

ARTICLE I

PREAMBLE

Section 1.01 Title

This ordinance shall be known as the 'Tekonsha Township Zoning Ordinance.'

Section 1.01a Legal Basis

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.), hereinafter referred to as the "Zoning Act"

Section 1.02 Purpose

The purpose of this ordinance is to promote the public health, safety, morals and general welfare; encourage the best use of lands and natural resources of the township; reduce hazards to life and property; provide in the interests of health and safety, the conditions under which certain buildings and structures may hereafter be erected and used; provide safety in traffic; facilitate the development of an adequate system of transportation, education, recreation and other public requirements; provide reasonable conditions under which the lawful use of non-conforming buildings, structures, and land may be carried on; conserve life, property and natural resources, and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

Section 1.02a Essential Services

Erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions, or for the public health or safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the Township of Tekonsha in any use district, it being the intention hereto to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance.

Section 1.03 Existing Uses and Buildings

Any lawful use of property in effect upon the date of adoption of this ordinance may be continued at the discretion of the owner, even though such use is not in conformity with this ordinance.

ARTICLE 2 GENERAL PROVISIONS

Section 2.01 Kinds of Districts

For the purpose of this ordinance, Tekonsha Township is hereby divided into the following districts:

- Restricted Residential District, A- A, Section 3
- Agricultural and Residential District, A-R, Section 4
- Parks and Recreational District, P, Section 5
- Commercial District, C, Section 6
- Industrial District, I, Section 7
- Sewer Treatment District, S, Section 7A (03/02/92)

Section 2.02 Provision for Official Zoning Map

These districts, so established, are bounded and defined as shown on the map entitled:

“Zoning Map of Tekonsha Township”

Adopted by the Township Board, and which, with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth by metes and bounds therein.

Section 2.03 Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Act 184 of the Public Acts of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Zoning Administrator promptly after the ordinance authorizing such change shall have been adopted and published by the Township Board. No change of any other nature shall be made unless authorized by the Zoning Board of Appeals.

Section 2.04 Authority of Official Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

Section 2.05 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Tekonsha Township. Adopted on the _____ which replaces and supersedes the Official Zoning Map which was adopted on July 16, 1965.”

Section 2.06 Interpretation of Zoning Districts

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, bounding a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village or township shall be construed as following such line.
- D. A boundary indicated, as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel or an extension of a feature indicated in paragraphs “a” through “e” above shall be so construed.
- G. The scale of the map shall determine a distance not specifically indicated on the Official Zoning Map.

Section 2.07 Application of Regulations

The regulations established by this Ordinance with respect to the use of land, types of buildings or structures or the use of buildings or structures within each zoning district are the minimum regulations necessary for the promotion and protection of the public health, safety, morals and general welfare of the Township and its residents and are uniform for each class of land or buildings, dwellings and structures and uses thereof throughout each district. Except as hereinafter specifically provided:

- A. No building, structure or land shall be used or occupied, and no building or structure or any part thereof shall be erected, moved, or altered unless in conformity with the regulations specified for the district in which it is located.
- B. No building or structure shall be erected or altered in violation of the lot area, lot width, lot coverage, minimum floor area, front, side and rear yard, height, off-street parking, open space, interior living space, setback, greenbelt buffer, accessory building, lot-building relationship, water supply and sanitary sewerage facilities, street access, fences, walls and screens, swimming pools, signs, and other regulations of such building or structure as provided in this Ordinance for the district in which such building or structure is located.
- C. No building or structure shall be erected or altered to accommodate or house a greater number of persons or families than is provided for by the regulations of this Ordinance for such building or structure for the district in which such building or structure is located.
 - a. The Board of Appeals shall have the power to classify a use of structure or building or land which is not specifically mentioned in this Ordinance along with a comparable permitted or

prohibited use, structure or building for the purpose of regulating such unclassified use, structure or building in any district in which such is located or proposed to be located.

Section 2.07 Scope of Ordinance

Except as otherwise provided in this ordinance, no land or existing building or structure, and no new building or structure, or part thereof hereafter be located, erected or moved upon the premises other than in conformity with the provisions of this ordinance.

Section 2.08 Nonconforming Uses and Buildings

- A. Extension of Uses. Extension of any nonconforming use throughout a building for the purpose of extending a non-conforming use, or the extension of any non-conforming use into or throughout a parcel of land not fully occupied by such non-conforming use may be granted by the Board of Appeals on written application filed with the Township Clerk. Said Board may hold a public hearing upon such application. If it shall appear that the proposed extension shall not be in accord with any provision of Section 1.02, then such application shall be denied.
- B. Discontinuance of Nonconforming Uses. If the non-conforming use of any parcel of land, building or structure is discontinued or abandoned through vacancy, lack of operations, or otherwise for a continuous period of one (1) or more years, then any further use of such land, building or structure shall conform to the provisions of this ordinance.
- C. Change of Nonconforming Uses. The nonconforming use of any parcel of land, building or structure shall not be changed to any other nonconforming use, nor shall any use be reverted to the former nonconforming use after any nonconforming use of any parcel of land, building or structure is changed to a conforming use.

Section 2.09 Setbacks, Requirements

- A. Location. Setback lines are hereby established on all public roads and highways which lines shall parallel with and fifty (50) feet from the highway right-of-way line. At intersection of highways setback lines shall be established across each sector of the intersecting highways, which lines shall be straight lines connecting points located seventy-five (75) feet from the intersections of the highway right-of-way lines.
- B. Buildings and Structures Relative to Setback Lines. No building or structures shall hereafter be erected or moved into the space between setback lines and highway right-of-way lines, except open fences through which there shall be clear vision and signs advertising the sale of property of the farm products of the premises.

Section 2.10 Exemption of Accessory Farm Buildings and Structures

All accessory farm buildings and structures are exempted from the terms of this ordinance except specialized buildings.

ARTICLE III

RESTRICTED RESIDENTIAL DISTRICT, A-A

Section 3.01 Uses

The following provisions shall apply to all Restricted Residential Districts, A-A: No land shall hereafter be used and no building or structure erected or moved upon any premises and used for other than dwellings.

Section 3.02 Restrictions (03/02/92)

All dwellings and parcels of land and other out buildings in connection therewith in the following described parcel of land shall be subject to the following restrictions:

- (1) The use of all property in the said residence district shall be limited to a single-family dwelling, with reasonable temporary guest facilities. The minimum floor space in the living portion of said structure to be not less than 1300 square feet above ground floor space. The dwelling house and garage, mentioned above, shall not exceed two stories in height, for one family and reasonable guest facility purposes. No part of the premises shall be used for a purpose in violation of the laws of the State of Michigan or the United States of America.
- (2) The closest side of any building dwelling house or garage erected on said premises, shall be a minimum of 140 feet from the lake side of said property, and the closest side of any building on the opposite end of said property shall be minimum of 25 feet from the line of said property which is opposite the lake. And any building erected on said premises shall be minimum of 15 feet from the sides of the property lines.
- (3) Sewage shall be disposed of any septic process, or other process conforming to Michigan State Health Regulations, and no outside toilet, so-called, no matter what the process for disposing of sewage may be, shall be installed or used on said premises.
- (4) No part of the above premises shall be used for any commercial purposes, nor shall the premises be used for any noxious or offensive trade or activity so as to become an annoyance nuisance to the owners of the neighborhood and abutting property.
- (5) If any construction of the residence or garage is commenced on said premises, it shall be completed within two years from the time that any construction work begins.
- (6) No large motor vehicles requiring a truck or tractor, or trailer or semi-trailer, or any vehicle which may be an obstacle to other traffic, or unsightly, shall be parked on said property, except as temporary parking of such vehicle may be convenient to the reasonable use of the owner of the property described herein.

ARTICLE 4

AGRICULTURAL AND RESIDENTIAL DISTRICT – AR

The following provisions shall apply to the Agricultural-Residential District, A-R:

Section 4.01 Uses

Except as hereinafter provided, no land shall hereafter be used and no building or structure erected or moved upon any premises and used for other than one or more of the following uses:

1. Dwellings.
2. Parks, playgrounds and golf-courses.
3. Churches and schools.
4. Public buildings, museums and community building.
5. The office of a physician, surgeon, dentist, attorney, musician, artist or similar profession, when confined to the dwelling, where the building is occupied as his or her private dwelling, PROVIDED no nameplate is displayed exceeding three (3) square feet in area and containing only the name and occupation of the occupant of the premises; and where no public display of stock or equipment is made on the premises.
6. Hospitals, clinics and institutions of an educational philanthropic or eleemosynary nature.
7. Nurseries and greenhouses.
8. Forestry
9. General and specialized farming, portable sawmills for a period of not exceeding twelve months in any one location. Permits for additional six-month periods may be obtained from the Township Board upon written application at the Board's discretion.
10. General outdoor advertising signs, other than signs on the premises for the sale of farm produce grown thereon, permitted only by permit from Township Board following written application therefore.
11. Accessory building, structures and uses customarily incidental to any of the above permitted uses, including signs pertaining to the sale of products produced on the premises and to the lease or sale of the premises. Such sign shall not exceed ten (10) square feet in area, and shall be not Less than twenty-five (25) feet from the front lot line, or highway right-of-way line or twenty (20) feet from the side lot line. A detached accessory building shall be located in the rear yard of the premises.

Section 4.02 Size of Premises

- A. Every parcel of land upon which a dwelling is hereafter erected shall contain not less than one (1) acre and a lot width of not less than two hundred (200) feet. The width to depth ratio of a parcel shall not be greater than 1:4.
- B. The minimum size of parcel required for other permitted or approved uses in the district including the accessory uses thereto shall be determined by the Board of Appeals upon written application by the owner to the Board as may be reasonable for such use and be in conformity with Section 1.02.

Section 4.03 Mobile Homes

In addition to the requirements established by the Calhoun County Health Department, the following site development requirements shall apply:

- A. Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four (4) inches thick, and not less than the length and width of the mobile home that will use this site. This pad will be so constructed, graded and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
- B. Each mobile home shall be secured by an effective anchoring (tie down) system or device and installed pursuant to the manufacturer's set up instructions.
- C. Uniform skirting of each mobile home base shall be required, within sixty (60) days after initial placement, such skirting shall be of twenty-six (26) gauge non-corrosive metal or aluminum or material of equal strength and so constructed and attached to this mobile home so as to deter entry of rodents, insects

Section 4.03a Manufactured Homes

The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards: as promulgated by the United States Department of Housing and Urban Development being 24 DFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

Section 4.04 Regulations

- A. Yard & Setback Requirements
 - 1. Front Yard: Not less than fifty (50) feet from the road right-of-way.
 - 2. Side Yard: Not less than twenty (20) feet.
 - 3. Rear Yard: Not less than fifty (50) feet.
 - 4. A detached accessory building may have a minimum side yard and rear yard setback of five (5) feet.
- B. Height: No dwelling or non-farm building or structure shall exceed a height of fifty (50) feet from the lowest finished grade to the highest point of the roof (excluding the chimney).
- C. Lot Coverage. The maximum lot coverage shall not exceed twenty (20) percent.

Section 4.05 Floor Areas

Every dwelling hereafter erected or moved upon the premises shall have no less than seven hundred (700) square feet of floor area for a one or two (1 or 2) bedroom dwelling and no less than nine hundred (900) square feet of floor area for a three or more (3+) bedroom dwelling, exclusive of any attached garages, open porches or other attached structures.

Section 4.06 Septic Tanks, Dry Wells and Outhouses

No septic tank, dry well or outhouse shall be installed or placed less than twenty-five (25) feet from any lot line.

Section 4.07 Repair, Completion, Improvement and Restoration of Nonconforming Buildings and Structures

- A. Nothing in this Ordinance shall prevent such repairs, improvements or reinforcement of a non-conforming building or structure existing on the date of enactment of this Ordinance as may be necessary to secure or insure continued advantageous use of such building or structure during its natural life.
- B. Nothing in this ordinance shall prevent the reconstruction, repair or restoration and resumption of use of any non-conforming building or structure damaged by fire, explosion, acts of God, or acts of the public enemy following the effective date of this ordinance.

Section 4.08 Temporary Use of Garage Houses and Basement Houses

It shall be permissible for the owner while building a dwelling, to temporarily reside in a garage house or basement house on the premises where the house is being constructed by permit of the Township Board following a written application thereto. Such permits are renewable for six (6) month periods upon proper application to the Township Board upon progress, showing therein that reasonable progress has been made in such building during the duration of the original application or succeeding extension, if any.

Section 4.08a Temporary Permit for Mobile Homes

Mobile homes not otherwise satisfying the requirements, upon the following conditions:

- 1. Uses Permitted:
 - a. As a temporary dwelling during construction of a house.
 - b. As a dwelling in close proximity to an established dwelling in order to provide care for a relative or friend needing constant attention from the family due to age or illness.
- 2. Such mobile home must be connected to an adequate water supply and sewage disposal system, meeting the requirements of the Calhoun County Health Department.
- 3. Such mobile home will comply with requirements stated in Section 4.03 of this ordinance with the exception of 4.03A (concrete pad). Minimum requirements for foundation under temporary use shall be concrete pillars or footings installed at a depth determined by the Building Code. Should an applicant desire to install a concrete pad that is acceptable.
- 4. All temporary permits for such mobile home shall be issued by the Tekonsha Township Board for a period of one year. The application fee for a Temporary Mobile Home Permit shall be established by the Township Board and will be recorded in the schedule of fees.
 - a. Applicant shall apply for an extension prior to expiration of valid temporary permit.

Section 4.09 Conditional Uses

The following uses shall be permitted and shall comply with the procedures in Article 16 of this Ordinance.

- (1) Agri-Business
- (2) Mobile Home Parks
- (3) Temporary Buildings & Trailer Offices
- (4) Light Manufacturing
- (5) Salvage Yards

- (6) Mini-Storage Warehouse Facilities
- (7) New & Used Automobile & Truck Sales & Repair
- (8) Truck Terminals
- (9) Commercial radio, television or communications stations or transmitter
- (10) Camps, Campgrounds, Retreats & Lodges

ARTICLE V

PARKS AND RECREATIONAL DISTRICT, P

All areas zoned under this classification, whether publicly or privately owned, shall engage in no commercial activity in conjunction therewith unless approval for the location and use shall first be obtained from the Township Board following a public hearing thereon. Application for such approval shall be accompanied by a written approval of seventy-five (75) percent of the owners of property within one (1) mile of the boundary of the premises, and shall be made in writing by the owner of the premises to the Township Clerk who shall give notice of a public hearing on the application in a newspaper of general circulation in the township, the cost of which shall be borne by the applicant.

OPEN SPACE AND WATERBODY CONSERVATION DISTRICT-OC

Section 5A.01-Purpose

It is recognized by this Ordinance that the principal use of certain open areas within the Township is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value may be maintained and this use encouraged, this Ordinance has established, based upon a well-considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots in order to protect the natural resources, natural habitats of wildlife, waterways and waterbodies, groundwater, municipal well fields, aquifer recharge areas, agricultural capabilities, public and private recreation areas, and the public health safety and welfare by reducing the hardships and burdens imposed upon the people of the Township by the wanton destruction of resources, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams. In addition, this district will help protect human life, prevent or minimize material losses, and reduce the cost to the public of rescue and relief efforts occasioned by unwise occupancy or construction of buildings in areas subject to periodic inundation, such areas being shown as:

- (1) Flood Plain (designation is generally established by Flood Insurance Rate Maps published by the Federal Emergency Management Agency) and
- (2) Soil types (most comprehensively shown in Calhoun County Soil Survey, published in 1997 by the Natural Resources Conservation service, U.S. Department of Agriculture).

Section 5A.02-Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- a) Public and private conservation areas for the development, protection and conservation of open spaces, watersheds, water, soil, forest, and wildlife resources.
- b) Land uses and development that will generally promote the protection of soils, surface waters, and groundwater and avoid potential environmental risks to the same.
- c) Municipal well fields, including essential service structures.
- d) Drives and parking areas.

Section 5A.03-Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings, and structures are permitted in this district, subject to obtaining a conditional use permit as provided in Section 4.

- a) Public or private forest preserve, game refuge, park, campgrounds, playgrounds, or other recreation purpose.
- b) General farming and farm operations within flood plain areas which shall not be in conflict with municipal well fields.
- c) Country clubhouse, swimming pool, bath house and the sale of food, beverages and recreation equipment which is incidental and accessory to recreation use.
- d) All buildings and structures accessory and incidental to permitted uses in this district.
- e) One family dwellings, with regulations specified in Section 4.

Section 5A.04-Regulations

Preservation of environmental quality and flood plains in a flood plain, the construction or location of bridges, bleachers, or other outdoor equipment or appurtenances and the storage of materials and equipment is prohibited unless same would not cause any significant obstruction to the flow of or reduction in the impoundment capacity of the flood plain. (05/04/98)

ARTICLE VI

COMMERCIAL DISTRICT, C

The following provisions shall apply to all Commercial District, **C**:

Section 6.01 Uses

In the Commercial District no building or premises shall be used and no building shall be hereafter erected or moved upon any premises unless otherwise provided in this ordinance, except for one or more of the following purposes:

- (1) Any use permitted in the A-R Agricultural-Residential Zone and subject to the same applicable regulations, except as otherwise provided in this section.
- (2) The conduct of any trade, commerce, service and profession.
- (3) Motels
- (4) Permanent sawmills, mobile home parks, drive-in theaters, junkyards, auto-wrecking businesses and so-called hot-rod tracks, PROVIDED that approval for the location and use shall first be obtained from the Township Board following a public hearing thereon. Application for such approval shall be accompanied by written approval of 75% of owners of property within one (1) mile of the boundaries of the premises and shall be made in writing by the owner of the premises to the Township Clerk, who shall give notice of a public hearing on the application in a newspaper of general circulation in the township, the cost of which shall be borne by the applicant. If following such hearing it shall appear that the proposed location or use shall tend to produce objectionable odor, noise, dust, fumes, smoke, unhealthful conditions, traffic hazards, or prove a nuisance or injury to health or the welfare of the surrounding property or neighborhood, or be contrary to Section 1.02, then such application shall be denied.
- (5) Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

Section 6.02 Size of Premises

There shall be no minimum size requirements for land parcels in the Commercial District.

Section 6.03 Yard Requirements

No side or rear yard shall be required unless the premises abuts upon an Agricultural-Residential District, in which case the abutting yard shall be not less than twenty (20) feet in width or depth. Lot Coverage may be increased by an additional 5% to a total of 25% under the following provisions:

- 1) The parcel is actively serviced by municipal sewer
- 2) Any lot coverage over 20% that proposes the inclusion of impervious surfaces (i.e. parking – cement or asphalt) is required to undergo site plan review to ensure adequate storm drainage.

ARTICLE VII

INDUSTRIAL DISTRICT-I

The following provisions shall apply to all Industrial Districts.

Section 7.01 Uses Permitted

Except as hereinafter provided, premises in Industrial District may be used and buildings and structures erected or moved upon the premises for any lawful purpose including Agricultural-Residential and Commercial Districts, including limitations therein, PROVIDED, however, that the following uses shall be subject to approval in accordance with the procedure detailed in paragraph No. 4 of Section 6.01.

1. Abattoir.
2. Cement, lime and plaster manufacturing or processing.
3. Chemical manufacturing or processing.
4. Coal tar products manufacture or use.
5. Crematory.
6. Bone distillation or reduction.
7. Explosive manufacture, storage or processing.
8. Fertilizer manufacture or processing.
9. Garbage, feeding, or offal or dead animals, reduction or disposal.
10. Gas manufacture.
11. Petroleum storage, refining or processing.
12. Junkyards and automobile wrecking establishment.
13. Boiler works, forging works, rock crushing plants or other industries likely to cause noise and vibrations.
14. Any other industry likely to cause odor, dust, smoke, fumes or gas, or exceptional noise.

Section 7.02 Size of Premises Section

7.03 Yard Requirements

Any one desiring to build in the Industrial Zone will first submit plans of structure to the Tekonsha Township Planning Committee for a recommendation and to be approved by the Tekonsha Township Board. (03/02/92)

ARTICLE VIIA SEWER TREATMENT-S

ARTICLE 8

OPEN SPACE COMMUNITIES

Section 8.01 Statement of Intent

The purpose of this Section of the Zoning Ordinance is to allow and encourage alternative subdivision designs, which preserve Tekonsha Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the general public.

Open Space Communities shall promote the following objectives:

- Maintain the rural character of the Township.
- Maintain an image of open space within the Township.
- Preserve open space within the township.
- Preserve natural resources within the Township.
- Preserve agriculture and farming within the Township.
- Achieve a balance between farming, open space and residential growth within the Township.

Section 8.02 Site Criteria

1. Location of Open Space Communities. An open space community may be located in A-A Restricted Residential District and A-R Agricultural and Residential District.
2. Access. The open space community shall have direct access to an approved public roadway.
3. Open Space Criteria. In all open space communities, at least two (2) of the following items must be present:
 - i. Preservation of Natural Amenities - Sites preserving a significant quantity of any of the following:
 - a. Organic Amenities: Significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).
 - b. Non-organic Amenities: Farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.
 - ii. Provisions for Recreational Facilities - The submittal should include both passive and/or active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.
 - iii. Creation of Natural Amenities - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain "un-manicured," allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature
 - iv. Preservation of Agriculture - Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughterhouse, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

4. All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland. Under the open space community provision, the net density shall be no greater than that normally permitted within that zoning district. The maximum "density" shall be the maximum number of lots permitted by the approved Parallel Plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots, which can be platted on the subject parcel.

Section 8.03 Submission Requirements

1. Parallel Plan. A "parallel" or "yield plan" shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County and Township Subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by Federal, State, County or local agencies.

The Planning Commission must determine that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and resubmitted, minus that number of lots. Detailed Engineering is not required at this stage.

2. Site Analysis. A site Analysis Plan shall be submitted, showing the following site features:
 - a. Wetlands, as determined by the Michigan Department of Environmental Quality
 - b. Water areas, such as streams and ponds
 - c. Woodlands and farmlands
 - d. Soils and topography
 - e. Drainage patterns and County drains
 - f. Historic and cultural features
 - g. Wildlife habitat corridors
 - h. View sheds and view corridors
 - i. Existing easements of record
 - j. Existing and proposed rights-of-way
 - k. Existing infrastructure
 - l. Adjacent development within two hundred (200) feet
3. Conservation Areas Plan. The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.
 - a. Primary Conservation Areas - floodplains, regulated wetlands, drainage ways, easements, 150 foot exterior road buffer, or other exceptional elements.
 - b. Secondary Conservation Areas - farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
 - c. Buildable Areas - areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.
4. Open Space Plan. An Open Space Plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel/yield plan. The roads shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

Section 8.04 Review Process

1. The Planning Commission shall determine that the yield plan submitted meets all applicable regulations of the Land Division Act and the Township Subdivision Regulations, if any.
2. The Planning Commission shall confirm the accuracy and feasibility of the open space plan noted above.
3. Planning Commission Determination.
 - a. Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium approval, or Land Division per State Law and Township Ordinance.
 - b. Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Site Condominium review process, or submit a new application for an open space community.

Section 8.05 Site Design Requirements

1. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provision shall apply.
2. Minimum Lot Size - Lot sizes shall be determined by the State and County Health Departments' regulations or standards.
3. Minimum Yard Setbacks - None.
4. Development Layout - The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space or farmland.
5. Minimum Exterior Road Buffer - The developer shall preserve a minimum of a 150 foot buffer from the proposed right-of-way along any County Road or State Highway servicing the open space development.
6. Minimum Open Space - A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses.
 - a. Open Space shall be defined as follows: All area-within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyable of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. Land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot shall not meet the open space requirements, or land area dedicated as limited commons.
7. Maximum Amount of Un-buildable Land Used as Open Space - A maximum of fifty (50%) percent of the total open space allotment may be un-buildable land. Un-buildable land is considered to be land that is regulated by Michigan Department of Environmental Quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body which has jurisdiction over land which cannot be used for the construction of housing
8. Houses Abutting the Open Space - A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
9. Access to Open Space - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development
10. General Lot Character - Flag lots or panhandle lots shall not be permitted within an open space

community.

11. Natural Area - An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space area.
12. Pedestrian Circulation - the applicant for on-site circulation shall provide adequate pedestrian circulation. Adequate access shall be provided to all open space recreational spaces from the residential areas. "Natural paths or bike paths" are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.
13. Garages - A minimum of fifty (50%) percent of all dwelling units shall have side, rear, or alley entry garages, or other garages configurations not opening to the street. Garages that face the roadway shall not extend beyond the front plane of the house and are encouraged to be recessed at least five (5') feet from the front plane of the house.
14. Overall Architectural Character - A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.

Section 8.06 Dedication of Open Space

The dedicated open space shall be set-aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

- a. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation act, Public act 197 of 1980, as amended (M.C.L.399.251).
- b. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
- c. Distributed, gift or sale of the development rights to all property owners within the Open Space Community.
 - i. The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

Section 8.07 Subdivision Plat, Site Condominiums, or Lot Division.

After, or in conjunction with, the Open space or farmland Community Approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the Tekonsha Township Subdivision Regulations, Site Condominium Regulations or Land Division Ordinance.

ARTICLE 9

PUBLIC NOTIFICATION

Section 9.01 Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Article with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township of Tekonsha and mailed or delivered as provided in this Article.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
 - 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - 4. Written comments: Include a statement describing when and where written comments will be received concerning the request.
 - 5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice
 - 1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered.
 - b. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township of Tekonsha. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

ARTICLE 10

ZONING BOARD OF APPEALS

Section 10.01 Creation

There is hereby created a Zoning Board of Appeals (ZBA) as provided by Act 184, P. A., 1943, which shall perform its duties and exercise its power and in such a way that the objectives of this ordinance are observed, public safety, morals and general welfare secured and substantial justice done.

Section 10.02 Membership

The Board of Appeals shall consist of three members as provided by Section 18 of said Act. Members of said Board shall be removable by the Township Board for non-performance of duty, or misconduct in office, upon written charges filed with the Township Clerk and following a public hearing by said Board upon such charges. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 10.03 Appeals to the Zoning Board of Appeals

- A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
1. a person aggrieved, or
 2. an officer, department, board, or bureau of the state or local unit of government.
- B. The ZBA shall have the authority to hear appeals concerning:
1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
 3. All decisions of the zoning administrator.
 4. All decisions concerning site plan review.
- C. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.
1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
 2. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
- D. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- E. Public Notice shall be given not less than fifteen (15) days before the date of the hearing on an appeal. Complete procedure for public notification is provided for in

Article 9 of this Ordinance and shall be followed.

- F. The appeals board shall hold a hearing on the demand for appeal.
 - 1. Representation at Hearing – Upon the hearing, any party or parties may appear in person or by agent or by attorney. No action will be taken by the ZBA if the applicant is not present or represented by an agent or by attorney.
 - 2. Standards for Variance Decisions by the Appeals Board:

The Appeals Board shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:

 - a. For Dimensional Variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - (i). That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - (ii). That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 - (iii). That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - (iv). That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - (v). That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
 - b. For Use Variances: Under no circumstances shall the Appeals Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- G. If the demand for appeal is for a variance the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.
 - 1. At a minimum the record of the decision shall include:
 - a. Formal determination of the facts
 - b. The conclusions derived from the facts (reasons for the decision)
 - c. The decision.
 - 2. Within eight days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties.
- H. Any person having an interest affected by such decision shall have a right to appeal to Circuit Court within 30 days of the certified decision of the appeals board, as provided by law.

ARTICLE 11

AMENDMENTS

Section 11.01 Initiation of Amendments

The Township Board may, from time to time, amend, supplement or change by Ordinance, the boundaries of Districts or regulations herein established and may add new districts in the unincorporated areas of Tekonsha Township. Amendments to the Ordinance may originate with any township property owner, Township Board, or the Planning Commission.

Section 11.02 Procedure

1. Each proposed amendment not originating with the Planning Commission shall be submitted to said Board for its consideration and recommendations.
2. The Planning Commission shall hold at least one public hearing on its recommendations as required by Section 9 or Act 184 of the Public Acts of 1943, as amended.
3. Public Notice shall be given not less than fifteen (15) days before the date of the hearing on an amendment. Complete procedure for public notification is provided for in Article 9 of this Ordinance and shall be followed.
4. Upon completion of public hearing(s), the Planning Commission shall, if in agreement by majority vote, forward the proposed amendment to the Township Board with recommendation for submission to County Zoning Committee. The procedure shall be in accord with Sections 11 and 14 of Acts 184 of the Public Acts of 1943, as amended, and with Act 191 of the Public Acts of 1939.

ARTICLE XII

VALIDITY

Should any section, clause or provision of this ordinance be declared by the Court to be unconstitutional or invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 13

MDR - MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 13.02 Purpose

The purpose of this district is to provide a stable environment for medium density residential areas with suitable open space. This district shall generally be located on the fringe of urban-type development and serve as a transition area to the Agricultural-Residential District.

Section 13.02 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. Single family dwelling.
- B. An Accessory use building or structure
- C. Agri-business on parcels of five (5) acres or more
- D. Home occupation or office of medical professional, attorney, administrative professional, musician, artist or similar profession, when wholly confined to the dwelling, where the building is occupied as his or her private dwelling.
 - 1. Provided that no name plate is displayed exceeding three (3) square feet in area and containing only the name, contact information and occupation of the occupant of the premises
 - 2. No public display of stock, product or equipment is made on the premises.
- E. Open Space Communities

Section 13.03 Conditional Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided, ARTICLE 16:

- A. Golf courses
- B. Country club and recreation club, private and public park and playground.
- C. Church, community and governmental buildings.
- D. Public and private nursery, primary and secondary school.
- E. Residential Cluster Subdivision.

Section 13.04 Regulations

The following regulations shall apply in all MDR - Medium Density Residential Districts:

- A. LOT AREA: Where a lot is served with a public water supply system and a central sanitary sewerage system, there shall be provided a minimum of ten thousand (10,000) square feet of lot area for each single-family dwelling unit. Where a lot is not so served, there shall be provided a minimum of twenty thousand (20,000) square feet of lot area for each single-family dwelling unit. The minimum lot area for buildings and structures for all other uses shall be one (1) acres
- B. LOT WIDTH: The minimum lot width for lots served with a central water supply system and a central sanitary sewerage system shall be one hundred fifty (150) feet. Where a lot is not so served, the minimum lot width shall be two hundred (200) feet.
- C. LOT COVERAGE; The maximum lot coverage shall not exceed thirty (30) percent.
- D. MINIMUM FLOOR AREA: The minimum floor area shall not be less than twelve hundred (1200) square feet per dwelling unit.
- E. YARD & SETBACK REQUIREMENTS:
 - 1. Front Yard: Not less than thirty (30) feet from the road right of way.
 - 2. Side Yard: Least width of side yard shall not be less than ten (10) feet, but the sum of the two side yards shall not be less than twenty-five (25) feet: except in the case where the side yard on the road or street side shall not, be less than thirty (30) feet from the road right of way.
 - 3. Rear Yard: Not less than thirty-five (35) feet.
- F. HEIGHT: The following height requirements shall apply in this district:
 - 1. For buildings and structures: No building or structure shall exceed a height of two and one half (2 1/2) stories, but not exceeding forty (40) feet from the lowest point of exterior grade.
 - 2. For detached accessory buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.

ARTICLE XIV

PENALTIES

Any person who shall violate any provision of this code shall be deemed guilty of misdemeanor and upon conviction thereof punished by a fine not to exceed \$100 and the costs of prosecution, or in default of the payment thereof by imprisonment in the county jail for not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the Court.

Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offended from compliance with the requirements of this Code.

ARTICLE XV

**DESCRIPTIONS AND DISTRICT BOUNDARIES
(DELETED)**