such fee shall be reimbursable to the applicant. The Building Official shall forthwith transmit to the Board, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall be stayed, otherwise than by a restraining order which may be granted by a court of record.
2. Public notice of the time, date, and place of the meeting shall also be given in the manner required by Act 267 of the Public Acts of 1976 (Open Meetings Act). Such notice shall contain the address, if available, and location of the property for which the ruling by the ZBA is sought, as well as a brief description of the nature of the Appeal.
3. No appeal shall be taken to the ZBA from a decision of the Planning Commission or Township Board in connection with a use permitted subject to special approval use.
4. Appeal(s) required in connection with site plan approval for principal uses permitted shall be presented before the ZBA prior to the consideration of the site plan by the Township Planning Commission.

5. The ZBA may only act on those matters brought before it through the procedures of Section 1807. In no instance may they conduct business on matters outside the scope of the appeal.
6. No appeal shall be made from a decision of the Township Building Official or Planning Commission unless such appeal is filed within thirty (30) days from the date of such decision.

SECTION 1806. JURISDICTION.

The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the ZBA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the authority to make changes in the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner herein provided by law.

SECTION 1807. POWERS AND DUTIES.

The ZBA shall have the following specified powers and duties:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.

2. Interpretation

- a. To hear and decide in accordance with the provisions of this Ordinance:
- b. Appeals for the interpretation of the provisions of the Ordinance.
- c. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision on such subject.

3. Variances

The ZBA shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must submit an affidavit indicating that a "practical difficulty" exists, by explaining:

- a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
- b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.

- c. The conditions and circumstances unique to the property were not created by the owner, within the time following the effective date of the provisions alleged to adversely affect such property.
- d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
- e. Why the requested variance will not be contrary to the spirit and intent of this zoning ordinance.

The ZBA shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the preceding criteria.

4. Approval of Temporary Uses

The ZBA and Zoning Administrator shall have the power to grant permits authorizing temporary land uses intended for:

- a. Tent sales; sidewalk sales; firewood or Christmas trees, and similar uses; under the following conditions:

- 1) Zoning Districts Where Permitted

Such uses shall be restricted to nonresidential zoning districts except that temporary uses may be permitted in residential districts provided they will be located on a parcel no less than one (1) acre in size.

- 2) Application and Submittal Requirement

The application for a temporary use permit shall be accompanied by plans and specifications including the required copies of the plot plan drawn to scale. The plot plan shall show the shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes. The submittal shall include the materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks. The applicant shall also provide data on the anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

- 3) Time Limitations

A temporary use permit for a tent or sidewalk sale shall by its terms be effective for no longer than ten (10) calendar days, which may be approved by the Zoning Administrator. Temporary uses that extend over ten (10) days shall have the approval of the ZBA. In no case, however, shall the ZBA grant a temporary use that exceeds twenty (20) days. No more than four (4) temporary use permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year by either the ZBA or Zoning Administrator. Temporary use permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods.

A temporary use permit for the sale of Christmas trees shall by its terms be effective for no longer than thirty (30) days. No more than one (1) temporary use

permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than three (3) months. No more than one (1) temporary use permit for such uses shall be issued for any given location within a single calendar year.

4) Standards for Approval

- a) A temporary use permit shall only be granted if the ZBA determines that the proposed use, including the erection of any temporary building or structure, will: provide adequate light and ventilation between buildings and structures; provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking; provide adequate lot access for fire protection purposes; not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of public health, safety, and general welfare; and, will not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.

When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking. In no instance shall signs, parking, buildings, produce, or other site features occupy a public right-of-way.

- b) The temporary location of a premanufactured building in new subdivisions in any residential district for periods not-to-exceed ninety (90) days, provided: the use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision; all applicable building height, bulk, and area requirements of the district are met; and, the structure shall be removed from the subdivision upon completion of the first permanently built model home intended for display, but in no case shall the remanufactured dwelling remain beyond the time limitation specified above.
- c) Permit in any residential district the temporary location of a sales and/or contractor's office within a permanent structure on site provided such office is vacated at the completion of active construction which occurred on the site.
- d) Permit the location of temporary building and uses for periods not-to-exceed ninety (90) days in undeveloped sections of the Township, with the granting of not more than three (3) ninety (90) day extensions being permissible, provided the conditions set forth in Section 1807,4,g below, are met. In no instance shall a permit be extended when the property surrounding the temporary use has developed during the life of the temporary permit. Notwithstanding these provisions, the Township Building Official may, for a period not to exceed thirty (30) days, permit the establishment of emergency housing facilities upon a finding that such housing shall be provided in a safe and sanitary condition.

- e) Permit uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not-to-exceed twelve (12) months, provided the conditions set forth in Section 1807,4,g below, are met.

In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to: golf driving range and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

- f. Permit the installation of small removable homes, to be known as ECHO (an acronym for Elder Cottage Housing Opportunity) houses, on the same lots with single-family houses, subject to the following purposes and requirements.

(1) Purposes

- (a) To permit adult children to provide small temporary residences for their aging parents who are in need of support, while maintaining as much of the independence of the two generations as possible.
- (b) To permit families to provide security and support for nonelderly relatives with serious health problems or physical disabilities.
- (c) To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
- (d) To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
- (e) To permit ECHO housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.

(2) Requirements

- (a) The minimum unit size for one (1) person shall be two hundred eight (280) square feet and four hundred (400) square feet for two (2) occupants. The maximum unit size shall be limited to nine hundred (900) square feet and a maximum building height of sixteen (16) feet.
- (b) The ECHO unit shall be located in the rear yard. Coverage of the rear lot by the unit shall not exceed thirty (30) percent. Coverage of the entire lot by the ECHO unit and the principal residence shall not exceed thirty (30) percent.

- (c) The ECHO unit shall be placed so that yard space remains as usable as possible. Access must be provided to the ECHO unit without going through the principal residence. Walls of the ECHO unit containing large windows shall not be placed near lot lines or overlooking abutting property.
- (d) The unit's foundation shall be of easily removable materials such as timber pilings or cement block piers, so that the lot may be restored to its original use after removal, with as little expense as possible.
- (e) No permanent fencing, walls, or other structures shall be installed that will hinder removal of the ECHO unit from the lot. No permanent structure shall be built around or over the ECHO unit that will prohibit its removal from the lot.
- (f) The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. At least one (1) occupant of the principal residence and at least one (1) occupant of the ECHO unit must be related by blood, marriage, or adoption. In no case shall there be more than two (2) occupants of an ECHO unit. At least one occupant of the ECHO unit must be over sixty-two (62) years of age, or unable to live independently because of mental or physical illness or disability.
- (g) Adequate parking must be provided for any vehicles owned by occupants of the ECHO unit. The number of spaces required will be determined on a case-by-case basis by the ZBA taking into account existing parking availability.
- (h) All walkways from parking areas and principal residence to the ECHO unit shall be suitable for wheelchair and stretcher access, in accordance with the Americans with Disabilities Act.
- (i) The exterior of the ECHO unit shall be compatible with principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance, as determined by the ZBA.

(3) Application Requirements

Property owner(s) who want to install an ECHO unit on the same lot with their principal residence must submit a written application which includes the names and addresses of all owners of record and proposed occupants of the ECHO unit; the parcel number of lot, the relationship of occupant(s) to owner(s) and agreement that occupant(s) will meet the eligibility standards of Section 1807,4,e,(2),(vi) above, and, a list of all motor vehicles of owner(s) and occupant(s). A description of the public or private water and/or sewage systems to be used must also be included as part of the written application. The application materials should be

signed by the owner(s) of record and submitted along with the required application fee. The required application fee shall be established by resolution of the Township Board.

The property owner(s) must submit a plan of the lot, along with the written application, consisting of a standard size drawing, drawn to scale, showing dimensions and locations of all structures on the lot, the location of parking for motor vehicles of owner(s) and occupant(s), and the square footage of the ECHO unit and principal residence.

A floor plan for the unit must also be submitted along with architectural drawing(s) showing compatibility of ECHO unit design and landscaping with that of main house, as well as other features such as attachment of the two dwellings, the appearance of the foundation for the ECHO unit, the location of major ECHO unit windows in relation to abutting properties, and adaptations for access by physically handicapped or disabled persons where the ECHO house is to be attached in any way to the principal residence. A plan showing how the ECHO unit can be removed without permanently defacing the exterior of the principal residence must also be provided.

(4) Agreement to Special Conditions

Also included with the application must be the property owner(s) agreement to any conditions the local jurisdiction sets for ECHO housing. This may be in the form of a letter in which the owner(s) will:

- (a) Verify that the installation, use, and occupancy of the ECHO unit meet the conditions set by the Township. The owner shall also annually certify, in writing, to the Township Building Department that these conditions are still being met.
- (b) Recognize that if the permit expires, is revoked or invalidated, application for renewal or for a new permit must be made.
- (c) Acknowledge that when the ECHO unit is no longer a legally permitted use, the owner(s) will be responsible for its removal from the lot and for restoration of the property to its original condition within ninety (90) days.
- (d) Agree that if the owner(s) should not remove the ECHO unit within remove the unit and salvage it to defray any costs incurred.

g. The ZBA, in granting permits for temporary uses described in Sections 1807,4,c,d and e, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property wherein the temporary use is permitted.

- (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township shall be made at the discretion of the Board of Appeals.
 - (4) The use shall be in harmony with the general character of the area.
- h. No temporary use permit shall be granted without first giving notice to owners of property of the time and place of a public hearing to be held as provided for in Section 1805. Further, the ZBA may seek the review and recommendation of the Planning Commission prior to the taking of any action, due to the unique operational characteristics of the proposed use.

SECTION 1808. PROHIBITED VARIANCES.

- 1. No variance shall be made in connection with a condition attached to a special condition use approved by the Planning Commission and/or Township Board.
- 2. A use variance shall not be permitted, except as described under Section 1707.4, Approval of Temporary Uses.

SECTION 1809. ATTACHMENT OF CONDITIONS.

The ZBA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- 1. Be designed to protect natural resources, the 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 the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- 4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

SECTION 1810.**APPROVAL PERIOD.**

No order of the ZBA permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the ZBA permitting a temporary use of a building or premises shall be valid for a period longer than one (1) year unless such a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall contain in force and effect if building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XIX GENERAL EXCEPTIONS

SECTION 1900. AREA, HEIGHT, AND USE EXCEPTIONS.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

SECTION 1901. ESSENTIAL SERVICES.

Essential services serving Fraser Township shall be permitted as authorized and regulated by law and other ordinances of the Municipality.

SECTION 1902. LOT AREA.

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district which such lot is located, other than conditional uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit. (See also Section 1602, 4, Nonconforming Lots.)

SECTION 1903. PORCHES.

An open, unenclosed, and uncovered porch or paved terrace may project into a required front yard setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SECTION 1904. PROJECTIONS INTO YARDS.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

SECTION 1905. ACCESS THROUGH YARDS.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

SECTION 1906. CANOPIES AND AWNINGS.

Canopies and awnings offering partial protection from the weather, but not fully enclosed, may be considered for approval subject to obtaining approval from the Zoning Administrator and subject to the following conditions:

1. Canopies and awnings extending into a public right-of-way shall be expressly prohibited.
2. Canopies and awnings extending into a required yard setback are subject to the following conditions:
 - a. Review and approval by Zoning Administrator.
 - b. Any such structure shall not extend closer than the height of the structure to any property line adjacent to a residential district.

- c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
- d. Any such structure shall not conflict with any existing or potential development on adjacent property.
- e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval.
- f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

ARTICLE XX ADMINISTRATION AND ENFORCEMENT

SECTION 2000. ENFORCEMENT.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SECTION 2001. DUTIES OF ZONING ADMINISTRATOR.

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

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

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

SECTION 2002. PLOT PLAN.

The Zoning Administrator shall require that all applications for Building Permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

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

SECTION 2003. PERMITS.

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued

No Building Permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

2. Permits for New Use of Land

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

3. Permits for New Use of Buildings

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

4. Permits Required

a. No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a Building Permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Fraser Township Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

b. No signs, parking lots, swimming pools or canopy/awnings shall be hereafter constructed altered, erected or enlarged until a permit(s) has been secured from the Building Department.

5. Private Covenants

The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.

6. Revocation

Any zoning compliance permit issued in error or pursuant to an application containing any false statement shall be void.

SECTION 2004. FINAL INSPECTION.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

ARTICLE XXI PLANNING COMMISSION

SECTION 2100. CREATION.

The Planning Commission is hereby designated as the Commission specified in Section 11, of Act 168 of the Public Acts of 1959, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

ARTICLE XXII AMENDMENTS

SECTION 2200. AMENDMENT PROCEDURE.

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Michigan Zoning Enabling Act 110 of 2006, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk; however, there shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.

Zoning Ordinance text and map amendments shall only be approved by the Township after receipt of a recommendation by the Township Planning Commission. Before submitting its recommendation, the Township Planning Commission shall hold not less than one (1) public hearing, notice of which hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, to be printed not less than fifteen (15) days before the date of the hearing. Not less than fifteen (15) days notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained.

The notices shall include the places and times at which the proposed text amendment(s) and any map(s) of the Zoning Ordinance may be examined.

If an individual property or several adjacent properties are proposed for rezoning, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in questions, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than eight (8) days before the hearing provided by Section 9 stating the time, place, date, and purpose of the hearing.

Following the hearing, the Township Planning Commission shall submit the proposed Zoning Ordinance amendments, including any zoning maps, to the County for review and recommendation. If the recommendation of the County has not been received by the Township within thirty (30) days after receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review and recommendation of the Ordinance amendments.

The Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed text and/or map amendment(s) to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be published not less than fifteen (15) days before the hearing. If the Township Board considers amendments, changes, additions, or departures advisable to the proposed amendment(s) the Township Board shall refer the same to the Township Planning Commission for a report thereon within a time specified by the Township Board.

After receiving the report, the Township Board shall grant a hearing on a proposed ordinance text or map amendment to a property owner who by certified mail addressed to the clerk of the Township Board requests a hearing and the Township Board shall request the Township Planning Commission to attend the hearing. After a hearing at a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by majority vote of its membership, a text amendment or Zoning Districts map change for the portions of the Township outside the limits of cities and villages, with or without amendments that have been previously considered by the Planning Commission or at a hearing, and may give the Ordinance effect upon publication as set forth below or upon any date specified by the Township Board.

The Zoning Ordinance amendments shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of Ordinance adoption shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

ARTICLE XXIII REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by Fraser Township in 1980 and reprinted in _____, 1992, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE XXIV INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

ARTICLE XXV ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 2500. VIOLATIONS

In cases where in the Township enforces its ordinances against a person or business, the Township shall be entitled to actual fees and court costs against the party or parties violating the Township ordinances. The Township shall be entitled to a Judgment lien against the real estate involved for its attorney fees and costs.

Violation of this Ordinance shall not constitute a criminal offense.

SECTION 2501. PUBLIC NUISANCE PER SE.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 2502. FINES.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines of not less \$100 or as established by the Township Board.

SECTION 2503. EACH DAY A SEPARATE OFFENSE.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 2504. RIGHTS AND REMEDIES ARE CUMULATIVE.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXVI SEVERANCE CLAUSE

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

ARTICLE XXVII EFFECTIVE DATE

SECTION 2700. ADOPTION.

This Ordinance was adopted by the Fraser Township Board on the 9th day of April, 2001. Notice of adoption was published in the Pinconning Journal on the 18th, day of April, 2001. This Ordinance became effective seven (7) days after said date of publication on April 25, 2001.

Sally Sherman
Clerk
Fraser Township

I, Sally Sherman, Clerk of Fraser Township, do hereby certify that the foregoing is a copy of Ordinance No. 68, adopted by the Township Board of Fraser Township and published as required by law.

Sally Sherman
Clerk
Fraser Township

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