

ZONING ORDINANCE



BEAVER CREEK TOWNSHIP

CRAWFORD COUNTY, MICHIGAN

8888 S GRAYLING RD
GRAYLING, MI 49738
BEAVERCREEKTOWNSHIP.ORG

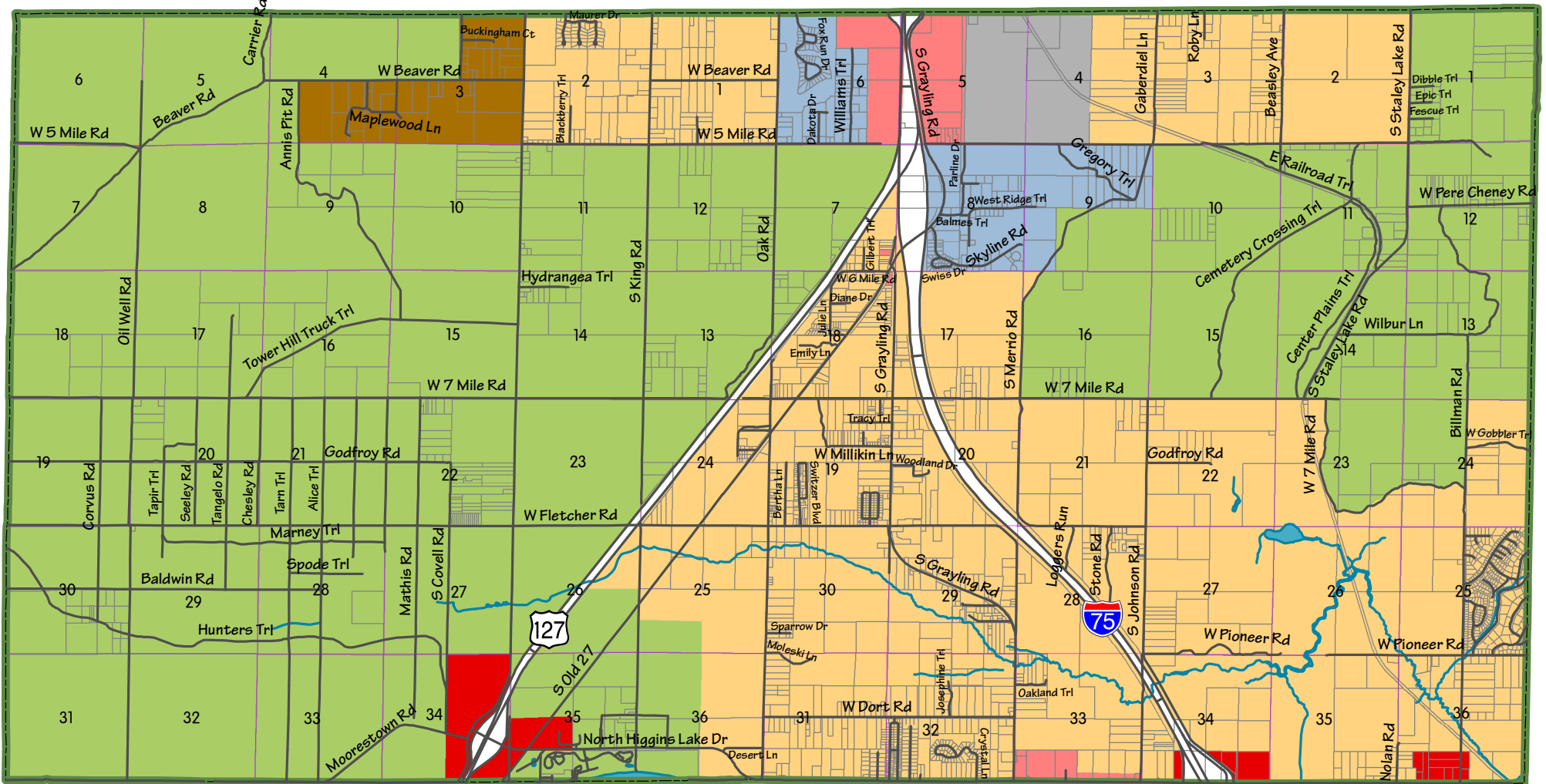
ADOPTED: FEBRUARY 10, 2021

EFFECTIVE: MARCH 4, 2021

Beaver Creek Township Crawford County, Michigan







T25N, R4W & T25N, R3W

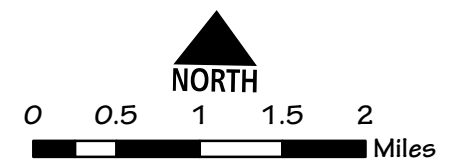
ZONING MAP



Zoning Districts

- | | |
|--|---|
|  RD: Resource Development |  Mobile Home |
|  AR: Agricultural Residential |  CSC: Community Service Commercial |
|  LDR: Low Density Residential |  HSC: Highway Service Commercial |
|  MDR: Medium Density Residential |  I: Industrial |

-  Parcels
-  Section Lines
-  Roads
-  Rivers
-  Lakes
-  Township Boundary



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Adopted: February 10, 2021 Effective: March 4, 2021

Beaver Creek Township ZONING ORDINANCE

Beaver Creek Township
Crawford County
Michigan

Adopted: February 10, 2021

Effective: March 4, 2021

Prepared with the assistance of:

Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

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Article 1

Purpose & Authority

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The Township of Beaver Creek, Michigan ordains:

Section 1.01 Title

This Ordinance shall be known as the Beaver Creek Township Zoning Ordinance and, within the following text, it may be referred to as this “Ordinance” or this “Zoning Ordinance.”

Section 1.02 Purpose

This Ordinance is created for the purpose of protecting the public health, safety, and general welfare of Beaver Creek Township and

- A. to regulate and restrict the use of land and buildings by dividing Beaver Creek Township into districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged and regulated and within each zoning district there may be adopted regulations and provisions designating the location of, the size of, the land and structural uses that may be permitted without or with Special Use conditions or Planned Use Developments;
- B. to establish the boundaries of districts;
- C. to define certain terms used therein;
- D. to impose regulations, prohibitions, and restrictions governing the erection, construction, reconstruction, or use of structures, buildings, and lands to be used for the purposes of agriculture, residence, commerce, industry, and other specified purposes;
- E. to provide for the orderly growth and development of the Township, including the wise and efficient use of public services to be provided to the residents and others within the Township;
- F. to provide for the conservation of the use of energy;
- G. to provide for the conservation of agricultural, forest and open space lands, wetlands, and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations;

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- H. to regulate and limit the height and bulk of buildings and other structures;
- I. to regulate and limit lot occupancy and the size of yards and other open spaces;
- J. to create a Township Zoning Board of Appeals and define and limit the powers and duties of said Board and to set standards to guide actions of said Board; and
- K. to provide the means of enforcing said Ordinance and establish penalties and allow injunctive relief for violation of said Ordinance.

Section 1.03 State Legislation Enabling Authority

This Beaver Creek Township Zoning Ordinance is created and enacted under the authority of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Township Planning Commission, created pursuant to the Township Planning Act, Act 168 of 1959 as amended (MCL 125.321 through MCL 125.333) and continued under the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, shall perform the functions of a Township Zoning Board or Zoning Commission.

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Section 2.01 Rules Applying to Text

- A. All words used in the present tense shall include the future.
- B. All words in the singular number include the plural number, and all words in the plural number include the singular number.
- C. The word "building" includes the word "structure."
- D. The word "dwelling" includes "residence."
- E. Person means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or any other legal entity.
- F. The word "shall" is mandatory and directory. The word "may" is permissive.
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- H. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:

1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning assigned to them as determined by the Zoning Administrator or upon appeal by the Zoning Board of Appeals.

Section 2.02 Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

A

Above-Ground/On-Ground Pool. See [Swimming Pool](#).

Abutting. Having property or district line in common.

Access. A way of approaching or entering a property.

Accessory Building. See [Building, Accessory](#).

Accessory Dwelling Unit. A dwelling unit that is accessory and secondary to the principal dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

Accessory Use. See [Use, Accessory](#).

Adjacent Property. Property which adjoins any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements, or public utility rights-of-way.

Adult Foster Care Facility.

- A. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility **does not** include the following:

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1. A nursing home licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280](#), MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under [Child Care Organizations, 1973 PA 116](#), MCL 722.111 to 722.128, if the number of residents who become eighteen (18) years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under [1973 PA 116](#), MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of [1973 PA 116](#), MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by [1885 PA 152 \(Michigan Veteran's Facility\)](#), MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the [Continuing Care Community Disclosure Act, 2014 PA 448](#), MCL 554.917.

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B. The following additional definitions shall apply in the application of this Ordinance:

1. **Adult Day Care Facility**. A facility receiving adults for care for periods of less than twenty-four (24) hours in a day for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
2. **Adult Foster Care Family Home**. A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
3. **Adult Foster Care Small Group Home**. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
4. **Adult Foster Care Large Group Home**. A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
5. **Adult Foster Care Congregate Facility**. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
6. **State-Licensed Residential Facility**. A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

Agriculture. (See also [Farm, Commercial](#) or [Farm, Domestic](#)). Farms and general farming including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

Agricultural Business. Buildings and structures which provide services, goods, storage, transportation, or other activities directly related to the production of agricultural commodities.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site.

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- B. Educational tours, classes, lectures, and seminars.
- C. Family-oriented animated barns (haunted houses).
- D. Gift shops for agriculturally-related products and crafts.
- E. Historical agricultural exhibits.
- F. Organized meeting space (weddings, birthdays, corporate picnics) – may also be classified as a Commercial Event Facility).
- G. Petting farms, animal display, and pony rides.
- H. Picnic areas (including rest rooms).
- I. Playgrounds, wagon/sleigh rides, and nature trails.
- J. Restaurants related to the agricultural use of the site
- K. Seasonal outdoor mazes of agricultural origin.
- L. Small-scale entertainment (concert, car show, art fair).
- M. Other agricultural tourism activities which the Planning Commission may designate.

Aggrieved Person. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated and who has actively opposed the decision in question.

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

Animal Hospital. A self-enclosed building wherein animals, including domestic household pets and farm animals, are given medical or surgical treatment and used as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

Animal Shelter. A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect, or violation of a public law or ordinance.

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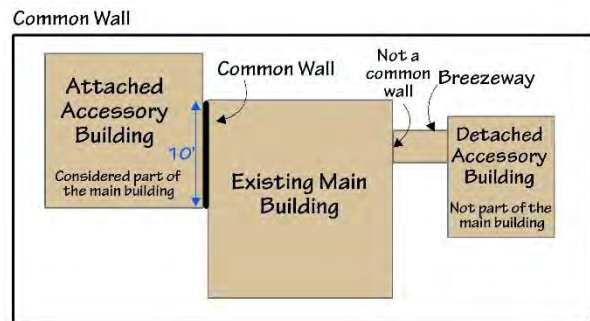
Apartments. A room or suite of rooms, including bath and kitchen facilities, in a multiple-family dwelling intended and designed for use as a residence by a single family.

Appeal. See [Zoning Appeal](#).

Applicant. Any person that applies for a zoning permit.

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Any structure that is attached to another structure by a common wall of at least ten (10') feet or by structural connections that allow pedestrian access to both structures through a space as defined as habitable living space by current building code. To be considered an attached structure, an accessory building shall be attached directly to the principal building by sharing a common wall, of at least ten (10') feet in length, directly between the principal building and accessory building.



Auto Repair. A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, or painting and undercoating of motor vehicles.

Automobile Service. See [Gas Station](#).

Average. For the purpose of this Ordinance, the term "average" will be an arithmetic mean.

B

Basement. That portion of a building partly below grade but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A walkout basement shall be defined as a room with at least one (1) wall below grade which provides barrier-free access to the exterior of the structure and with at least fifty (50%) percent of one (1) wall with no grade and two (2) exits which are fire escape routes.

Bedroom. A dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Bed and Breakfast or Tourist Home. A residential structure, occupied by the owner(s) or resident manager, with sleeping rooms available for rent by guests on a short term basis at which the owner(s)

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or resident manager(s) may provide meals to guests only.

Berm. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Biofuel Production Facilities (on Farms).

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Ordinance as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures (including ponds used for agriculture or aquicultural activities), machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at sixty (60°) degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60°) degrees Fahrenheit referred to water at sixty (60°) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Black Water. Sometime called “sewer water” or “sewage water.” Wastewater containing feces or urine from a toilet/bucket/makeshift toilet.

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

Board of Appeals. See [Zoning Board of Appeals](#).

Breezeway. Any covered passageway with open sides between two (2) buildings.

Building. An independent structure, either temporary or permanent, having a roof supported by columns or walls, which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up or which does not fall under the definition of “attached.”

Building, Accessory. A supplemental building or structure on the same lot or parcel of land as the principal building, or buildings, or part of the principal building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential, or

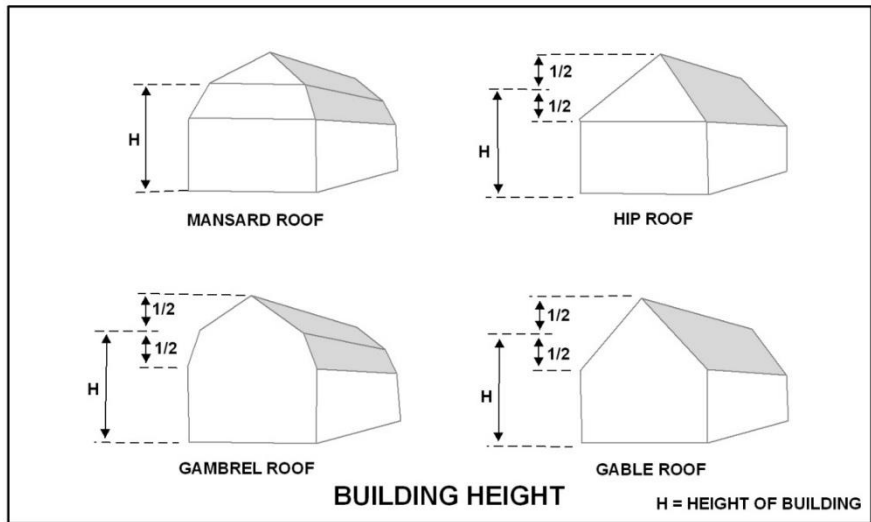
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lodging purposes, or sleeping quarters for human beings unless otherwise allowed by this Ordinance.

Buildable Area or **Building Envelope**. The space remaining after the minimum open space requirements (setbacks) of this Ordinance have been complied with.

Building, Farm. Any building or structure, other than a dwelling, maintained, used, or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities including the storage or housing of farm implements, produce, or farm animals.

Building Height. The vertical distance 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 gables, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade (determined by averaging the elevation of the ground for all faces of the building).



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 the front setback line.

Building Permit. A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the **Construction Code**.

Building, Principal. A building in which is conducted the principal use of the premises on which it is situated.

Building Setback Line. See **Setback**.

Building, Temporary. Any building not permanently affixed to the land.

C

Cabin. Any building which is built, maintained, and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin, which may not maintain necessities of a “Dwelling” such as electricity, indoor plumbing, and the like.

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Cabin Court (or Cabin Complex). Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

Camper. See [Recreational Vehicle](#).

Campground, State Licensed. The uses and activities which take place on a lot or parcel of land for temporary short term, not to exceed four (4) weeks between December 1 and May 1 and not to exceed six (6) months between May 1 and December 1, at any one (1) period of stay or reservation, resort, or recreation purpose, and the year-round storage of unoccupied and unused recreation vehicles and related campground equipment and supplies in accordance with the Part 125 of the [Public Health Code, 1978 PA 368](#), as amended, and the Administrative Rules promulgated by the State of Michigan.

Car Wash. A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

Cemetery. Property, including mausoleums and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under [1973 PA 116](#), as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the [State Department of Health and Human Services](#). Such organizations shall be further defined as follows:

- A. **Family Child Care Home.** A State-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home.** A State-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Child Care Center.** A State-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

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D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Church, Temple or Synagogue. See **Religious Institutions.**

Clinic, Animal. A building or group of buildings and/or structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human. A building or group of buildings where human patients are admitted for examination and treatment by a professional licensed to practice within the State of Michigan (such as a physician, dentist, or the like) except that such human patients are not lodged therein overnight (e.g. health care clinics and dental clinics).

Club, Lodge or Fraternal Organization. An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like, but not for profit, and open only to members and not the general public.

College/University. A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private.

Commercial Use. A business operated primarily for profit, including those of retail trade and professional, personal, technical, and mechanical services.

Commercial District or Center. A concentration of commercial uses or activities on a specific area planned or zoned for commercial purposes.

Commercial Event Facility. A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events.

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Commission. The Beaver Creek Township Planning Commission.

Common Areas, Uses and Services. Land areas, improvements, facilities, and utilities, the use, enjoyment, and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Common Wall. A shared wall serving as a dividing partition directly between two (2) buildings that are joined together. The shared wall shall run parallel between the two (2) spaces. A wall attached in a perpendicular manner (such as a breezeway) shall not be considered a common wall. See definition of **Attached.**

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium, Site. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. **Condominium Act.** 1978 PA 59, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act.**

Construction Code. The **Michigan State Construction Code** or any Code established in accordance

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with its provisions.

Convalescent or Nursing Home. A structure, licensed under the applicable Michigan law, with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care. Such an establishment shall not contain equipment for or provide care for surgical or medical cases commonly treated in hospitals.

Cottage Industry. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. requires regular visits by clients or customers;
- B. needs frequent delivery or shipment of goods;
- C. conducts regular operations or store materials outside of the residence;
- D. employs two (2) or more individuals who reside off-premises;
- E. and, has the potential to rapidly increase in size and intensity

D

District. See [Zoning District](#).

Drive-In/Drive-Through Establishment. Any establishment which offers goods and services directly to patrons in motor vehicles.

Drive-In/Drive-Through Restaurant. Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to patrons in cars or other vehicles on the premises.

Dwelling. A building designed in accordance with the [Construction Code](#) and used exclusively as a living quarters for one (1) or more families but not including automobile chassis, recreational vehicles, tents, or portable buildings.

Dwelling, Farm. A dwelling used to house the principal family operating the farm and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling, Manufactured. A factory-built dwelling unit manufactured in one (1) or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings. A manufactured home is constructed according to the [National Manufactured Home Construction and Safety Standards Act](#)

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of 1974, as amended.

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

Dwelling, Single-Family. A dwelling structure designed exclusively for occupancy by one (1) family.

- A. **Dwelling, Single-Family Attached.** A dwelling designed for occupancy by one (1) family in a row of at least three (3) such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).
- B. **Dwelling, Single-Family Detached.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a party or common wall with any other dwelling is a detached single-family dwelling.

Dwelling, Two-Family or Duplex. A dwelling structure designed exclusively for occupancy by two (2) families independent of each other. Also known as a duplex dwelling unit.

Dwelling Unit. A dwelling unit is any building or portion thereof or a manufactured home having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

E

Erected. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavations, fill, drainage, and other similar construction shall be considered a part of erection.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. This definition does not include wireless communications support structures or wind turbines.

Excavation. Any breaking of ground, except farm use, common household gardening, and ground care.

Extraction Operation. Premises from which any rock, gravel, sand, topsoil, or earth is excavated or

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removed for the purpose of disposition away from the premises and for profit except excavation in connection with the construction of a building or within public highway rights-of-way. This definition excludes farming, gardening, and personal composting.

F

Family. One (1) or more persons related by blood, marriage, or legal adoption (and their domestic employees) occupying a dwelling unit and living as a single housekeeping unit; or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character living and cooking as a single housekeeping unit. This definition shall not include a society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary in character or nature.

Farm, Commercial. The land, plants, animals, buildings, structures including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm, Domestic. Land intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes raising crops, keeping farm animals as pets, and raising animals for educational experience. Dogs, cats, and other household pets are not regulated as a Domestic Farm.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the [Michigan Commission of Agriculture and Rural Development](#).

Fence. A permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure and not a part of a principal building or structure or other accessory structure.

Filling. The depositing or dumping of any matter into or onto the ground, except common household gardening and general care.

Flood Plain. That portion of land adjacent or connected to a water body or watercourse, which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle. The one-hundred (100) year flood plains are identified on Floodway Maps produced by [FEMA \(Federal Emergency Management Agency\)](#).

Floor Area, Gross (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor

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area when more than one-half (½) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to the first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed), or attached garages are not included.

Floor Area, Usable (UFA). The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90”) inches of headroom.

Forestry Business. Buildings and structures which provide services, goods, storage, transportation, or other activities directly related to the production of forest commodities.

Frontage, Street. See [Road Frontage](#).

G

Gas Station. A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil, and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises including sale of minor accessories and service for automobiles.

Grade. A ground elevation established for the purpose of regulating the number of stories and the height of the building. 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 all faces of the building.

Gray Water. Any water that has been used in sinks, showers, tubs, washers, etc. Not toilet water.

Greenbelt. A buffer area consisting of an open space which shall be either level or a berm and landscaped with trees, shrubs, vines, and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Guest House. See [Accessory Dwelling Unit](#).

H

Highway. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the [Michigan Department of Transportation](#). (See also [Road, Public](#)).

Hazardous Substances. Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the [Michigan Department of Health and Human Services](#); flammable and

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combustible liquids as defined by the [Michigan State Police Fire Marshall Division](#); critical materials, polluting materials, and hazardous waste as defined by the [Michigan Department of Environment, Great Lakes and Energy](#); hazardous substances as defined by the [U.S. Environmental Protection Agency](#); or hazardous materials as defined by the [U.S. Department of Transportation](#).

Historical Building, Site or Park. Those parcels and/or uses of land and/or structures whose basic purpose is to:

- A. safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history;
- B. stabilize and improve property values in the area;
- C. foster civic beauty;
- D. strengthen the local economy; and
- E. promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

Home, Motor. See [Recreational Vehicle](#).

Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. See also [Cottage Industry](#).

Hospital. An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hot Tub. See [Swimming Pool](#).

Hotel. A commercial building, except a bed and breakfast facility or tourist home, occupied or used as a more or less temporary abiding place of individuals with or without compensation and or groups of individuals with or without meals for compensation, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see [Motel](#)).

I

In-Ground Pool. See [Swimming Pool](#).

Impervious Surface. A material incapable of being penetrated by water and other liquids. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, sidewalks, and concrete or paved parking lots.

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Industrial. A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

Industrial Park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis and which offers meals to the public for compensation.

J

Junk. All rubbish, refuse, waste material, and garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter; dead animals; putrescible and nonputrescible solid waste (except body wastes); ashes, glass, cans, bottles; discarded or abandoned machinery, household appliances, or industrial wastes; discarded, inoperative, dismantled or partially dismantled motorized vehicles; and unlicensed motorized vehicles requiring a license for operation on public roads or parts thereof. This shall not preclude home or farm composting for on-site use.

Junk Yard. Any lot, parcel, field, or tract of land on which there is an accumulation of junk, equipment, or machinery, whether operated for profit or not for profit basis. The term "junk yard" includes automobile wrecking yards and salvage areas for the storage, keeping, or abandonment of junk or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building or structure.

K

Kennel. Any lot or premises on which four (4) or more dogs of more than six (6) months in age are kept or boarded, temporarily or permanently, for the purpose of breeding, sale, or otherwise. It shall also include any lot or premises on which other fur bearing, household, or domestic pets of like number are bred or sold.

L

Laboratory. A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

Lake. A permanent natural or man-made body of surface water of at least five (5) acres in area.

Landscaping. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces, and garden structures.

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Lighting Source. For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury or sodium vapor lamps or neon lamps shall be considered a direct source of light.

Livestock. Domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the generally recognized classification of animal units associated with waste handling practices for livestock operations by the State of Michigan. This includes, but is not limited to, cattle, swine, horses, sheep, goats, turkeys, chickens, geese, and ducks.

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

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

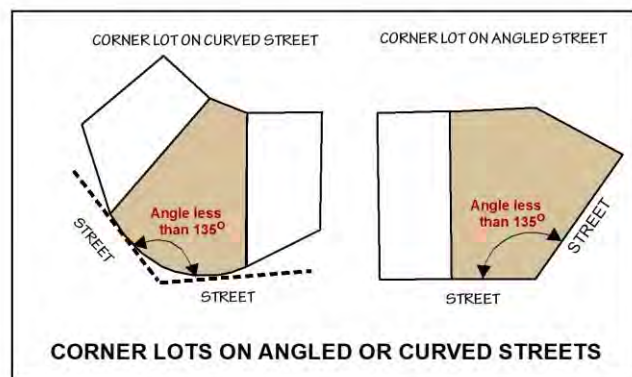
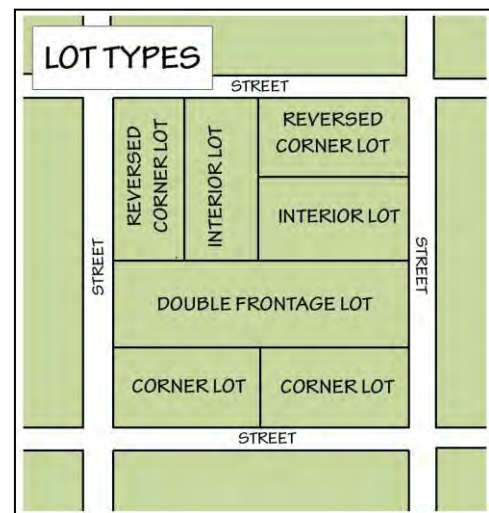
Lot Area. The total horizontal area within the lot lines of a lot or parcel.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than one hundred thirty-five (135°) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred thirty-five (135°) degrees. A reversed corner lot is a corner lot, the rear of which abuts upon the side of another.

Lot Coverage. That percentage of the lot or parcel covered by all buildings and structures located in the lot or parcel.

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

Lot, Double Frontage. Any interior lot having frontages on two (2) more or less parallel roads as



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distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.

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

Lot Lines. The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front. In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot or double frontage lot, "front lot line" shall mean that line separating said lot from the road on which an address has been assigned. In the case of a waterfront lot, that line separating the lot from the water and the line separating the lot from the road shall both be considered front lot lines. See [Article 4](#) for front yard setbacks in specific districts.

Lot Line, Rear. 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 (10') feet long farthest from the front lot line and wholly within the lot.

Lot Line, Side. Any lot line other than the front lot line or rear lot line. A side lot line separating lot from a road is a road side 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 existing prior to the adoption of this Ordinance and recorded in the office of the [County Register of Deeds](#). For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record". (Includes "Parcel of Record").

Lot, Waterfront. A lot having a frontage directly upon a lake, river, or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the road frontage of the lot. Both the water frontage and the road frontage shall maintain front yard setbacks.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the setback line and also the front lot line intersects the side lot lines; the average of these two (2) dimensions shall be the Lot Width.

M

Master Plan. The basic plan approved by the Planning Commission under the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended.

Manufactured Home. See [Dwelling, Manufactured](#).

Manufactured Housing Community. A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured homes for residential dwelling use.

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Manufactured Home Space or Pad. Specified area of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

Medical Marihuana.

- A. **Cultivation or Cultivate.** (1) All phases of growth of marihuana from seed to harvest; or (2) preparing, packaging or repackaging, labeling, or relabeling of any form of marihuana.
- B. **Department.** The Beaver Creek Township Zoning Department.
- C. **BCZA.** Beaver Creek Zoning Administrator.
- D. **Medical Marihuana.** Any marihuana intended for medical use that meets all requirements for medical marihuana contained in this Article, the **Michigan Medical Marihuana Act**, and any other applicable law. This shall not include butane hash oil or marihuana in any form inconsistent with the definition of usable marihuana under the Act.
- E. **Medical Marihuana Caregiver Facility.** A medical marihuana operation which is operated by a registered primary caregiver that distributes medical marihuana, in a manner authorized by the Act, to registered qualifying patients as defined by the Act.
- F. **Michigan Medical Marihuana Act or "the Act".** **Initiated Law 1 of 2008**, MCL 333.26421, et seq.

Michigan Department of Environment, Great Lakes and Energy. The State of Michigan department responsible for administering laws and policies relating to environmental, Great Lakes, and energy issues. This definition also includes any subsequently-named State departments responsible for these issues (such as the "Department of Environmental Quality").

Mini-Storage. Groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customers' goods or wares.

Motel. (also see **Hotel**) A motel or motor court is a commercial building comprising a group of dwelling units, except a bed and breakfast facility or tourist home, so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.

Motor Court. See **Motel**.

N

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

Nonconforming Lot of Record. A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements

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of this Ordinance or amendment.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one (1) or more of the regulations set forth in this Zoning Ordinance.

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 zoning district in which it is located.

Nuisance. 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 beyond a property line, which can be perceived by or affects human beings.

Nuisance Per Se. A nuisance which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.

Nursing Home. See [Convalescent or Nursing Home](#).

O

Occupied. A building, structure, or land area which is being used for the purpose for which it is intended, designed, or arranged.

Office. An enclosed area which has, as its primary use, rooms for professional or financial organizations, individuals, labor unions, or civic, social, fraternal, and/or other related organizations or enterprises.

Open Space. Any land area suitable for growing vegetation, recreation, gardens, or household service activities, such as clothes drying, but not occupied by any buildings.

Open Storage. A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

P

Parcel. See [Lot](#).

Parking, Off-Street. Vehicular parking provided on a lot or parcel but not within a highway or road right-of-way.

Parking, Off-street, Lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Parking, Off-street, Space. An area of definite length and width, exclusive of drives, aisles, or

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entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels but not within public highway or public or private road-of-way.

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Township Board of Trustees.

Performance Standards. A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

Pet, Domestic (Household Pets). Only such animals as may commonly be housed within domestic living quarters and are not considered **Exotic Pets**.

Pets, Exotic. Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, venomous, and can be potentially dangerous if they escape. Exotic animals could include, but are not limited to, nonhuman primates; venomous cold-blooded reptiles or other animals; constrictor snakes three (3) feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers and tigers; non-domesticated carnivores like bears and wolves; sharks; ostriches or emu; venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

Planned Unit Development. A planned residential, commercial, industrial, public, or semi-public land use development, or a combination thereof, which may consist of two (2) or more principal uses, located on a parcel of land of prescribed minimum area and approved after site plan review. A PUD consists of land under unified control which allows a development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Planning Commission. The commission appointed by the Township Board of Trustees and operating under the provisions of the **Planning Enabling Act, 2008 PA 33**, as amended.

Plat. A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of the **Land Division Act, 1967 PA 288**, as amended.

Plot Plan. The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Pond. A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose ground-water.

Porch, Enclosed (includes enclosed patio and deck). A covered entrance to a building or structure

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which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. See [Section 4.03.C.4](#) for deck and patio encroachment allowances.

Porch, Open (includes open but covered patio and deck). A covered entrance to a building or structure which is not enclosed, except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. See [Section 4.03.C.4](#) for deck and patio encroachment allowances.

Practical Difficulties. See [Zoning Variance](#).

Private Road. See [Road, Private](#).

Public Utility. Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish under Federal, State, or municipal regulations and furnishing to the public electricity, gas, steam, communications, telegraph, transportation, water, storm water collection, or wastewater collection and treatment.

R

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities. A recreational vehicle may be a motorized, self-propelled vehicle or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, truck-mounted campers, fifth wheel trailers, travel trailers, and pop-up or folding campers. This term does not include manufactured or mobile homes.

Recreational Vehicle Park (RV Park). A family recreation-oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreational vehicles, or tents. May also be known as a campground.

Religious Institutions. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. The Township shall use the criteria used by the Internal Revenue Service when determining “organized religious body.” Accessory uses, buildings, and structures customarily associated with the religious institution are classified as part of the principal use.

Residential Human Care Shelter. A facility (not within a private residence) providing any of the following:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.

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D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Residential Structures. Any structure used as a dwelling for permanent year-round, seasonal, vacation, or temporary housing by human families or individuals.

Resort. A lodging facility that serves as a destination point for visitors and may contain cabins and/or rooms with or without kitchen facilities. A resort may provide indoor and outdoor recreational activities and commercial facilities such as sporting goods and/or a restaurant, may be self-contained, and may provide personal services customarily furnished at hotels.

Resource Development District. A zoning district which has been established primarily to conserve and wisely use the natural resources contained within it and to preserve as much of the natural character of it as is possible.

Restaurant. A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

Right-of-Way, Road. An area dedicated to public use for pedestrian and vehicular movement which may also accommodate public utilities and other public amenities.

Road Frontage. The legal line which separates a dedicated road right-of-way or easement from abutting land.

Road, Frontage Access. A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface. A highway or road built to the concrete or asphalt surface road building specifications of the [County Road Commission](#) or the [Michigan Department of Transportation](#).

Road, Private. A non-public road which serves at least two (2) separately owned lots or parcels and which must meet the minimum [County Road Commission](#) standards for public roads.

Road, Public. Any public thoroughfare dedicated and maintained, for the use and operation of vehicular traffic, by the [County Road Commission](#).

Road Right-of-Way Line. The line which forms the outer limits of a road right-of-way or easement and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand. A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises, including the immediate surrounding area, by the proprietor of the stand or his family. Its use shall not make it a commercial district or land which

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would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed four hundred (400 ft²) square feet.

S

Salvage. Means the same as junk (see definition of *Junk*).

Sanitary Landfill. A private or public landfill (disposal area) that meets all of the requirements of [Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act, 1994 PA 451](#), as amended.

Seasonal Sales/Transient Sales. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

Setback. The minimum required horizontal distance from the applicable right-of-way line, easement, waterfront, or property line of a lot within which no buildings may be placed and no building shall project, unless otherwise provided by this Ordinance. All yard setbacks shall be measured from the corresponding lot line to the eave (dripline) of the structure or to a raised structure (i.e. deck or porch). See [Section 4.03.C.4](#) for deck and patio encroachment allowances.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, and similar establishments.

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated 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 the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one (1) or more of the following:
 - 1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of

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such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.

- C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

- D. **Adult Motel.** A hotel, motel or similar commercial establishment that:
 - 1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 - 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- E. **Adult Motion Picture Theater.** A commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

- G. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private

quarters.

- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (having human characteristics) devices, both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State Of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- K. **Specified Anatomical Areas.** Means and includes any of the following:
 - 1. Less than completely and opaquely covered:
 - a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
 - 2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. **Specified Sexual Activities.** Means and includes any of the following:
 - 1. Human genitals in a state of sexual arousal.
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus.
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shed. See [Building, Accessory](#).

Shoreline. The line which separates land from a surface water feature and may be (A) established as

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Beaver Creek Township Zoning Ordinance

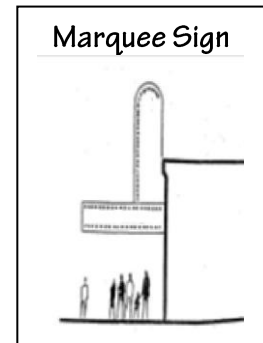
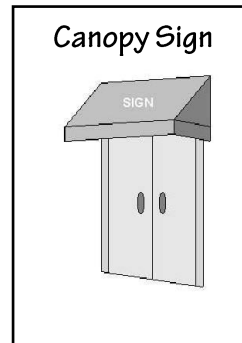
a matter of record as the mean level elevation of the surface water or (B) as determined by the legal establishment of the surface water level elevation by the Township or other public agency. For the purpose of this Ordinance, the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign. The use of any words, numerals, figures, devices, or designs by which anything is made known, such as to show a message, and is visible to the general public.

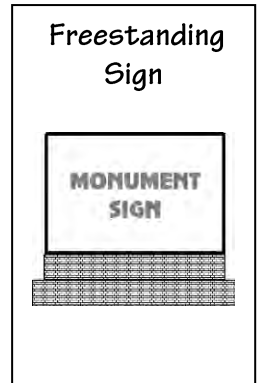
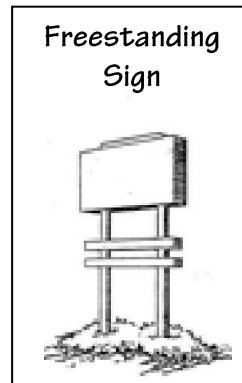
A. **Accessory Sign.** A sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign. Accessory signs provide ancillary information to support the principal use of the premises.

B. **Billboard.** See **Off-Premise Sign.**

C. **Canopy/Awning or Marquee Sign.** Any sign attached to or constructed within or on a canopy or marquee.



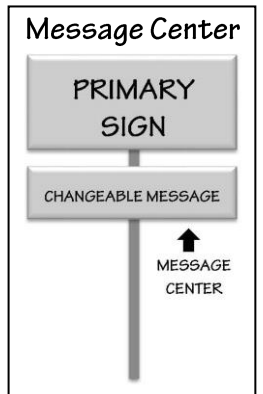
D. **Cluster Sign.** An on-premises sign which identifies a complex of establishments on one (1) parcel and contains multiple signs on one (1) structure including one (1) for each establishment and one (1) for the complex as a whole.



E. **Freestanding Sign.** A sign supported by a structure independent of any other structure.

F. **Height of Sign.** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

G. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

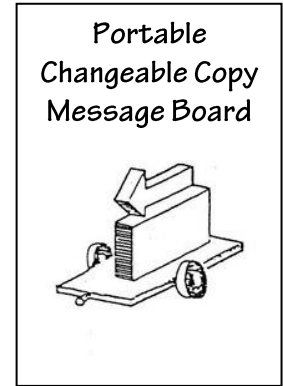
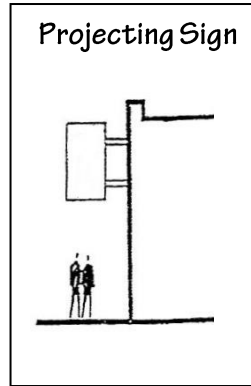


H. **Message Center, Electronic.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

I. **Off-Premise Sign.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located. Large Off-Premise Signs are also known as “billboards.”

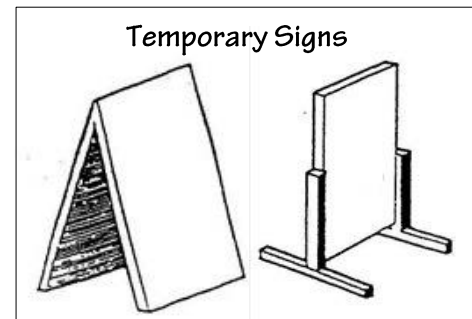
J. **On-Site Sign: (On-Premises Sign)**. A sign relating to the premises on which it is located.

K. **Projecting Sign**. A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

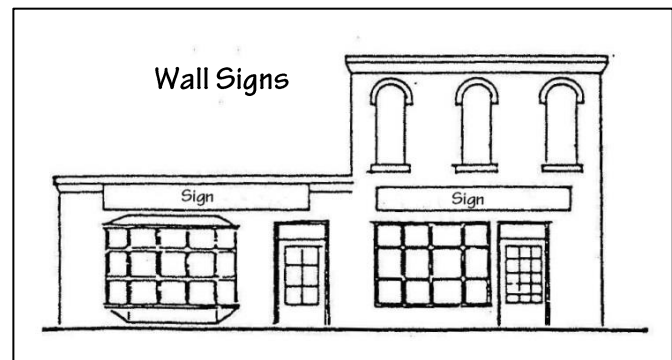


L. **Portable Changeable Copy Message Board**. Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.

M. **Temporary Sign**. A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



N. **Wall Sign**. A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.



O. **Window Sign**. A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Short Term Rental. A single-family dwelling, the whole of which is offered as a residential rental facility for a period of less than thirty (30) days. The owner does not reside on-site.

Site Plan. The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance to determine if the proposed development meets the requirements of this Zoning Ordinance.

Solar Energy Facility (Utility Scale). A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs for use off-site. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all

associated ancillary and structural devices needed to support and convert/transmit the energy collected.

Solar Energy Panels (Accessory). Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

Spa, Non-Portable. See [Swimming Pool](#).

Spa, Portable. A non-permanent structure intended for recreational bathing in which all controls, water-heating, and water-circulating equipment are an integral part of the product.

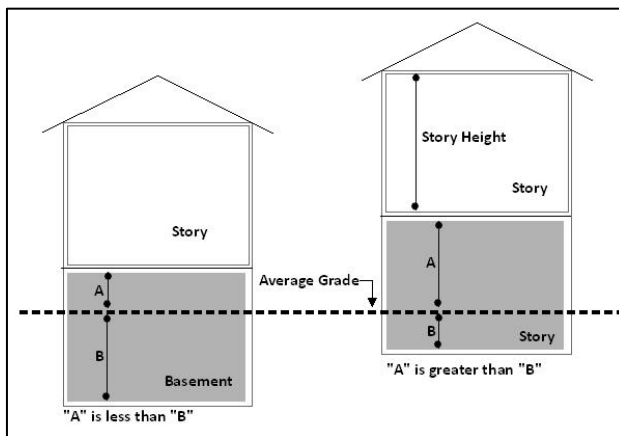
Special Use. A use permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special Uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township. A permitted Special Use is not considered to be a nonconforming use.

Special Use Permit. A permit issued by the Township Planning Commission to a person or persons intending to undertake a Special Use.

Story. That part of a building included between the surface of one (1) floor, and the surface of the next floor, or if there is no floor above, then the ceiling next above. See [Basement](#).

Story, Half. An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4') feet or more above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below.

Story Height. The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.



Street. See [Road, Public](#) or [Road, Private](#).

Structure. See [Building](#), and, in addition, any man-made surface feature or designed earth feature other than normal furnished grading for drainage purposes including garden houses, pole barns, sheds, pergolas, decks, porches, play houses, and game courts.

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Structural Alterations. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders or any substantial changes in the roof and exterior walls.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over twenty-four (24”) inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Swimming Pool, Indoor. A swimming pool which is totally contained within a structure and surrounded on all four (4) sides by the walls of the enclosing structure.

Swimming Pool, Outdoor. Any swimming pool which is not an indoor pool.

Swimming Pool Barrier. A fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

T

Telecommunications Facilities. See [Wireless Communications](#).

Temporary Building. See [Building, Temporary](#).

Temporary Transient Amusement Enterprises. A use of property for sales or entertainment purposes not exceeding thirty (30) days in duration.

Temporary Use. See [Use, Temporary](#).

Tent. A portable shelter typically used as a sleeping place.

Tourist Home. See [Bed and Breakfast or Tourist Home](#).

Tower. See [Wireless Communications](#).

Townhouse. See [Dwelling, Single-Family Attached](#).

Township. Means Beaver Creek Township for whom this Zoning Ordinance is provided.

Township Board. Means the Beaver Creek Township Board of Trustees.

Township Planning Commission. The commission appointed by the Township Board of Trustees and operating under the provisions of the [Planning Enabling Act, 2008 PA 33](#), as amended.

Travel Trailer. See [Recreational Vehicle](#).

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U

Use. The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let, or leased for a use or activity.

Use, Accessory. A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal building above and below ground such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Use, Land. The principal and accessory uses and activities being made of all land areas, buildings, and structures located upon a lot or parcel.

Use, Principal. The primary or dominant use or activity to which a lot or parcel is put.

Use, Public. Any of the publicly-owned or leased uses of land, buildings, or structures administered and operated by a public agency or official.

Use, Temporary. A use, activity, or building permitted to exist during period of construction of the principal building or use or for special events.

V

Variance. See [Zoning Variance](#).

W

Wastewater. See definition for [Gray Water](#) and/or [Black Water](#).

Wind Turbine Definitions:

- A. **Ambient.** The sound pressure level exceeded ninety (90%) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the “A” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Horizontal Axis Wind Turbine.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- F. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.

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- G. **Vertical Axis Wind Turbine.** A wind turbine generator in which the rotor rotates around a vertical shaft.
- H. **Wind Turbine Generator.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - 1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- I. **Wind Turbine, Commercial or Utility-Scale.** A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.
- J. **Wind Turbine, On-Site.** A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- K. **Wind Turbine Generator Height.** The distance between the ground and the highest point of the wind turbine generator, plus the length of the rotor blades, in the full upright position. Height is measured from grade for ground and roof-mounted systems.

Wireless Communications (Telecommunication Towers and Facilities Definitions):

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Ancillary Facilities.** The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing and ventilation, and other mechanical equipment.
- C. **Antenna.** An electrical conductor or group of electrical conductors that transmit or receive radio waves.
- D. **Antenna Array.** An Antenna Array is one (1) or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

- E. **Attachment**. An antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole, or water tower.
- F. **Co-Location**. Placement of an antenna on an existing support structure, building, light or utility pole, or water tower where the antenna and all supports are located on the existing structure.
- G. **Engineer**. Any engineer licensed by the State of Michigan.
- H. **Height**. When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- I. **Owner**. Any person with fee title, a land contract purchaser’s interest, or a long-term (exceeding 10 years) leasehold to any parcel of land within the Township who desires to develop, construct, build, modify, or erect a transmission tower upon such parcel of land.
- J. **Provider**. A person in the business of designing and using telecommunication facilities including cellular radiotelephones personal communications services, enhanced/specialized mobile radios, and commercial paging services.
- K. **Small Cell Wireless Facility**. A wireless facility that meets both of the following requirements:
 1. Each antenna is located inside an enclosure of not more than six (6 ft³) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6 ft³) cubic feet.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- L. **Stealth**. Any transmission tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and transmission towers designed to look other than like a transmission tower such as light poles, power poles, and trees. The term “stealth” does not necessarily exclude the use of uncamoouflaged lattice, guyed or monopole transmission tower designs. See also [Wireless Communications: Alternative Tower Structure](#).
- M. **Township-Owned Facilities**. Any structures, buildings, or land owned by Beaver Creek Township or its assigns.
- N. **Transmission Tower**. See [Wireless Communications Support Structure](#).

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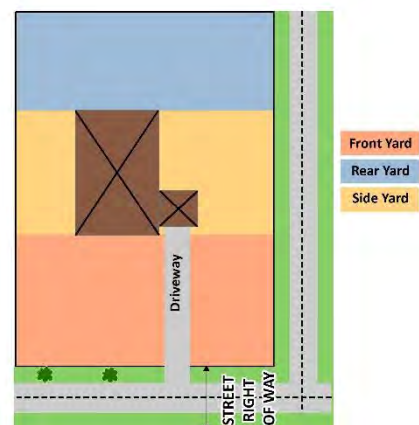
- O. **Wireless Communications**. Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the **Telecommunications Act of 1996**, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- P. **Wireless Communications Equipment**. The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- Q. **Wireless Communication Facility**. A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).
- R. **Wireless Communications Support Structure**. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. Also called “Transmission Towers”.

Y

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

Yard, Front. The open space extending the full width of the lot, the depth of which is the minimum distance between the front lot line and the nearest point of the principal building.

- A. **Roadside Front Yard**. The yard abutting the public right-of-way.
- B. **Waterfront Yard**. The yard abutting the shorelines of waterbodies.



Yard, Rear. The open space extending the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest point of the principal building.

Yard, Side. The open space between a principal building and the side lot line, extending from the front

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yard to the rear yard, the width of which is the distance from the nearest point of the side lot to the nearest point of the principal building.

Z

Zoning Administrator. The person retained by the Township Board of Trustees to administer and enforce this Zoning Ordinance.

Zoning Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning Board of Appeals. As used in this Ordinance, the term "Board of Appeals" means the Zoning Board of Appeals.

Zoning District. A portion of the unincorporated area of the Township to which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit. A permit for commencing construction issued in accordance with a plot plan or site plan for construction that complies with all the provisions of this Zoning Ordinance.

Zoning Variance. A modification of literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted.

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Article 3

General Provisions

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Section 3.01 Application & Interpretation of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall apply to each permitted or approved use of land or building, dwelling, and structure throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations, or provisions of this Ordinance so that the spirit and purpose of this Ordinance shall be observed, public safety secured, and substantial justice done, all in accordance with the provisions of this Ordinance and the [Michigan Zoning Enabling Act 2006 PA 110](#), as amended.

Section 3.02 Scope of Regulations

A. Conformance to Zoning.

Except as may otherwise be provided in [Article 8 \(Zoning Board of Appeals\)](#), every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to, an existing use, building, and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.

B. Vertical Zoning.

Zoning affects every structure and use and extends vertically from the ground up.

C. Construction Code.

All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the [Construction Code](#) whenever applicable.

D. Uses.

Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts. Accessory uses are permitted in the various zoning districts if such uses are clearly incidental to the permitted principal uses. Special Uses are permitted as listed and if the required conditions are met.

E. District Regulations Apply.

All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.

F. No Required Space Used for any Other Required Space.

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

G. Minimum Yard or Lot Size Required.

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

H. Conform to Land Division Act.

No lot, out lot, or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and any Subdivision Control Ordinances and the provisions of the [Land Division Act](#) (Public Act 288 of 1967 as amended).

I. Continued Conformance with Regulations.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

J. Existing Uses of Lands, Buildings and Structures.

The provisions of this Ordinance shall not be retroactive. The substantial lawful use of any dwelling, building, or structure and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment. Nonconformities are regulated by [Section 3.30](#).

Section 3.03 Conformance to Other Public Laws, Rules & Regulations

All uses of land, buildings, or structures shall conform to all applicable local, County, State, and Federal laws, rules, and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

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Section 3.04 Conflicting Regulations

A. 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 except where legally superseded by such other ordinance. 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. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

B. Graphics, Tables and Text.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 3.05 Zoning - Not a Vested Right

Any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities in this Ordinance, except those previously established as legally nonconforming and are subject to possible future change, amendment, or modification as may be necessary to the present and future protection of the public health, safety, and welfare of the Township.

Section 3.06 Uses Not Specifically Listed

A. It is the intent and purpose of this Zoning Ordinance to limit the permitted principal and Special Uses and activities to those specifically included in the respective Zoning Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specified zoning districts or are similar to such listed uses, as determined by the Zoning Administrator. Permitted uses are listed in [Table 4.11](#) and in the individual district sections.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator, and if required conditions are met. Special Uses are listed in [Table 4.11](#) and in the individual district sections.

B. Any uses not listed or found, by the Zoning Administrator, to be similar to listed uses shall be added only by the Zoning Amendment procedure as required in [Section 10.02](#).

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Section 3.07 Lot/Building Relationship

Every dwelling, cottage, cabin, and occupied manufactured home erected outside of a manufactured housing development shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

Section 3.08 Lot Splits

- A. All lot split requests are to be submitted to the Township Assessor. If it does not meet the Zoning Ordinance, it will be referred to the Zoning Administrator and a written notification stating non-compliance, which shall be delivered to the applicant with the [Land Division Act](#).
- B. All lots and parcels created subsequent to the adoption of this Zoning Ordinance shall have a ratio, which shall not exceed one (1) width to eight (8) times the length.

Section 3.09 Basement as Dwelling

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the [Construction Code](#) in effect in the Township.

Section 3.10 Moving Buildings

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.11 Restoration of Unsafe Buildings/Barrier-Free Modification

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official.
- B. Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required.

Section 3.12 Use of Yard Space

A yard surrounding a dwelling, building, or structure used or intended for dwelling purposes, except farm dwellings, shall not be used, occupied, or obstructed by accessory buildings or structures, either permanently or temporarily, unless authorized in [Section 3.18 \(Accessory Building Provisions\)](#); provided, however, that a side or rear yard may be used for the parking of not more than five (5)

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passenger automobiles in active service, licensed and containing all of their main body components, providing that it shall not be used for the location, parking, disposition, storage, deposit, or dismantling, in whole or in part, of junked vehicles, machinery, second-hand building materials, or other discarded, disused, or rubbish-like materials or structures. Furthermore, no junk shall be stored or placed upon any yard surrounding a dwelling, building, or structure used or intended for dwelling purposes.

Section 3.13 Damaged & Dilapidated Buildings/Structures

Any building that has been partially destroyed by fire, natural disaster, disuse, or neglect or is in such a state of disrepair as to be uninhabitable, unsafe, and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months following declaration of the structure as “damaged and dilapidated” by the Zoning Administrator or Township Supervisor.

Section 3.14 Required Water Supply & Wastewater Disposal Facilities

All developed parcels shall meet the water supply and wastewater disposal requirements established by the [District Health Department](#) or any other regulatory agency having jurisdiction.

Section 3.15 Building Grades & Runoff

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

Section 3.16 Access to a Public Road or Highway

A. Undeveloped Lots without Public Road Frontage.

Any undeveloped or unused lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be developed or occupied, except where access to a public road right-of-way is provided by a public or private road, easement, or other right-of-way which meets the requirements of [subsection C](#).

B. Access Required.

In any zoning district, every use, building, or structure, established after the effective date of this Ordinance, shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the [County Road Commission](#). If access to a public or private road is provided via an easement, such easement shall be constructed pursuant to [subsection C](#).

C. Driveway/Access Easement Standards.

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Access to the principal structure(s) shall require driveway access which has fifteen (15') foot horizontal and twelve (12') foot vertical clearance of all obstacles and vegetation (except ground covers) and shall be cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal). A vehicle turn-around area shall be provided within one hundred (100') feet of the principal structure(s) capable of handling thirty (30') foot vehicles (minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. The Township cannot be held responsible for non-maintenance of access.

Section 3.17 Driveway Entrances & Gates

In driveway entrances or gateway structures, including but not limited to walls, columns and gates marking driveway entrances to private or public uses, may be permitted and may be located in a setback provided that such entranceway structures shall comply with all codes and ordinances of the Township and shall be approved by the Zoning Administrator.

Section 3.18 Accessory Building Provisions

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Attached Accessory Buildings.

Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including being built with similar materials unless other materials are required for specific additions.

B. Permits.

All buildings including accessory buildings require a zoning permit. Any building two hundred (200 ft²) square feet or larger may be subject to County building requirements, permits, and fees.

C. Locations in Yards/Setbacks.

1. **Accessory Buildings in Front Yards.** No detached accessory building shall be located in a front yard unless not visible from the road right-of-way during all seasons of the year. An exception to this is that a detached garage may be located in the front yard if the garage is located at least fifty (50') feet from the front lot line.
2. **Accessory Buildings in Side and Rear Yards.** Detached accessory buildings are permitted in side and rear yards.

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3. **Proximity to Principal Building.** No detached accessory building shall be located closer than ten (10') feet to any principal building. Detached accessory structures which are not enclosed with building walls and are meant to provide roof shelter only (such as a carport or breezeway) may be located less than ten (10') feet from a principal building but shall meet detached accessory building yard setbacks.
4. **Side and Rear Yard Setbacks for Accessory Buildings.** No detached accessory building shall be located closer than fifteen (15') feet to any side lot line or ten (10') feet to any rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
5. **Accessory Buildings on Reversed Corner Lots.** When a detached accessory building is located in the side yard on a reversed corner lot (the rear yard of the lot abuts the side yard of the lot to the rear), said building shall not project beyond the front setback required on the lot to the rear of such corner lot.

D. Height.

1. On lots which contain a dwelling as the principal use, no detached accessory building shall exceed twenty-five (25') feet in height.
2. On lots on which a dwelling is NOT the principal use, detached accessory buildings may be constructed equal to the permitted maximum height for the principal structure.

E. Accessory Buildings on Vacant Land.

No accessory building shall be built on a vacant piece of property. The residence has to pass rough-in inspection prior to the accessory building being constructed.

F. Size of Accessory Buildings.

Except for agriculture and farming uses, the maximum size for each accessory building, including an accessory building built after the residence is constructed, shall be as follows:

1. On lots ten (10) acres or less in size, each detached accessory building shall not exceed one hundred fifty (150%) percent of the total gross floor area of the principal structure. **Example: If the principal structure contains one thousand (1,000 ft²) square feet of gross floor area, then each detached accessory structure shall not exceed one thousand five hundred (1,500 ft²) square feet.**
2. On lots greater than ten (10) acres in size, each detached accessory building shall not exceed two hundred (200%) percent of the total gross floor area of the principal structure. **Example: If the principal structure contains one thousand (1,000 ft²) square feet of gross floor area,**

then each detached accessory structure shall not exceed two thousand (2,000 ft²) square feet.

G. Number of Accessory Buildings.

Except for agriculture and farming uses, the maximum number of accessory buildings shall be as follows:

1. On lots ten (10) acres or less in size, all structures combined shall not exceed the maximum lot coverage percentage of that district as stated in [Section 4.12](#).
2. On lots greater than ten (10) acres, four (4) detached accessory buildings shall be allowed for the first five (5) acres of property in the parcel and one (1) additional accessory building for each five (5) acres of additional lot area. Detached accessory buildings under two hundred (200 ft²) square feet shall be counted toward the allowable number of accessory buildings.

H. Purpose of Accessory Buildings/Nontraditional Storage Facilities.

Accessory buildings shall be for the storage of vehicles, materials, animals, and other things incidental to the principal use of the property and shall not be composed of items intended for other activities, such as truck bodies, semi-trailers, school bus bodies, manufactured (mobile) homes, or other items built and intended for other areas so designated in the Ordinance. Thus, permitted manufactured (“mobile”) homes are considered residences, which are principal uses on lots in residential zoning districts. Manufactured homes are clearly intended as residences and are thereby a principal structure in a zoning district under the Ordinance. Their design and function as well as name implies they are to be used for habitation. Thus manufactured homes are the principal structure and cannot be considered as an accessory building. Shipping containers shall not be used as accessory buildings.

I. Accessory Building as a Dwelling.

No accessory building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

J. Deviations Permitted by Planning Commission.

In any zoning district, the Planning Commission may approve deviations from [subsection F](#) (Size of Accessory Buildings) and [subsection G](#) (Number of Accessory Buildings). Applicants shall submit a written request for a deviation to the Zoning Administrator. The Zoning Administrator shall place the request on the agenda of the next regularly scheduled Planning Commission meeting. The Planning Commission may approve the request for deviation upon finding that the request will not adversely affect neighboring properties or public health, safety, and welfare.

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Section 3.19 Pools, Outdoor, including Swimming, Wading, Jacuzzis, Whirlpools, Hot Tubs & Ponds

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20') feet between the adjoining property line and outside of the pool wall or edge.
- B. There shall be a distance of not less than five (5') feet between the outside pool wall or edge and any building located on the same lot.
- C. No pool shall be located less than fifty (50') feet from any front lot line.
- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
- E. No pool shall be located in an easement.
- F. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5-03 the [American National Standards Institute](#) and [National Spa and Pool Institute](#), respectively. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4-99. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.
- G. **Barrier Requirements.**

The provisions of this subsection shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas, and hot tubs. An outdoor swimming pool, including an in-ground, above-ground, or on-ground pool, hot tub, or spa shall be surrounded by a barrier which shall comply with the following:

- 1. The top of the barrier shall be at least forty-eight (48") inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2") inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4") inches.

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2. An opening in the barrier shall not allow passage of a four (4") inch diameter sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45") inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarter (1 ¾") inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarter (1 ¾") inches in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45") inches or more, spacing between vertical members shall not exceed four (4") inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarter (1 ¾") inches width.
6. Maximum mesh size for chain link fences shall be two and one-quarter (2 ¼") inch square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than one and three-quarter (1 ¾") inches.
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than one and three-quarter (1 ¾") inches.
8. Access gates shall comply with the requirements of [subsections 1-7](#) above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four (54") inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - a. The release mechanism shall be located on the pool side of the gate at least three (3") inches below the top of the gate; and
 - b. The gate and barrier shall have no opening larger than one-half (½") inch within eighteen (18") inches of the release mechanism.
9. Where a wall of dwelling serves as part of the barrier, one of the following conditions shall be met:
 - a. The pool shall be equipped with a powered safety cover in compliance with ASTM F13646; or

- b. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within seven (7) seconds and sound continuously for a minimum of thirty (30) seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than fifteen (15) seconds. The deactivation switch(es) shall be located at least fifty-four (54") inches above the threshold of the door; or
 - c. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by [9a](#) or [9b](#).
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps:
- a. The ladder or steps shall be capable of being secured, locked, or removed to prevent access; or
 - b. The ladder or steps shall be surrounded by a barrier which meets the Requirements of [subsection G](#) (Barrier Requirements), Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4") inch diameter sphere.
11. **Indoor Swimming Pool.** Walls surrounding an indoor swimming pool shall comply with [subsection G.9](#).
12. **Prohibited Location.** Barriers shall be located to prohibit permanent structures, equipment, or similar objects from being used to climb them.
13. **Barrier Exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of this Section.

ANSI stands for American National Standard Institute
NSPI stands for National Spa and Pool Institute
ASTM stands for American Society for Testing and Materials

Section 3.20 Parking or Storage of Recreational Vehicles on Residential Lots & Parcels

Storage of not more than two (2) licensed recreational vehicles shall be permitted year-round in LDR and MDR Zoning Districts provided that such units shall be completely within the side and rear yards or completely enclosed within the side and rear yards or completely enclosed within a structure. This provision shall also apply to all non-farm single-family dwellings located in the RD and AR Districts and all single-family dwellings located in all commercial and industrial districts. Storage shall not occur on vacant/unimproved parcels.

Section 3.21 Recreational Camping in an RV On Vacant/Unimproved Properties

Camping in licensed recreational vehicles (RVs), (licensed fifth wheels and licensed trailers, tents, and campers) is permitted in AR, RD, LDR, and MDR Districts, subject to the following:

- A. Recreational vehicle(s) must be occupied while on site.
- B. The recreational vehicle(s) must comply with [Michigan Vehicle Codes](#) for use on public highways to include: valid registration, license, insurance, and be road worthy.
- C. The recreational vehicle(s) must be equipped with self-contained sanitary facilities or have an improved lot with sanitary facilities approved by the [District Health Department](#).
- D. The recreational vehicle(s) must have a valid Township permit. The Township Camping Permit must be obtained by the property owner at the Township Office at no fee.
 - 1. **Up to Two (2) Campers per Parcel.** The initial permit is valid for fifty-six (56) days. A camper may obtain two (2) additional thirty (30) day permits (no fee) then must be removed for a minimum of thirty (30) days.
 - 2. **Three (3) to five (5) Campers per Parcel.** The permit shall be valid for no more than seven (7) days then must be removed for a minimum of thirty (30) days. More than five (5) campers are not allowed on a vacant/unimproved lot.
- E. Under no circumstances shall camping be permitted on properties less than two and one-half (2 ½) acres in size.

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Section 3.22 Use of Recreational Vehicles as Temporary Dwellings by Visitors on Lots Containing a Principal Dwelling

The following shall apply to the use of recreational vehicles as temporary dwellings by visitors on lots containing a principal dwelling.

- A. Recreational vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner and the issuance of a "Temporary Permit" by the Zoning Administrator. The property owner or lessee shall present a written agreement to furnish the occupants of a recreational vehicle with sanitary facilities approved by the Zoning Administrator.
- B. A "Temporary Permit" may only be issued to one (1) recreation vehicle at a time in any one (1) location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the recreational vehicle shall be removed from the property on or before the thirtieth (30th) day of the permit period. Application shall be made within fourteen (14) days after the date of arrival.
- C. More than one (1) but no more than twenty (20) recreational vehicles shall be allowed for up to seven (7) days upon the issuance of a "Temporary Permit." Extensions of time shall not be permitted and the recreational vehicle shall be removed from the property on or before the seventh (7th) day of the permit period.

Section 3.23 Dismantled, Partially Dismantled, Unlicensed & Inoperable Motor Vehicles

- A. No person, firm, or corporation shall store, place, permit to be stored or placed, or allow to remain on any parcel of land for a period of more than ten (10) days in any one (1) year a dismantled, partially dismantled, or inoperable motor vehicle, or parts thereof, unless the same is kept in a wholly enclosed structure or is located in an approved and licensed junk yard.
- B. No person, firm, or corporation shall park or store, upon premises within the Township, a motor vehicle in operating condition, containing all of its main component body parts, but which is not licensed and regularly used for the purpose for which it was manufactured and designed unless the same is kept within an enclosed building or an approved and licensed junk yard.
- C. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk vehicles, unused vehicles, stock cars, and dilapidated, non-operating motor vehicles upon any land in the Township except in areas where a junk yard is permitted to exist and is approved and licensed for such purposes.
- D. These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash, or junk but shall be construed as

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supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

Section 3.24 Temporary Buildings

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. Such temporary buildings shall meet yard setbacks unless waived by the Zoning Administrator and shall be removed within thirty (30) days of completion or abandonment of said construction. Temporary dwellings during construction are not permitted.

Section 3.25 Construction Debris

All construction debris and all construction related signs shall be removed within thirty (30) days after the completion, occupancy, or abandonment of the work.

Section 3.26 Temporary Transient Uses

Temporary transient use of an existing lot, building, or structure may be permitted in any district upon approval of a review by the Zoning Administrator and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Zoning Administrator, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Zoning Administrator. Upon authorization, the Zoning Administrator shall issue a zoning permit, which will cause compliance with this Ordinance and any specified conditions required by the Commission. Camping shall be subject to the regulations of [Section 3.21](#) and [Section 3.22](#).

Section 3.27 Yard Sales

Yard sales shall be limited to the sale of items from the dwelling and accessory structure located upon the lot or parcel upon which the yard sale is being conducted. The number of yard sales which can be conducted from any one (1) dwelling location is three (3) per year and shall be limited to seven (7) days each.

Section 3.28 Domestic Household Pets

Domesticated household pets, such as dogs, cats, and birds are limited to four (4) such animals per species. However, if more than four (4) per species are desired, they shall be subject to State and County health regulations. Additional small domestic pets may be allowed by the Zoning Administrator if all neighbors having homes within five hundred (500') feet of the property consent in writing.

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Section 3.29 Livestock (not part of Commercial Farms)

- A. Large domestic animals, such as cattle and horses, which are not part of a commercial farm and are used essentially for pet, contest, riding, educational, or other special purpose as individual animal specimens, are permitted at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal in the RD, AR, LDR, and MDR districts.
- B. Shelter for all animals, except household pets, shall be located at least one hundred twenty-five (125') feet from a side or rear lot line or a minimum midway calculated distance not less than sixty-five (65') feet for legal non-conforming parcels as determined by the Planning Commission. All deposits or concentrations of manure created by animals, resulting in an offensive odor, including household pets, shall be disposed of daily in a sanitary manner.
- C. **Chickens, Ducks, and Geese on Category 4 Sites.**

Chickens, ducks, or geese may be kept on lots which are classified as Category 4 sites by the [Michigan Department of Agriculture and Rural Development's](#) "GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities," upon issuance of a Special Use Permit and according to the following conditions:

1. Roosters are prohibited.
2. Chickens, ducks, or geese must be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which may be located only in the rear yard of the property.
3. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50%) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
4. Enclosures shall be located at least twenty-five (25') feet from any dwelling on a neighboring parcel.
5. No chickens, ducks, or geese shall be kept on parcels with more than one (1) dwelling.

Section 3.30 Nonconformities

A. Purpose.

It is the intent of this Ordinance to permit the continuance of a substantial lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform to the provisions of this Ordinance. The continuance of all nonconforming uses and structures within the County shall be subject to the conditions and requirements set forth in this Section.

B. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of existing nonconforming buildings, uses, or land. This change does not alter the nonconforming status.

C. Elimination of Nonconforming Buildings or Uses.

Pursuant to Section 208 (3) and (4) of [2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3208\)](#), the Township Board may acquire properties on which nonconforming buildings or uses are located by condemnation or other means and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township or other public agency for a public purpose. The net cost of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

D. Nonconforming Buildings.

1. **Structural Changes.** No such nonconforming building may be enlarged or altered in a way which increases its nonconformity.
2. **Repairs and Reconstruction.** Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct damage, deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of sixty (60%) percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure or to comply with barrier-free requirements of the [Americans with Disabilities Act](#).
3. **Prior Construction Approval.** Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building or zoning permit has been issued prior to the effective date of this Ordinance and work has commenced upon the site, provided that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

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E. Nonconforming Uses.

1. **Restoration of Damage.** Any lawful nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired, provided that the structure housing the nonconforming use has not been more than sixty (60%) percent destroyed as measured by the usable cubic space previously existing in said structure.
2. **Discontinuance or Abandonment.** Whenever a nonconforming use has been discontinued or abandoned for one (1) year, such discontinuance or abandonment shall be considered conclusive evidence of an intention to legally abandon the nonconforming use, unless determined otherwise by the Zoning Board of Appeals. At the end of this period of abandonment, the nonconforming use shall not be re-established or re-used and any future use shall be in conformity with the provisions of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
3. **Reversion to a Nonconforming Use.** If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use, unless determined otherwise by the Zoning Board of Appeals.
4. **Displacement of a Conforming Use.** No nonconforming use shall be extended to displace a conforming use.
5. **Change to Another Lesser Nonconforming Use.** The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is replacing. However, the replacement of an existing manufactured home with another manufactured home outside of a licensed and/or approved manufactured housing community or manufactured housing plat shall not be allowed, unless the replacement manufactured home meets the definition of single-family dwelling.

6. **Illegal Nonconforming Uses.** Those nonconforming uses which are created after the effective date of this Ordinance or any future amendment to it shall be declared illegal nonconforming uses and shall be discontinued. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal, and are, therefore, violations of this Zoning Ordinance subject to correction when found to be a violation by the Zoning Administrator.

7. **Changes in Zoning District.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

8. **Expansion of Nonconforming Use.** No expansion of a nonconforming use shall be permitted except for the following:
 - a. **Expansion throughout a parcel of land.** The extension of a nonconforming use throughout a *parcel of land* not fully occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission as a Special Use provided the following:
 - (1) Any permitted expansion shall not be for the accommodation of any type of nonconforming use or activity which is not currently engaged.
 - (2) No expansion shall reduce or eliminate any Ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.
 - (3) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations, or conditions pertaining to the existing nonconforming use which shall remain in full force and effect.
 - b. **Expansion throughout a building.** Any nonconforming use may be extended throughout any parts of a *building* which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance through the granting of a Special Use permit by the Planning Commission.

F. Nonconforming Lots and Parcels.

Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use or Special Use in a district and its customary accessory uses may be erected on any nonconforming lot of record which was existing at the effective date of adoption or amendment to this Ordinance. The Zoning Administrator may grant up to a ten (10%) percent variance to required setbacks on a nonconforming lot. Any additional variances shall be made by an appeal to the Zoning Board of Appeals. It is the intent to permit only minimum variances from the previous, which may be granted by the Township Zoning Board of Appeals, upon application by a property owner or a representative

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of the owners.

Section 3.31 Exterior Lighting

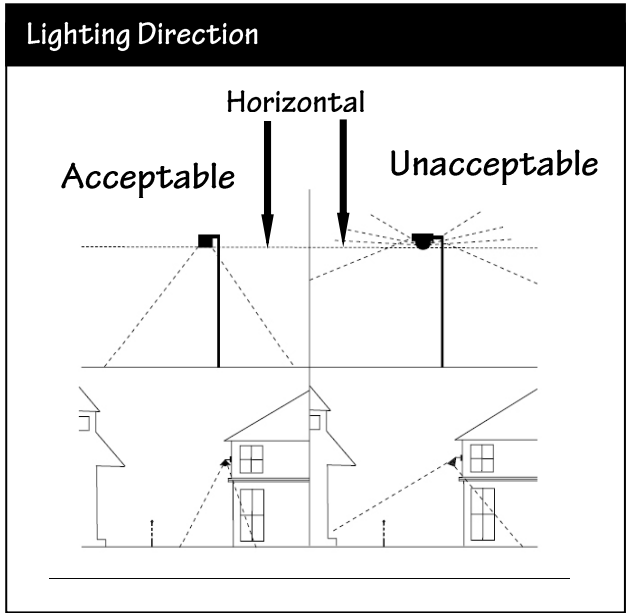
A. Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Section:
 - a. Special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the [Federal Communications Commission](#), [Federal Aviation Administration](#), [Federal Occupational Safety and Health Administrations](#), or other applicable Federal or State agencies.
 - f. Lighting for recreational facilities. Such lighting shall conform to the requirements set forth in the most current edition of the [Illuminating Engineering Society of North America](#) (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.
2. **Standards.** Lighting shall be designed and constructed as per the following requirements:
 - a. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

- b. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in [subsection c](#) below, the following shall apply: all outdoor lighting, in all districts, shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100%) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



- c. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags may direct lights in an upward direction so as to feature said buildings and flags. Such lights shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- d. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
- e. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
- f. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

Section 3.32 Fences & Walls

A. General Standards.

1. **Permit Required.** The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator. A hedge shall not be considered a fence or wall and shall not be required to comply with the standards within this Section.
2. **Agricultural Fences.** Fences and walls on Commercial Farms are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and Special Uses.
3. **Existing Fences.** Any existing fence or wall not in conformance with this Ordinance shall not be altered or modified except to make it more conforming.
4. **Identification of Property Lines.** It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended. The Zoning Administrator may require a survey by a licensed surveyor prior to issuing a permit for a fence or wall.
5. **Materials.** Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, chain link, or other materials commercially designed for fence or wall construction. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, old signage, old doors, pallets, or other materials not commercially designed for fence or wall construction are specifically prohibited.
6. **Barbed Wire and Electric Fences.** Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety. Barbed wire and electric fences are allowed in CSC, HSC, or Industrial zoning districts.
7. **Finished Side.** The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
8. **Fence Maintenance.** Fences and walls shall be maintained to retain their original appearance, shape, and configuration. Elements of a fence or wall that are missing, damaged, destroyed, or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

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B. Fence/Wall Dimension and Location.

Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:

Table 3.32 Fences & Walls			
	Front Yard	Side or Rear Yard	
		Within Setback	Not Within Setback
RD & AR Districts	Maximum height: 6 ft	Maximum height: 6 ft	Maximum height: 8 ft
LDR & MDR Districts	Maximum height: 4 ft (from the front of the building to the front lot line)	Maximum height: 6 ft	Maximum height: 8 ft
CSC & HSC Districts	Maximum height: 6 ft	Maximum height: 6 ft	Maximum height: 8 ft
Industrial District	Maximum height: 12 ft	Maximum height: 12 ft	

1. Height Measurement. All fence heights are measured above the grade of the surrounding land.
2. Setback of Fence. Fences must be setback from a lot line by a minimum of one (1') foot.



Section 3.33 Protective Screening

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

A. Screening Required.

Where a non-residential use abuts a residential use, screening shall be required. Said screening shall consist of a solid fence, wall, or greenbelt or a combination of these elements which achieve the desired screening effect. The Planning Commission may waive or modify the screening requirements in this Section if the waiver or modification will not be detrimental to the health, safety, and welfare of neighboring property owners. Such screening for shielding off-street parking or storage areas shall not be required when such areas are located more than two hundred (200') feet from such abutting residential use or district. See [Section 3.37.C.4](#) for screening of parking.

B. Greenbelt Standards.

Such greenbelt shall be a strip of land not less than twenty (20') feet in width which is planted and maintained with evergreens such as spruce, pines, or firs not less than five (5') feet in height so as to create a permanent buffer or a hedge of evergreens not less than four (4') feet in height so as to create a permanent buffer. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat, and orderly in appearance.

C. Required Walls or Solid Fences.

1. Required walls or solid fences shall be located on the property line, except as otherwise approved by the Planning Commission. When vehicles or open air displays generally exceed a five (5') foot height, said wall or solid fence shall be increased to a height not exceeding ten (10') feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.
2. Required walls or solid fences shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small-dispersed openings which do not collectively exceed twenty (20%) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

D. Stormwater Retention Areas.

Any fenced stormwater retention areas that are visible from an adjacent property or road shall be landscaped to screen them from view, unless it is an attractive and landscaped year-round pond that must be well-maintained.

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Section 3.34 Solid Waste Receptacle Areas

All truck-lifted or transported receptacle areas shall be enclosed by a six (6') foot high wooden fence, including the gate, or masonry wall to prevent the unsightly deposit or collection of solid waste and to prevent children and pets from having access to these areas. As an alternative, if approved by the Zoning Administrator, a chain link fence may be used, providing it is designed so as to be able to accept privacy slats, if the Zoning Administrator so requires.

Section 3.35 Essential Services

- A. Essential services shall be permitted in any zoning district without a zoning permit and includes the erection, construction, alteration, or maintenance by public utilities, Township departments, or other governmental agencies of underground or overhead gas, electrical, communication, steam, fuel, or water transmission or distribution systems or collection, supply or disposal systems including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants, and other similar facilities, equipment, and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies or for the public health, safety or general welfare, but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or Township departments or other governmental agencies. No such building constructed as a part of an essential service shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition prior to the use of the pipeline.
- C. Essential service facilities located on lots and parcels in all districts shall meet the requirements of the MDR District for all buildings, structures, and areas used for offices, power generators, power transformers, storage, fabrication, or manufacture of materials necessary to the provision of essential services.

Section 3.36 Environmental Conservation Provisions

A. Purpose.

The purpose of this Section is to promote the conservation or wise use of important nonrenewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical, or agricultural significance for present and future generations, as determined by the Planning Commission, for the purpose of preserving or conserving specific features and areas of these natural resources and environments in all Zoning Districts.

B. Natural Environment.

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It is the general requirement of this Section to conserve and wisely use nonrenewable natural resources in the most careful and well-planned manner possible in accordance with the provisions of the **1994 PA 451 (Natural Resources and Environmental Protection Act)** and the State regulations promulgated thereunder. Under this Section, where it is the judgment of the Planning Commission and their written reasons, the Commission may require the submittal of an Environmental Impact Statement in accordance with State of Michigan guidelines.

C. Natural Resources.

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals, and other economically important nonrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use areas. In the making of such plans and surveys, an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

D. Lakes, Ponds, Rivers, Streams, Water Courses and Drainage Ways.

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses, and drainage-ways in the Township, no such feature shall be altered, changed, transformed, or otherwise be varied from its present existing condition except as follows:

1. In all Zoning Districts, no river, stream, water course, or drainage-way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations, and standards.
2. In all Zoning Districts the edge, bank, or shore of any lake, pond, river, or stream shall not be altered, changed, transformed, or otherwise varied from its present condition, except in conformance with the provisions set forth in the most recent adopted versions of the **Natural Resources And Environmental Protection Act, 1994 PA 451**, as amended, or other laws relating thereto and the rules promulgated under authority of these acts.

E. Flood Plains.

1. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.
2. The location and boundaries of land subject to periodic flooding shall be determined by the **Federal Emergency Management Agency (FEMA)** Flood Maps or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.

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3. No building shall be located within a designated flood-way. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the flood-way, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

F. Wetlands.

All areas designated as wetlands by the State of Michigan are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of **Part 303, Wetlands Protection, of 451 PA 1994**, as amended, in order to encourage the proper use and development of them.

G. Environmentally Sensitive Areas.

1. Areas may be designated by the Township Planning Commission as Areas of Environmental Sensitivity including but not limited to:
 - a. Rare or valuable ecosystems.
 - b. Significant undeveloped agricultural, grazing, or watershed areas.
 - c. Forests and related land which require long stability for continuing renewal.
 - d. Scenic or historical roads/areas including burial grounds.
 - e. Such additional areas as may be determined by the Federal Government, the State of Michigan, the County, or Beaver Creek Township.
2. All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to, or as part of, any other applicable portions of this Section, shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:
 - a. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the **District Health Department** or State of Michigan and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
 - b. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:

- (1) Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased, or dying trees.
 - (2) Selective cutting which removes not more than forty (40%) percent of the trees and which leaves a well-distributed stand of tree foliage shall be permitted.
 - (3) More than forty (40%) percent of the tree coverage may be removed only as such action is recommended by a State forester or a private forester registered by the State and approved by the Township Planning Commission.
 - (4) Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
3. All zoning permit applications in Environmentally Sensitive Areas shall have, as a portion of the application, a site plan, for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
- a. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion, and sedimentation control, etc.
 - b. Determine whether the true intent of State, County, and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.

Section 3.37 Parking

A. Purpose.

It is the purpose of this Section to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving automotive vehicles. It is also the intention to require frontage roads and service drives meeting specified standards for certain commercial uses or commercially zoned areas.

B. Off-Street Parking Requirements.

In all Districts there shall be provided, at the time any building or structure is erected or uses established, enlarged, or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

1. **Plans.** Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit.
2. **Location.** Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300') feet thereof, except that this distance shall not exceed one hundred fifty (150') feet for single-family and two-family dwellings.
3. **Parking in Residential Districts.** Outdoor parking of motor vehicles, on residential lots in the LDR and MDR Districts, shall be limited to passenger vehicles and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, semi-tractor, or bus, except for those parked on school or church property, is limited to five (5) consecutive days on residential lots in the LDR and MDR Districts. However, in the RD and AR District, parking space requirements for all types of vehicles may be provided either in garages or in covered or outdoor parking areas conforming to the provisions of this Ordinance. No parking plan is required for single-family residential uses and duplexes. Recreational vehicles are regulated by [Section 3.20](#) through [3.22](#).
4. **Parking Space Size and Access Drive Size.** Each off-street parking space for automobiles shall not be less than one hundred eighty (180 ft²) square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10') feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
 - a. For ninety (90°) degree or perpendicular parking, the aisle shall not be less than twenty-two (22') feet in width.

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- b. For sixty (60°) degree parking, the aisle shall not be less than eighteen (18') feet in width.
 - c. For forty-five (45°) degree parking, the aisle shall not be less than thirteen (13') feet in width.
5. **Parking for Churches.** Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces, located within three hundred (300') feet, if they are directly accessible and usable as off-street parking spaces.
 6. **Truck Parking.** Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10') feet in width and eighty (80') feet in length.

C. Parking Area Standards.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

1. **Setback.** All off-street parking spaces shall not be closer than ten (10') feet to any property line.
2. **Drainage.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
3. **Lighting.** Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
4. **Screening Adjacent to Residential or Institutional.** Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20') feet from and be effectively screened, on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact evergreen planting not less than four (4') feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
5. **Backing Onto Road Prohibited.** All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single-family and duplex residential driveways.

6. **Combined Parking.** Combined parking facilities are allowed when two (2) or more uses occur on one (1) property or when a building on one (1) property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
7. **Use of Parking Areas.** No commercial repair work, servicing, or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, steamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area.

D. Calculating Required Parking Spaces.

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. **Floor Area.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the **Usable Floor Area**.
2. **Places of Assembly.** In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18") inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to five (5 ft²) square feet.

E. Off-Street Parking Space Requirements.

The minimum required off-street parking spaces are set forth as follows:

Use	Number of Required Parking Spaces
1. Automobile or Machinery Sales and Service Garages	1 space for each 200 ft ² of showroom floor area, plus 2 spaces for each service bay, plus 1 space for each employee working during maximum employment hours.
2. Banks, Business, and Professional Offices	2 spaces for each 200 ft ² of floor area, plus 1 space for each employee during maximum employment hours.
3. Barber Shops and Beauty Parlors	2 spaces for each chair, plus 1 space for each employee working during maximum employment hours.
4. Tourist, Boarding, and Lodging Houses	1 parking space for each guest room.
5. Bowling Alleys	3 parking spaces for each alley, plus 1 space for each employee working during maximum employment hours.

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6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools.	1 space for each 3 seats, or for each 3 permitted in such buildings as determined by the State Fire Marshall.
7. Clinics	4 spaces for each doctor, plus 1 space for each employee working during maximum employment hours.
8. Convalescent or Nursing Home, Orphanage, State licensed Foster Care Home or Home for the Elderly	1 parking space for each 2 beds, plus 1 space for each employee, including nurses, working maximum employment hours.
9. Drive-in Banks, Cleaners, and Similar Businesses	5 parking spaces, plus 1 parking space for each employee working during maximum employment hours.
10. Drive-in Eating Establishments Without Inside Seating	10 parking spaces, plus 1 parking space for each 50 ft ² of floor area and 1 parking space for each employee working during maximum employment hours.
11. Dwellings (Single- and two-family)	2 parking spaces for each family dwelling unit.
12. Dwelling (Multiple-Family) and Manufactured Housing Communities	2 parking spaces per dwelling unit, plus 1 additional space for each 4 dwelling units and 1 space for each employee working during maximum employment hours.
13. Funeral Homes and Mortuaries	4 spaces for each slumber room or 1 space for each 100 ft ² of gross floor area, whichever is greater, plus 1 space for each fleet vehicle and 1 space for each employee working during maximum employment hours.
14. Furniture, Appliance-Equipment Stores	1 space for each 500 ft ² of floor area, plus 1 space for each employee working during maximum employment hours.
15. Gas Stations	1 parking space for each gas pump, plus 1 space for each employee working during maximum employment hours.
16. General Office Building	1 parking space for each 500 ft ² of floor area, plus 1 parking space for each employee working during maximum employment hours.
17. Hospitals	1 space for each bed, plus 1 space for each employee working during maximum employment hours.
18. Hotels and Motels	1 space for each living unit, plus 1 space for each employee working during maximum employment hours.
19. Libraries, Museums, Post Offices	1 parking space for each 1,000 ft ² of floor area, plus 1 parking space for each employee working during maximum employment hours.
20. Livestock Auction	1 parking space for each 500 ft ² of building, pens, and all enclosed areas on the premises of the auction facility.
21. Manufacturing, Fabricating, Processing, and Bottling Plants	1 space for each employee working during maximum employment hours.

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22. Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs, and Private Clubs	1 parking space for each 4 customer seats, plus 1 parking space for each employee working during maximum employment hours.
23. Retail Stores	1 parking space for each 500 ft ² of floor area, plus 1 space for each employee working during maximum employment hours.
24. Roadside Stands	5 parking spaces, 1 parking space for each twenty-five 25 ft ² of floor area.
25. Schools; Private or Public Elementary and Junior High Schools	1 space for each employee working during the maximum employment hours in the building and on the grounds, plus 1 space for each 30 students of maximum enrollment capacity.
26. Senior High School and Institutions of Higher Learning, Private or Public	1 parking space for each employee plus 1 for each 5 students, plus the parking requirements for an auditorium, a gymnasium, and an athletic field if they are included.
27. Self-Service Laundry or Dry Cleaning Stores	1 space for each 2 washing and dry-cleaning machines plus 1 space for each employee working during maximum employment hours.
28. Supermarket, self-service	2 spaces for each 500 ft ² of floor area, plus 1 space for each employee working during maximum employment hours.
29. Wholesale and Warehouses	1 space for each 1,000 ft ² of floor area, plus 1 space for each employee working during maximum hours.
30. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator.	

F. Parking Deviations.

1. The Township recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring sites, excessive paving and storm water runoff, and misuse of space which could otherwise be left as open space.
2. The Planning Commission may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.
3. The Planning Commission may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking.

Section 3.38 Off-Street Loading & Unloading

In connection with every use, except single-family, two-family and multiple-family dwelling unit structures, there shall be provided, on the same lot with such buildings, off-street loading and unloading spaces for permitted or Special Uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

A. Plans.

Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building, or structure.

B. Size.

Each off-street loading/unloading space shall not be less than ten (10') feet in width, eighty (80') feet in length, and, if a roofed space, be not less than fifteen (15') feet in height.

C. Location on Lot.

A loading/unloading space may occupy all or any part of any required side or rear setback, except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard setback may be occupied by a loading space.

D. Loading Adjacent to Residential.

A loading/unloading space shall not be located closer than fifty (50') feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6') feet in height.

E. Combined Uses.

When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of all the uses computed separately.

F. Backing Onto Road Prohibited.

All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

G. Specifications.

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Off-street loading space and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed.

H. Lighting.

All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.

I. Number of Loading Spaces Required.

Off-street loading-unloading requirements for hotels, motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial, or other uses similarly involving the receipt or distribution by trucks, having over five thousand (5,000 ft²) square feet of gross floor area, shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000 ft²) square feet of gross floor space or fraction thereof shall provide one (1) additional loading/unloading space.

J. Uses Not Listed.

If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Administrator.

Section 3.39 Frontage Roads & Service Drives

Frontage roads and service drives may be required by the Planning Commission for all uses within the MDR, CSC, HSC, and I Districts. If required, frontage roads and service drives shall be subject to the Special Use Permit requirements and part of the plan review and as provided hereafter:

A. Minimum Widths.

Frontage road and service drives shall have minimum widths of thirty (30') feet to thirty-six (36') feet, measured face-to-face of curb with an approach width of thirty-nine (39') feet at intersections.

B. Drainage.

Frontage road and service drive intersections at the arterial street shall be designed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas, shall not be discharged into the highway drainage system absent the approval of the [Crawford County Road Commission](#).

C. Setbacks.

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Frontage roads shall have a minimum setback of thirty (30') feet from the right-of-way, with a minimum of sixty (60') feet of approach space at the intersection. At driveways where it is reasonably anticipated that the traffic volumes will exceed one thousand (1,000) vehicles per day, a minimum of eighty (80') feet of approach space shall be required.

D. Surface and Curb Construction.

Frontage roads shall be constructed of permanent asphalt or concrete material and the shoulder shall be paved and curbed from the edge of pavement to either right-of-way line or point of curvature.

E. Maintenance of Directional Signs and Pavement Marking.

In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) as required by the Planning Commission as part of the site plan review process and approved by the [Crawford County Road Commission](#) and shall be maintained on a permanent basis by the property owner.

F. Location of Frontage Road Intersections.

The frontage road intersections shall be located along a public street at a minimum distance of one hundred fifty (150') feet from the centerline of the nearest intersecting public street.

G. Parking on Frontage of Service Roads.

Parking may be prohibited along two-way frontage roads and service drives that are constructed at a minimum thirty (30') foot width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be reasonably demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety, or operations of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive shall be prohibited.

Section 3.40 Performance Standards

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation, or grading, those measures,

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necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the site plan review the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment, other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise which is objectionable, as determined by the Township, due to volume, frequency, or beat shall

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be muffled, attenuated, or otherwise controlled. In addition, objectionable sounds of an intermittent nature or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.41 Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or create olfactory or visual pollution.

A. Dumping or Stockpiling of Waste Material or Junk.

The collection, accumulation, storage, or disposal of waste material, used construction material, junk, or refuse is prohibited, except under the following circumstances:

1. Such practices are a necessary accessory use only to a permitted agricultural use.
2. Such practices occur in a junkyard authorized under this Ordinance and are included in the approved site plan.
3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance and are included in the approved site plan.
4. The dumping or stockpiling of natural materials such as stone or tree branches or stumps shall be exempt. However, for the purpose of this exception, processed lumber and pallets shall not be considered a natural material.

B. Dumping of Soil, Sand and Clay materials.

The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils, and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge. Extensive dumping of material shall be construed to mean the placing of fill material on a lot or property so as

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to create a recognizable change in character of the natural terrain of such lot or property.

C. Dumping of Toxic Materials.

The dumping of toxic materials and/or nuclear wastes shall not be allowed in Beaver Creek Township.

Section 3.42 Hazardous Substances

The following provisions apply to persons, businesses, or entities that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current **USEPA** and/or **State of Michigan** standards and applicable sections of the **Michigan Building Code**, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site plan review process.

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
- D. 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 discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.43 Signs

The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs and may mar the appearance of the landscape. The purpose of this Section is to regulate signs in a content-neutral manner and to protect the public health, safety, and general welfare, to protect property values, and to protect the character of the various districts in the Township. The principal feature is the restriction of the total sign area permissible per site.

Any sign placed on land or on a building shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant. Off-Premise signs (billboards) are deemed to constitute a principal or accessory use of a lot.

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A. Signs Not Requiring a Zoning Permit (Permitted in all Districts).

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable Federal or State law or regulation and are located so as not to cause a nuisance or safety hazard:

1. Permanent, non-illuminated freestanding accessory signs not exceeding four (4 ft²) square feet of sign surface.
2. Permanent accessory signs on accessory structures such as gas pumps or storage sheds.
3. Signs erected by an official governmental body, public utility, or historic agency.
4. Signs erected by any organization, firm, or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
5. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use.
6. Legal postings and signs required by Federal or State agencies in connection with Federal or State grant programs.
7. Information when carved into stone, concrete, metal, or similar material or made of other permanent type construction and made an integral part of the structure.
8. Flags.
9. Canopy/awning or marquee signs.
10. Temporary signs.
11. Window signs.
12. Signs required by law.
13. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
14. Addresses on the house and address signs which are allowed at driveways to houses or along streets where there is no driveway.
15. Private Road Signs. Such signs shall be a different color than those containing public road names.

B. Sign Types and Sizes Permitted.

The size of any publicly displayed sign shall be regulated as follows:

Signs Types and Sizes by Use: RD, AR, LDR, and MDR Districts		
Sign Type	Single-Family & Two-Family Residential Uses	All Other Uses
Freestanding Sign <i>(permanent)</i>	Size (maximum): 12 sq ft Number Allowed: 1 Height (maximum): 8 ft (measured from the ground to the top of the sign)	Size (maximum): 32 sq ft Number Allowed: 1 per road frontage Height (maximum): 8 ft (measured from the ground to the top of the sign)
Wall Signs <i>(permanent)</i>	Size (maximum): 12 sq ft Number Allowed: 1	Wall signs may cover 25% of each building wall.
Temporary Signs <i>(no permit needed)</i>	16 sq ft (maximum for all temporary signs in sum)	32 sq ft (maximum for all temporary signs in sum)
Portable Changeable Copy Message Boards	Size (maximum): 32 sq ft Number Allowed: 1 per parcel (does not count toward the total allowable square footage for temporary signage).	
Electronic or Static Message Center <i>(see subsection E)</i>	Not allowed	Size (maximum): 32 sq ft Number Allowed: 1 per road frontage (in addition to other permanent signs allowed) Height (maximum): 8 ft (measured from the ground to the top of the sign)
Cluster Signs <i>(multiple signs on one freestanding structure)</i>	Not allowed	Size (maximum): 80 sq ft (all signs in total) Number Allowed: 1 cluster sign per parcel Height (maximum): 25 ft
Projecting Signs	Not allowed	Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 8 ft from ground level
Off-Premise (small)	Number allowed: 1 per lot (only on lots at intersections) Districts: RD and AR Districts Size (maximum): 12 sq ft Height (maximum): 6 ft	
Off-Premise (large)	Not allowed in the RD, AR, LDR and MDR Districts.	

Signs Types and Sizes by Use: CSC, HSC and I Districts

Sign Type	All Uses
Freestanding Sign <i>(permanent)</i>	Size (maximum): 100 sq ft Number Allowed: 1 per road frontage Height: 20 ft (measured from the ground to the top of the sign)
Wall Signs <i>(permanent)</i>	Wall signs may cover 25% of each building wall.
Temporary Signs <i>(no permit needed)</i>	32 sq ft (maximum for all temporary signs in sum)
Portable Changeable Copy Message Boards	Size: 32 sq ft Number Allowed: 1 per parcel (does not count toward the total allowable square footage for temporary signage).
Electronic or Static Message Center <i>(see subsection E)</i>	Size: 32 sq ft Number Allowed: 1 per road frontage (in addition to other permanent signs allowed) Height: 20 ft (measured from the ground to the top of the sign)
Cluster Signs <i>(multiple signs on one freestanding structure)</i>	Size (maximum): 200 sq ft (all signs in total) Number Allowed: 1 cluster sign per parcel Height (maximum): 20 ft
Projecting Signs	Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 8 ft from ground level
Off-Premise (Small)	Number allowed: 1 per lot (only on lots at intersections) Size (maximum): 12 sq ft Height (maximum): 6 ft
Off-Premise (Large)	Special Use - See subsection D

C. General Sign Regulations.

In addition to the size limitations stated in [subsection B](#) above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:

- Signs Require a Permit.** No sign, except those signs listed in [subsection A](#) above, shall be erected or altered until approved by the Zoning Administrator or unless authorized by the Planning Commission as part of an approved site plan. After approval, the required sign permit shall be issued by the Zoning Administrator.
- Illuminated Signs.**

- a. **LDR, MDR, RD, and AR Districts.** Only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
 - b. **CSC, HSC and I Districts.** Indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
3. **Measurement of Sign Area.**
- a. 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. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area.
 - b. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
 - c. With respect to two-sided, multi-sided, or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one (1) time by a person. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3') feet.
4. **Setback Requirements for Signs.** All permanent signs shall be setback a minimum of ten (10') feet from any lot line. Temporary signs have no required setback.
5. **Signs in Rights-of-Way.** No sign other than a traffic or regulatory sign shall be erected in a street or road right-of-way.
6. **Obstructions to Doors, Windows and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
7. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
- D. **Off-Premise Signs (Large).** (Also known as “Billboards.”)
- 1. **Special Use.** Off-premise signs are permitted only on lots in the CSC, HSC and I Districts. Off-premise signs shall only be placed after obtaining a Special Use Permit.

2. **Area.** The total surface area, facing in the same direction, of any off-premise sign, shall not exceed three hundred (672 ft²) square feet (e.g. 14' X 48'). Signs may be single or double-faced and shall contain no more than two (2) faces or panels.
3. **Spacing.** Where two (2) or more off-premise signs are located along the frontage of a road or highway, they shall be not less than one thousand (1,000') feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20°) degrees.
4. **Roof or Stacked Off-Premise Signs.** Off-premise signs shall not be erected on the roof of any building nor have one sign above another.
5. **Illumination.** An off-premise sign may be illuminated provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
6. **Maintenance.** The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary, and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.
7. **Digital Off-Premise Signs.** Digital off-premise signs are prohibited.
8. **State of Michigan Permit.** The owners of all such off-premise signs shall furnish the Township Zoning Administrator a copy of the annual State Permit required under the [Highway Advertising Act, Act 106 of 1972](#), as amended (MCL 252.301, et seq.) within thirty (30) days of receiving such permit, if such a permit is required. If no State Permit is obtained or required pertaining to any outdoor advertising sign, then, after the issuance of the original Special Use Permit, the sign owner shall apply annually to the Township Zoning Administrator on the appropriate form for a Township Permit to be able to continue to maintain such sign. Any permit issued shall comply with all provisions of this Section and of the Zoning Ordinance and shall be subject to the payment of an annual permit fee to the Township in the amount as determined by the Township Board.

E. Electronic Message Centers.

1. **Number Allowed.** Only one (1) static or one (1) electronic message center at the size of thirty-two (32 ft²) square feet shall be permitted per road frontage. This shall not count toward the allowable primary signage per parcel.
2. An electronic message center shall be allowed to have changing messages, scrolling message, and animation but shall not be allowed to contain flashing elements.

3. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
4. An electronic message center shall contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs.
5. An electronic message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
6. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message center and shall be subject to all provisions of this Ordinance.

F. Nonconforming Signs.

Nonconforming signs are signs that do not comply with the regulations in this Ordinance, including the size regulations, of the zoning district in which located.

1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
2. No person shall increase the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.
3. If a nonconforming sign is either moved or replaced, it shall be brought into complete conformity with this Section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within sixty (60) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced, or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

G. Prohibited Signs.

1. **Miscellaneous Signs and Posters.** Tacking, pasting, or otherwise affixing of signs or posters visible from a public right-of-way, (except legal postings as required by law) located on trees, poles, posts, or fences is prohibited.
2. **Swinging Signs.** Signs, which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
3. **Moving Signs.** Except as otherwise provided in this Section, a sign or any portion thereof which moves or assumes any physical motion constituting a non-stationary or non-fixed condition shall be prohibited.
4. **Signs Which Constitute a Traffic Hazard.** Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection. Signs which contain the words “stop”, “go slow”, “caution”, “danger”, “warning,” or similar words, except as otherwise provided in this Section.
5. **Permanent Signs Not Secure or Broken.** Signs which are in need of repair, not securely affixed to a substantial structure, or obsolete are prohibited.
6. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene or pornographic nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.

H. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign’s message becomes illegible in whole or substantial part.
 - d. The sign which has fallen into disrepair.
2. In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Zoning Administrator is authorized to cause removal of such

sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.

I. Permits and Fees.

1. Application for a permit to erect or replace a sign shall be made by the owner of the property or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits, and information. Fees for sign permits shall be established by the Beaver Creek Township Board of Trustees in a Fee Schedule.
2. An application for a sign permit shall contain the following information:
 - a. The applicant's name and address in full, and a complete description of his/her relationship to the property owner.
 - b. If the applicant is other than the property owner, the signature of all of the property owners shall be included in a submittal of said application.
 - c. The address of the property.
 - d. An accurate scale drawing of the property showing the location of all buildings or structures and their uses along with the location of the proposed sign.
 - e. A complete description and scale drawing of the sign including all dimensions and the area in square feet.
3. All proposed permanent sign locations or relocations shall be inspected on the site by the Zoning Administrator for conformance to this Ordinance prior to placement on the site of foundations and shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
4. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.
5. Painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

J. Removal of Signs in Violation of this Section.

Signs erected or maintained in violation of this Ordinance shall be removed by the sign owner,

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property owner, or occupant of the premises within thirty (30) days following mailing of an order to such owner by the Zoning Administrator. It shall be presumed that, unless a sign states the name of the owner of the sign on its structure, that the sign is owned by the owner of the real property where the sign is located.

K. Severance Clause for Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

Section 3.44 House Number Display

The Township Board has determined that the health, safety, and welfare of the residents of Beaver Creek Township would be better served by the establishment of a uniform township-wide street house number display system. Such system will enable police agencies, ambulance services, fire services, public utilities, postal service, Township officials, and other necessary services to more rapidly identify and locate properties within the Township.

A. Purpose.

The purpose of this Ordinance is to establish a system within the Township whereby the addresses of all premises will be identified and to provide rules and guidelines to facilitate enforcement thereof.

B. Definitions.

1. The term "premises" shall mean any lot or parcel of land owned by any person, firm, or corporation, public or private, improved with buildings, whether occupied or not.
2. The term "house number" shall mean the official number assigned that premises by the [Crawford County Sheriff's Office Dispatch Center](#).
3. The term "interested party" shall refer to the emergency services, owner, occupant, building department, public utilities, or any other governmental agency.
4. The term "street or road name" shall refer to any official name as recognized by government authority. No such named street or road shall be changed without the approval of the [Crawford County Road Commission](#) and [Crawford County 911](#) (in consultation with the Township Board).

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C. Standards.

1. All premises shall bear the distinctive street number assigned to that premises by the **Crawford County Sheriff's Office Dispatch Center**.
2. **Address Display on the House.** All houses shall display, upon the front of each dwelling, the distinctive street number assigned to that premise. The number shall be placed in such a position as to be plainly visible to that premise from both directions. Numbers displayed on building fronts shall be block or script style, of a contrasting color to their background, and no less than five (5") inches in height.
3. **Address Display on a Sign.** If a dwelling is more than fifty (50') feet from the street or is not clearly visible from the road, every owner of a premise shall place or display, adjacent to the road on which the property fronts, a sign attached to a fence or post. Said sign shall display distinctive address numbers assigned to that premise. These numbers shall in either block or script style, contrasting to their background, and shall be no less than three (3") inches in height and made of reflective material. The sign must be placed at a height to assure it does not become obscured by winter snows or snow plowing.
4. **Address Display on a Mailbox.** House numbers placed on a mailbox shall be of a contrasting color to their background and shall not be less than one (1") inch in height.
5. Signs required in this Section do not count toward the total allowable signage or sign area shown in **Section 3.43**.

D. Violation.

Failure to display house numbers within sixty (60) days after the adoption of this Ordinance, or in the case of new construction, within thirty (30) days after a letter or certificate of occupancy has been issued, shall be considered a violation of this Ordinance and shall subject such violator to a fee of one hundred (\$100) dollars.

E. Saving Clause.

The provisions of this Section are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Section shall remain in full force and effect.

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Article 4

District Regulations

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Section 4.01 Establishment of Zoning Districts & Zoning Map

A. Establishment of Zoning Districts.

The Township of Beaver Creek is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

RD	Resource Development District
AR	Agricultural Residential District
LDR	Low Density Residential District
MDR	Medium Density Residential District
CSC	Community Service Commercial District
HSC	Highway Service Commercial District
I	Industrial District

B. Changes to Official Zoning Map.

If, in accordance with the procedures of this Ordinance and of the [Michigan Zoning Enabling Act](#),

2006 PA 110, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

C. Authority of Official Zoning Map.

Regardless of the existence of other 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 or the Zoning Administrator, 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 4.02 Zoning District Boundaries

A. Interpretation of District Boundaries.

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

1. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad, or easement shall be construed as following such centerline.
2. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
3. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
4. 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.
5. 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.
6. A boundary indicated as parallel to or an extension of a feature indicated in 1 through 5 above shall be so construed.
7. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

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B. Zoning Of Vacated Areas.

Whenever any street, alley, highway, or public right-of-way within the Township is abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the centerline of such abandoned right-of-way shall remain the district boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

C. Zoning of Fill Areas.

Whenever, after appropriate permits are obtained, fill material is placed so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area.

D. Annexed Areas.

Whenever any area is annexed to Beaver Creek Township, one (1) of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as LDR District until a Zoning Map for said area has been adopted by the Township Board. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the Township Board.

Section 4.03 Application of District Regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare of the Township. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner:

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specified zoning districts or are similar to such listed uses, as

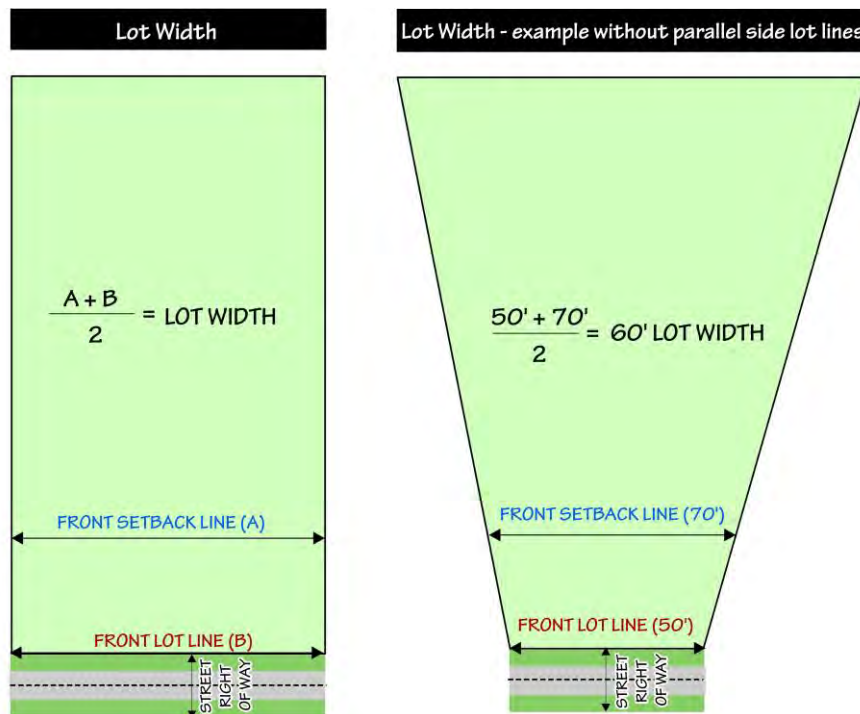
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determined by the Zoning Administrator. Permitted uses are listed in [Table 4.11](#) and in the individual district sections.

2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator, and if required conditions are met. Special Uses are listed in [Table 4.11](#) and in the individual district sections.
3. **Accessory Uses.** Accessory uses are permitted if such uses are clearly incidental to the permitted principal uses or as otherwise specified in this Ordinance.
4. **Uses Not Specifically Listed.** See [Section 3.06](#).

B. Application of Area and Width Regulations.

1. **Area.** The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. **Measuring Lot Width.** Lot width is measured at the two (2) points where the building line (setback) line and front lot line intersect the side lot lines. The average of these two (2) dimensions shall be the lot width.



C. Application of Yard Regulations.

1. All yard setbacks shall be measured from the corresponding lot line to the eave (dripline) of the structure or to a raised structure (i.e. deck or porch).
2. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
3. **Double Frontage Lots.** Where lots have double street frontage, as distinguished from corner lots, the required front yard setback shall be provided on both streets.
4. **Porches, Decks and Patios.**
 - a. **Uncovered Decks and Patios.** All uncovered decks and patios (whether attached to or unattached from the principal building) shall meet the setbacks for the principal building. The Planning Commission has the authority to allow uncovered decks and patios to encroach into the principal building setback by no more than twenty-five (25%) percent.
 - b. **Porches (Open or Enclosed) and Covered Decks and Patios.** All porches (open or enclosed) and covered decks and patios shall comply with the setbacks of the principal building.

D. Height Regulations and Exceptions.

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television, and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind turbines, parapets, and other necessary mechanical appurtenances, provided their location shall conform, where applicable, to other public authorities having jurisdiction and any regulations established by authorized State, County, and Township agencies, or any height regulation contained in this Ordinance for specific uses, and any airport landing pattern restriction.

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Section 4.04 RD - Resource Development District

RD

A. Purpose.

The purpose of this district is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, forests, and other native flora, natural water features including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area. Dwelling units and limited non-residential uses on exceptionally large lots will be provided for. This area will normally remain unserved by public sewer and water systems.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	RD
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes - §7.04	S*
Caterers/Food Service Contractors	S
Coffee Shops	S
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Agricultural Businesses - §7.25	P*
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms - §7.18	PS*
Boarding Stables; Riding Arenas	P
Farming, Commercial	P
Farming, Domestic	P
Farm Market/Roadside stand - sale of product grown on premises - §7.21	P*
Farm Product Sales (Fruit/Vegetable Market) - not grown on premises	S
Forestry (only portable sawmills allowed to cut & dry logs obtained from the property) - §7.24	P*
Forestry Businesses - §7.25	P*
Game Preserves/Hunting Preserves	S
Kennels, Dog (Outdoor) - §7.22	S*
Arts, Entertainment, & Recreation	
Campgrounds	S

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	RD
Arts, Entertainment, & Recreation (continued)	
Clubs for Swimming & Court Games	S
Conservation Areas, Public & Private (to assure the preservation of water, soil, forest, wildlife, minerals & open space) - 20 acre minimum	P
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses	S
Museums & Historic Park	S
Nature Parks/Nature Areas	S
Outdoor Performance Facilities - §7.23	S*
Outdoor Recreational Facilities (related to the natural environment)	S
Parks & Playgrounds	S
Shooting (Firearms) Ranges/Sportsmen's Association	S
Temporary or Transient Amusement Enterprises - §7.08	P*
Water-Related Activity Site	S
Wildlife Preserves	S
Zoos & Animal Tours	S
Commercial, Services & Retail	
Flea Market	S
Funeral Homes & Mortuaries	S
Furniture Refinishing (Upholsterers)& Repair	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	RD
Commercial, Services & Retail (continued)	
Pet Health & Grooming	S
Small-Scale Craft Making	S
Taxidermy Shops	S
Communications	
Wireless Communications Support Structures - §7.13	PS*
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Human Care & Social Assistance	
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home (excluding halfway houses)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Rehabilitation Institutions	S
Residential Human Care Shelter (not in a private residence)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)- §7.10	S*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	RD
Miscellaneous	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Cemeteries including Columbaria & Mausoleums	S
Planned Unit Developments - §7.16	S*
Platted Subdivisions	S
Site Condominium/Condominium Subdivisions - §7.15	S*
Residential Uses	
Accessory Dwelling Units - Guest Houses (not rented/leased out) - §7.03	P*
Accessory Dwelling Units (rented/leased out) - §7.03	S*
Dwelling Units in Conjunction with a Commercial Establishment (only where specified commercial is allowed)	S
Home Occupations - §7.02	P*
Cottage Industries - §7.02	S*
Single-Family Attached Dwelling (Townhouses)	S
Single-Family Detached Dwelling	P
Two-Family Dwelling (Duplex)	S
Transportation, Shipping & Storage	
Aviation Landing Fields including platforms, hangers, masts & other facilities, Aviation Support Services, Heliports	S
Utilities & Energy	
Solar Energy Facility (Utility-Scale) - §7.11	S*
Wind Turbines (On-Site) - §7.12	P*

C. Resource Development (RD) District Development Standards.

1. Lot & Structure Standards

a. Lot Area	20 acres 2 acres for single-family dwellings (site shall be able to accommodate on-site septic tanks and wells approved by the Health Department)
b. Lot Width (min.)	200 ft at the required building setback line
c. Building Height (max.)	35 ft (25 ft for buildings accessory to dwellings)
d. Dwelling Unit Size (min.)	720 sq ft for first floor of single-family dwelling Single-family dwellings shall have a minimum width across any front, side, or rear elevation of 20 ft
e. Lot Coverage (max.)	20%

2. Setbacks

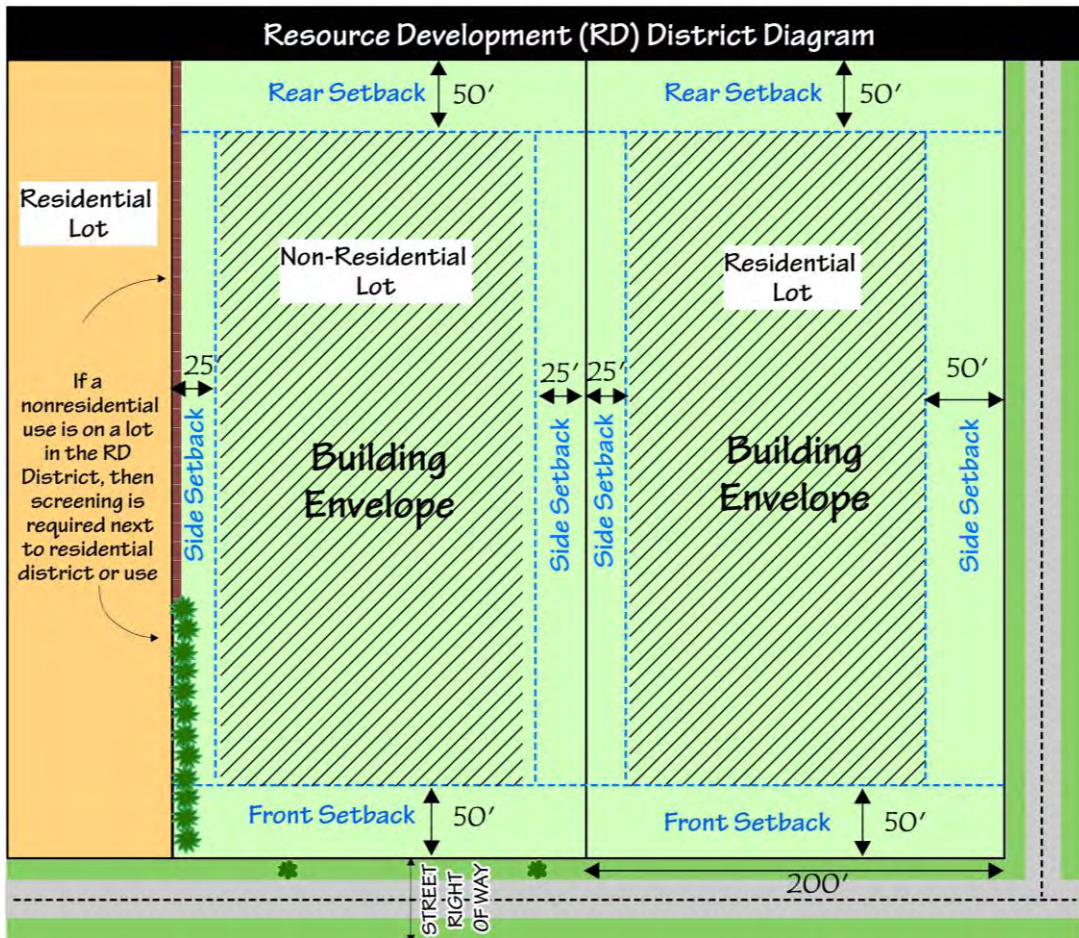
(Figure 4.04)

a. Front (min.)	50 ft from the road right-of-way line
b. Side (min.)	25 ft interior side; 50 ft where the side yard abuts a road right-of-way
c. Rear (min.)	50 ft

3. Additional Development Standards

a. Access	See §3.16
b. Accessory Buildings	See §3.18
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
d. Fences	See §3.32
e. Signs	See §3.43
f. Parking	See §3.37
g. Private Residential Pools	See §3.19
h. Dwelling Standards	See §7.26
i. Additional Permitted Accessory Uses	<p>(1) Buildings and structures customarily incidental to the operation of a principal use permitted in this District.</p> <p>(2) Forest or farm vehicle and implement repair and maintenance in conjunction with forestry or farming or other principal forestry or agricultural use located on the same parcel.</p> <p>(3) Herbicide, insecticide, and fertilizer sales and application in conjunction with forestry or farming or other principal forestry or agricultural use located on the same parcel.</p> <p>(4) Temporary storage of forestry or agricultural products in conjunction with forestry and farming existing and located on the same parcel.</p> <p>(5) Sales of seed and other product sales in conjunction with forestry or farming or other principal forestry or agricultural use located on the same parcel.</p>

Figure 4.04



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.05 AR - Agricultural Residential District

AR

A. Purpose.

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, forest, or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, forest, natural resource, and other extensive land uses.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	AR
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes - §7.04	S*
Caterers/Food Service Contractors	S
Coffee Shops	S
Commercial Event Facilities - §7.23	S*
Microbreweries, Distilleries, Wineries, & Cider Mills (serving directly to the public)	S
Resorts	S
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Agricultural Businesses - §7.25	P*
Agricultural Product Processing & Storage Facilities	S
Agricultural Tourism Businesses (on Farms)	S
Biofuel Production Facilities on Farms - §7.18	PS*
Boarding Stables; Riding Arenas	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers	S
Farming, Commercial	P
Farming, Domestic	P
Farm Market/Roadside stand - sale of product grown on premises - §7.21	P*
Farm Product Sales (Fruit/Vegetable Market) - not grown on premises	S
Forestry Businesses - §7.25	P*

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	AR
Agriculture, Animal Services & Forest Products (continued)	
Forestry (only portable sawmills allowed to cut and dry logs obtained from the property) - §7.24	P*
Game Preserves/Hunting Preserves	S
Greenhouses; Plant Nurseries with Retail Sales	P
Kennels, Dog (Outdoor) - §7.22	S*
Landscaping Establishments	S
Veterinary Clinic/Animal Hospital	S
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Outdoor	S
Archery Ranges (& as accessory use), Indoor	S
Art Galleries & Art Studios	S
Campgrounds	S
Clubs for Swimming & Court Games	S
Conservation Areas, Public & Private (to assure the preservation of water, soil, forest, wildlife, minerals & open space)	P
Country Clubs	P
Equipment Rental, Non-Motorized (Outfitter)	S
Golf Courses	P
Golf Driving Ranges	S
Golf, Miniature	S
Museums & Historic Park	S
Nature Parks/Nature Areas	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	AR
Arts, Entertainment & Recreation (continued)	
Outdoor Performance Facilities - §7.23	S*
Outdoor Recreational Facilities (related to the natural environment)	S
Parks & Playgrounds	P
Shooting (Firearms) Ranges/Sportsmen's Association	S
Temporary or Transient Amusement Enterprises - §7.08	P*
Wildlife Preserves	P
Zoos & Animal Tours	S
Commercial, Services & Retail	
Farm Machinery Sales, Service, Rental & Repair	S
Flea Market	S
Funeral Homes & Mortuaries	S
Furniture Refinishing (Upholsterers) & Repair	S
Pet Health & Grooming	S
Small-Scale Craft Making	S
Studios for dance, physical exercise & music	S
Taxidermy Shops	S
Communications	
Wireless Communications Support Structures - §7.13	PS*
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S
Schools & Other Educational Buildings	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) (includes in-home facilities)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	AR
Human Care & Social Assistance (continued)	
Assisted Living Home/Nursing Home/Convalescent Home (excluding halfway houses)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Rehabilitation Institutions	S
Residential Human Care Shelter (not in a private residence)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.10	S*
Miscellaneous	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Cemeteries including Columbaria & Mausoleums	S
Planned Unit Developments - §7.16	S*
Platted Subdivisions	S
Site Condominium/Condominium Subdivisions - §7.15	S*
Residential Uses	
Accessory Dwelling Units - Guest Houses (not rented/leased out) - §7.03	P*
Accessory Dwelling Units (rented/leased out) - §7.03	S*
Dwelling Units in Conjunction with a Commercial Establishment (only where specified commercial is allowed)	S
Home Occupations §7.02	P*
Cottage Industries §7.02	S*
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) - §7.07	S*
Single-Family Attached Dwelling (Townhouses)	S
Single-Family Detached Dwelling	P
Two-Family Dwelling (Duplex)	S
Transportation, Shipping & Storage	
Aviation Landing Fields including platforms, hangers, masts & other facilities, Aviation Support Services, Heliports	S
Utilities & Energy	
Solar Energy Facility (Utility-Scale) - §7.11	S*
Wind Turbines (On-Site) - §7.12	P*

C. Agricultural Residential (AR) District Development Standards.

1. Lot & Structure Standards

a. Lot Area	20 acres 2 acres for single-family dwellings
b. Lot Width (min.)	Residential Lots: 200 ft at the required building setback line Non-Residential Lots: 600 ft at the required building setback line
c. Building Height (max.)	35 ft (25 ft for buildings accessory to dwellings)
d. Dwelling Unit Size (min.)	720 sq ft for first floor of single-family dwelling Single-family dwellings shall have a minimum width across any front, side, or rear elevation of 20 ft
e. Lot Coverage (max.)	20%

2. Setbacks

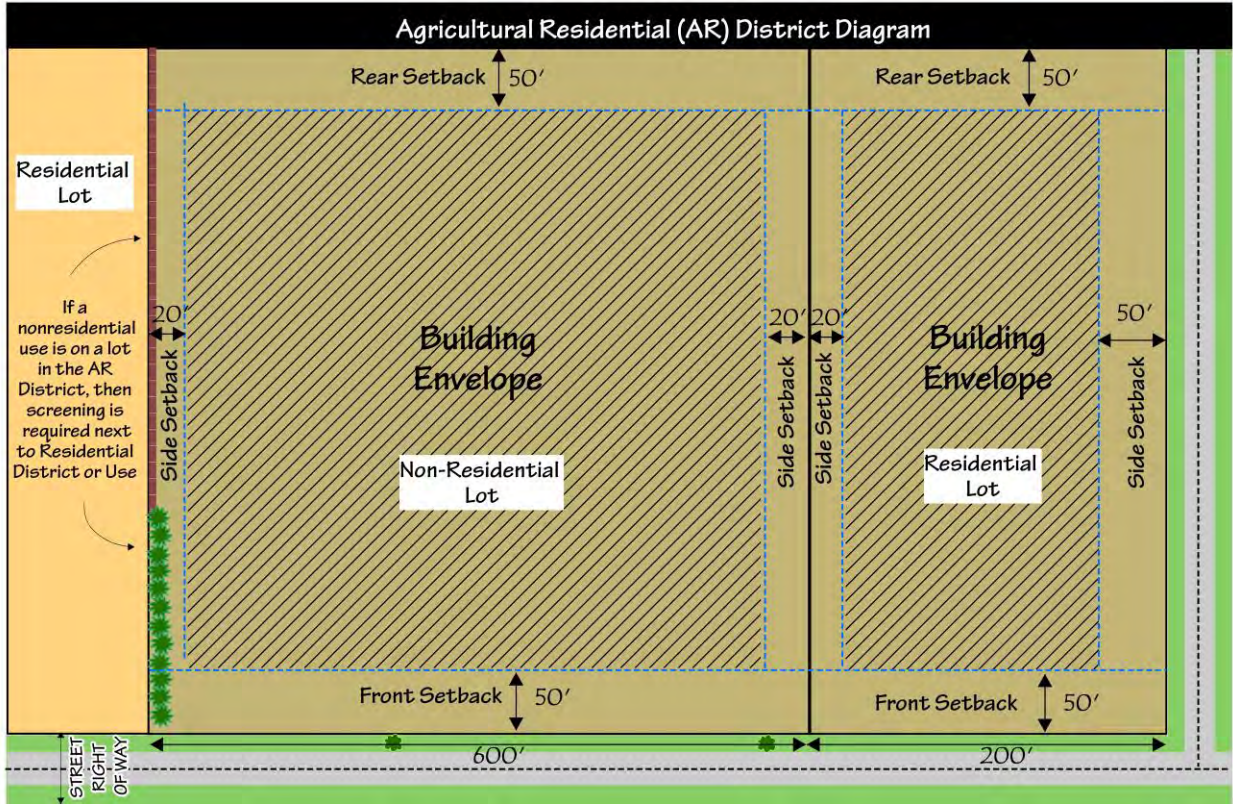
(Figure 4.05)

a. Front (min.)	50 ft from the road right-of-way line
b. Side (min.)	20 ft interior side; 50 ft where the side yard abuts a road right-of-way
c. Rear (min.)	50 ft

3. Additional Development Standards

a. Access	See §3.16
b. Accessory Buildings	See §3.18
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
d. Fences	See §3.32
e. Signs	See §3.43
f. Parking	See §3.37
g. Private Residential Pools	See §3.19
h. Dwelling Standards	See §7.26
i. Additional Permitted Accessory Uses	(1) Buildings and structures customarily incidental to the operation of a principal forestry and agricultural or other use permitted in the AR District. (2) Forest and farm implement and vehicle repair and maintenance. (3) Herbicide, insecticide, and fertilizer sales and application. (4) Greenhouses and nurseries. (5) Storage facilities.

Figure 4.05



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.06 LDR - Low Density Residential District

LDR

A. Purpose.

The purpose of this Low Density Residential Zoning District is to provide for single-family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of, and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	LDR
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes - §7.04	S*
Caterers/Food Service Contractors	S
Coffee Shops	S
Commercial Event Facilities - §7.23	S*
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Farms, Existing	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Country Clubs	S
Golf Courses	S
Museums & Historic Park	S
Nature Parks/Nature Areas	S
Parks & Playgrounds	S
Commercial, Services & Retail	
Pet Health & Grooming	S
Studios for Dance, Physical Exercise & Music	S
Communications	
Wireless Communications Support Structures - §7.13	PS*

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	LDR
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S
Schools & Other Educational Buildings	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) (includes in-home facilities)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	LDR
<i>Human Care & Social Assistance (continued)</i>	
Assisted Living Home/Nursing Home/Convalescent Home (excluding halfway houses)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
<i>Manufacturing, Mining & Waste Management</i>	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.10	S*
<i>Miscellaneous</i>	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Planned Unit Developments - §7.16	S*
Platted Subdivisions	S
Site Condominium/Condominium Subdivisions - §7.15	S*
<i>Public Facilities</i>	
Community Buildings	P
Government Offices (including service buildings & structures)	P
Libraries	P
Other Publicly-Owned & Civic Buildings	P
Police/Fire Stations	P
Post Office	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	LDR
<i>Residential Uses</i>	
Accessory Dwelling Units - Guest Houses (not rented/leased out) - §7.03	P*
Accessory Dwelling Units (rented/leased out) - §7.03	S*
Dwelling Units in Conjunction with a Commercial Establishment (only where specified commercial is allowed)	S
Home Occupations - §7.02	P*
Cottage Industries - §7.02	S*
Single-Family Attached Dwelling (Townhouses)	S
Single-Family Detached Dwelling	P
Two-Family Dwelling (Duplex)	S
<i>Utilities & Energy</i>	
Wind Turbines (On-Site) - §7.12	P*

C. Low Density Residential (LDR) District Development Standards.

1. Lot & Structure Standards

a. Lot Area (min)	(1) One (1) acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the Health Department, except as otherwise provided in the ordinance for other uses (2) 20,000 sq ft for single-family residential lot with public or common sewer and water, except as otherwise provided in this Ordinance for other uses
b. Lot Width (min.)	150 ft at the setback line for (1) above 100 ft at the setback line for (2) above
c. Building Height (max.)	35 ft 25 ft for buildings accessory to dwellings
d. Dwelling Unit Size (min.)	720 sq ft for first floor of single-family dwelling Single-family dwellings shall have a minimum width across any front, side, or rear elevation of 20 ft
e. Lot Coverage (max.)	30%

2. Setbacks

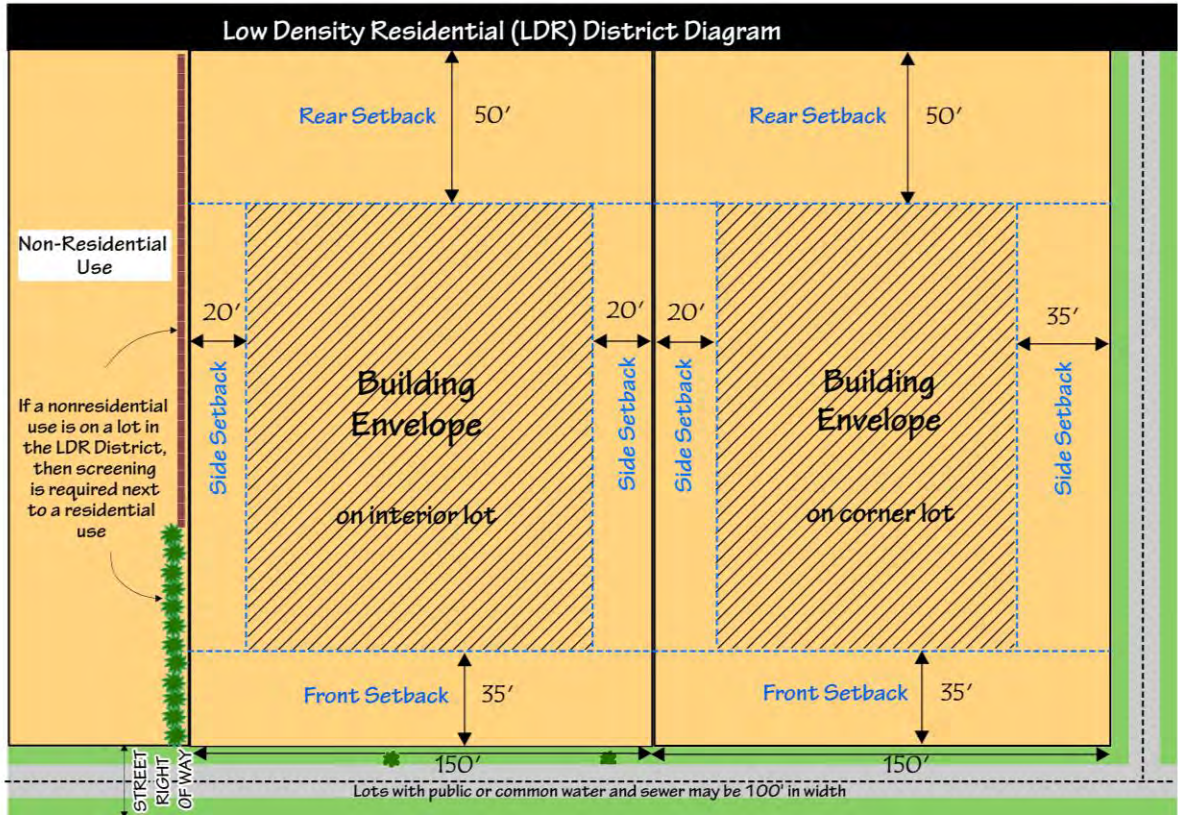
(Figure 4.06)

a. Front (min.)	35 ft from the road right-of-way line
b. Side (min.)	20 ft interior side; 35 ft where the side yard abuts a road right-of-way
c. Rear (min.)	50 ft
d. Waterfront Lots (min.)	Waterfront Setback: 50 ft Roadside Setback: 35 ft Side Yard Setback: 20 ft interior side; 35 ft where the side yard abuts a road right-of-way

3. Additional Development Standards

a. Access	See §3.16
b. Dwelling Standards	See §7.26
c. Accessory Buildings	See §3.18
d. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
e. Fences	See §3.32
f. Signs	See §3.43
g. Private Residential Pools	See §3.19
h. Parking	See §3.37

Figure 4.06



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.07 MDR - Medium Density Residential District

MDR

A. Purpose.

It is the purpose of the Medium Density Residential District to provide for single-family residential uses at reasonable densities. It is further the purpose to require lot areas large enough to protect groundwater from pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to surface water bodies and in inland areas where groundwater needs to be protected because of on-site or off-site human use.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in **Section 4.11: Full Table of Permitted and Special Uses**) and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Use Approval**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	MDR
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes - §7.04	S*
Caterers/Food Service Contractors	S
Coffee Shops	S
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Farms, Existing	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Country Clubs	S
Golf Courses	S
Museums & Historic Park	S
Nature Parks/Nature Areas	S
Parks & Playgrounds	S
Communications	
Wireless Communications Support Structures - §7.13	PS*
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	S
Schools & other Educational Buildings	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) (includes in-home facilities)	S

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	MDR
Human Care & Social Assistance (continued)	
Adult Foster Care Family Homes (6 or less adults)	P
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)- §7.10	S*
Miscellaneous	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Planned Unit Developments - §7.16	S*
Platted Subdivisions	S
Site Condominium/Condominium Subdivisions - §7.15	S*
Public Facilities	
Community Buildings	P
Government Offices (including service buildings & structures)	P
Libraries	P
Other Publicly-Owned & Civic Buildings	P
Police/Fire Stations	P
Post Office	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	MDR
Residential Uses	
Accessory Dwelling Units - Guest Houses (not rented/leased out) - §7.03	P*
Accessory Dwelling Units (rented/leased out) - §7.03	S*
Dwelling Units in Conjunction with a Commercial Establishment (only where specified commercial is allowed)	S
Home Occupations - §7.02	P*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	MDR
Residential Uses (continued)	
Cottage Industries - §7.02	S*
Single-Family Attached Dwelling (Townhouses)	S
Single-Family Detached Dwelling	P
Multiple-Family Dwelling Units	S
Two-Family Dwelling (Duplex)	S
Utilities & Energy	
Wind Turbines (On-Site) - §7.12	P*

C. Medium Density Residential (MDR) District Development Standards.

1. Lot & Structure Standards

a. Lot Area (min)	(1) 20,000 sq ft, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the Health Department, except as otherwise provided in the ordinance for other uses (2) 10,000 sq ft with public or common sewer and water, except as otherwise provided in this Ordinance for other uses
b. Lot Width (min.)	100 ft at the setback line for (1) above 80 ft at the setback line for (2) above
c. Building Height (max.)	35 ft (25 ft for buildings accessory to dwellings)
d. Dwelling Unit Size (min.)	720 sq ft for first floor of single-family dwelling; Single-family dwellings shall have a minimum width across any front, side, or rear elevation of 20 ft
e. Lot Coverage (max.)	30%

2. Setbacks

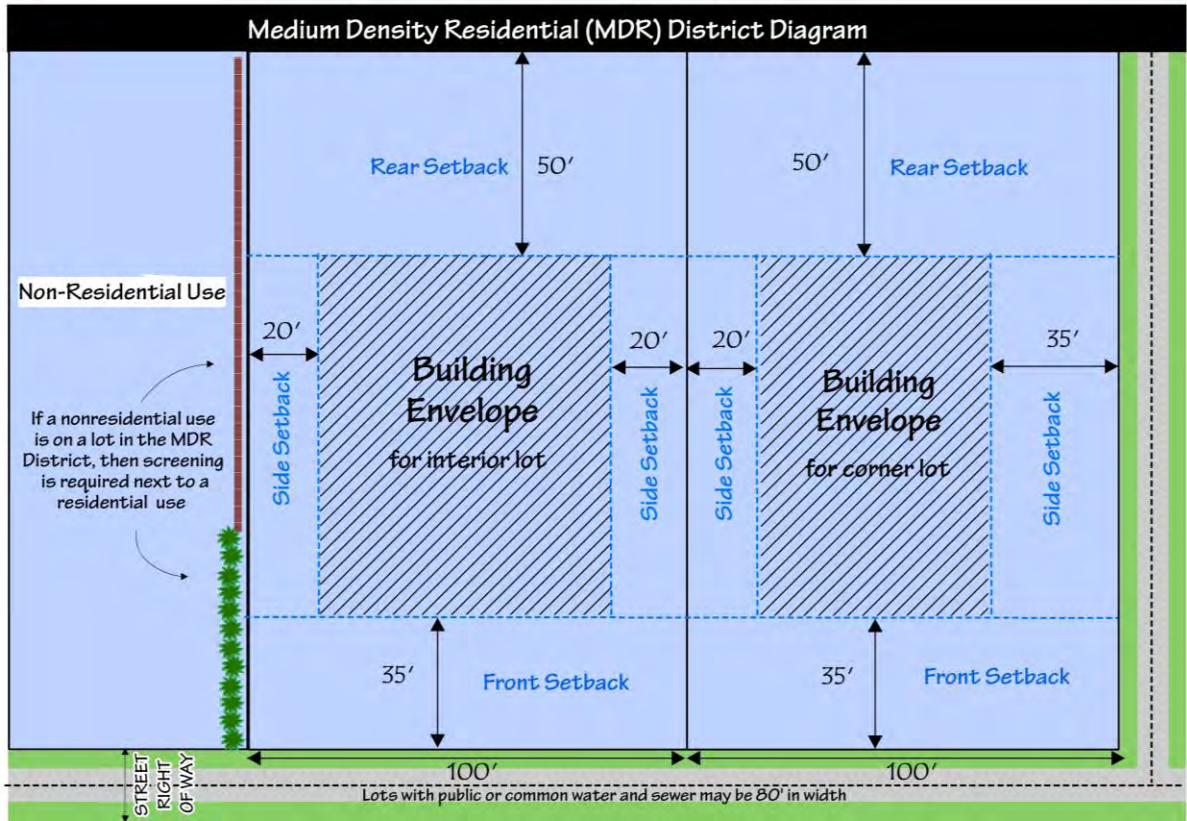
(Figure 4.07)

a. Front (min.)	35 ft from the road right-of-way line
b. Side (min.)	20 ft interior side; 35 ft where the side yard abuts a road right-of-way
c. Rear (min.)	50 ft

3. Additional Development Standards

a. Access	See §3.16
b. Dwelling Standards	See §7.26
c. Accessory Buildings	See §3.18
d. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
e. Fences	See §3.32
f. Signs	See §3.43
g. Private Residential Pools	See §3.19
i. Parking	See §3.37

Figure 4.07



Section 4.08 CSC - Community Service Commercial District

A. Purpose.

CSC

This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of several neighborhoods and the owners, employees, guests, and customers of office, other commercial, industrial, forestry, and agricultural uses and activities.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	CSC
Accommodation & Food/Event Services	
Bakeries & Confectioneries	P
Bed & Breakfasts & Tourist Homes - §7.04	P*
Cabin Courts or Cabin Complex	S
Caterers/Food Service Contractors	P
Coffee Shops	P
Commercial Event Facilities - §7.23	S*
Food Trucks - §7.20	P*
Hotels & Motels	P
Inns	P
Microbreweries, Distilleries, Wineries, & Cider Mills (serving directly to the public)	P
Restaurants/Bars (without drive-through/drive-in)	P
Restaurants (with drive-through/drive-in)	P
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Animal Shelter/Rescue Shelter	S
Farm Product Sales (Fruit/Vegetable Market) - not grown on premises	P
Farm & Feed Stores	P
Firewood Sales & Processing (Large Scale) - does not include small bundles of firewood	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	CSC
Agriculture, Animal Services & Forest Products (continued)	
Greenhouses; Plant Nurseries with Retail Sales	P
Kennels, Dog (Indoor only)	P
Landscaping Establishments	P
Veterinary Clinic/Animal Hospital	P
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation; Billiards Hall; Bowling Alley	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries & Art Studios	P
Athletic Clubs; Recreation Centers	P
Bike Shops	P
Clubs, Private; Lodges; Fraternal Organizations	P
Clubs for Swimming & Court Games	P
Country Clubs	P
Equipment Rental, Motorized	S
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Driving Ranges	P
Golf, Miniature	P
Museums & Historic Park	S
Outdoor Performance Facilities - §7.23	S*
RV Parks	S
Skating Rinks, ice or non-ice (indoor)	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	CSC
Arts, Entertainment & Recreation (continued)	
Temporary or Transient Amusement Enterprises - §7.08	P*
Theaters/Performing Arts Facilities	P
Tours (commercial operations)	P
Commercial, Services & Retail	
Auto Repair; Auto Body/Paint/Interior & Glass	P
Automotive Oil Change	P
Automotive Tire Sales & Installation	P
Banks/Financial Institutions	P
Boat/RV/Recreational Equip. Repair & Storage	P
Funeral Homes & Mortuaries	P
Gas Stations - §7.09	P*
Health Spa (Humans)	S
Offices, Professional	P
Personal Services (Barber/Beauty Shops, Tailoring, Shoe Repair)	P
Pet Health & Grooming	P
Photofinishing/Photographers	P
Retail Sales (when conducted within a completely enclosed building) EXCEPT: Home Improvement Centers (lumber stored in enclosed structure) or Shopping Centers, Planned (for group or 2 or more permitted uses)	P
Service & Repair Shops; Small Engine Repair	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise & Music	P
Taxidermy Shops	P
Communications	
Wireless Communications Support Structures - §7.13	PS*
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Religious Institutions & Customary Accessory Uses	P
Schools & other Educational Buildings	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	CSC
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) (includes in-home facilities)	P
Adult Day Care Facility (greater than 6 adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home (excluding halfway houses)	S
Child Care Center/Nursery School (not in home)	P
Health Care/Dental Clinics/Opticians	P
Rehabilitation Institutions	S
Residential Human Care Shelter (not in a private residence)	S
Manufacturing, Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.10	S*
Miscellaneous	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Planned Unit Developments - §7.16	S*
Public Facilities	
Community Buildings	P
Government Offices (including service buildings & structures)	P
Libraries	P
Other Publicly-Owned & Civic Buildings	P
Police/Fire Stations	P
Post Office	P
Residential Uses	
Dwelling Units in Conjunction with a Commercial Establishment	S
Home Occupations (for existing homes only) §7.02	P*
Cottage Industries (for existing homes only) §7.02	S*
Transportation, Shipping & Storage	
Warehousing & Storage	P
Utilities & Energy	
Wind Turbines (On-Site) - §7.12	P*

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Use Approval

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

C. Community Service Commercial (CSC) District Development Standards.

1. Lot & Structure Standards

a. Lot Area (min)	(1) One (1) acre (2) 10,000 sq ft if lot is served by a public or common water supply system and public wastewater sewerage and treatment system
b. Lot Width (min.)	150 ft at the setback line for (1) above 80 ft at the setback line for (2) above
c. Building Height (max.)	25 ft Planning Commission may allow non-residential buildings to exceed maximum height
d. Lot Coverage (max.)	50%

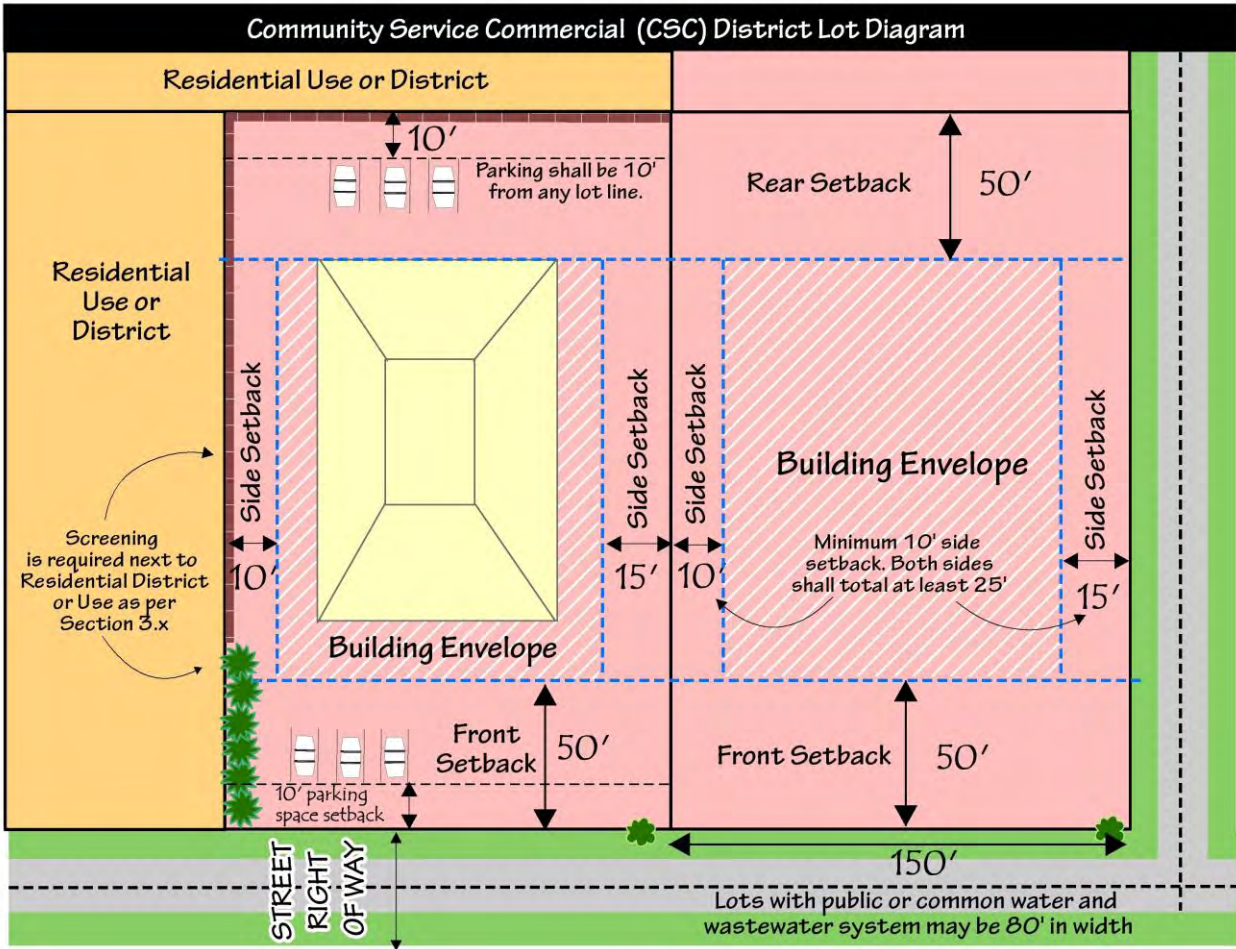
2. Setbacks (Figure 4.08)

a. Front (min.)	50 ft from the road right-of-way line
b. Side (min.)	10 ft for 1 side yard, but a total of 25 ft for both
c. Rear (min.)	50 ft

3. Additional Development Standards

a. Access	See §3.16
b. Accessory Buildings	See §3.18
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
d. Fences	See §3.32
e. Signs	See §3.43
f. Outdoor Storage	The outdoor storage of goods, materials, trash, or garbage is not permitted, except provided in Section 3.34 Solid Waste Receptacle Areas
g. Parking	See §3.37

Figure 4.08



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.09 HSC - Highway Service Commercial District

HSC

A. Purpose.

The "HSC" Highway Service Commercial District is designed to provide for servicing the needs of highway traffic at the major interchange or intersection areas of public roads and highways facilities. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at major interchange and intersection areas and on the highways, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of the district.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	HSC
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes - §7.04	P*
Cabin Courts or Cabin Complex	S
Caterers/Food Service Contractors	P
Coffee Shops	P
Commercial Event Facilities - §7.23	S*
Food Trucks - §7.20	P*
Hotels & Motels	P
Inns	P
Microbreweries, Distilleries, Wineries, & Cider Mills (serving directly to the public)	P
Restaurants/Bars (without drive-through/drive-in)	P
Restaurants (with drive-through/drive-in)	P
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Animal Shelter/Rescue Shelter	S
Farm Product Sales (Fruit/Vegetable Market) - not grown on premises	P
Farm & Feed Stores	P
Firewood Sales & Processing (Large Scale) - does not include small bundles of firewood	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	HSC
Agriculture, Animal Services & Forest Products (continued)	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	P
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor	P
Art Galleries & Art Studios	P
Athletic Clubs; Recreation Centers	P
Bike Shops	P
Clubs, Private; Lodges; Fraternal Organizations	P
Clubs for Swimming & Court Games	P
Equipment Rental, Motorized	S
Equipment Rental, Non-Motorized (Outfitter)	P
Golf Driving Ranges	P
Golf, Miniature	P
Museums & Historic Park	S
Skating Rinks, ice or non-ice (indoor)	P
Temporary or Transient Amusement Enterprises - §7.08	P*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	HSC
Commercial, Services & Retail	
Auto Repair; Auto Body/Paint/Interior & Glass	P
Automotive Oil Change	P
Automotive Tire Sales & Installation	P
Automobile Towing Businesses	P
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services	P
Car Washes	P
Cash Advance Stores	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Farm Machinery Sales, Service, Rental & Repair	P
Film Production Facilities & Recording Studios (including sound stages & other related activities)	P
Flea Market	P
Furniture Refinishing (Upholsterers) & Repair	P
Gas Stations - §7.09	P*
General Rental Centers	P
Health Spa (Humans)	S
Interior Designers/Showrooms	P
Laundromats & Dry Cleaning & Services	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured Home Dealers	P
Movie Rental Stores	P
Office Developments	P
Offices, Professional	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment & Similar Products	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	HSC
Commercial, Services & Retail (continued)	
Pawn Shops	S
Personal Services (Barber/Beauty Shops, Tailoring, Shoe Repair)	P
Pet Health & Grooming	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Retail Sales (when conducted within a completely enclosed building)	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Shopping Centers, Planned (for group or 2 or more permitted uses)	P
Seasonal Sales/Transient Sales	P
Service & Repair Shops; Small Engine Repair	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise & Music	P
Taxidermy Shops	P
Wholesale Businesses	P
Communications	
Wireless Communications Support Structures - §7.13	PS*
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Business Schools/Institutions of Specialized Learning	P
Colleges/Universities	P
Schools & Other Educational Buildings	P
Trade & Industrial Schools	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults) (includes in-home facilities)	P
Adult Day Care Facility (greater than 6 adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	HSC
<i>Human Care & Social Assistance (continued)</i>	
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home (excluding halfway houses)	S
Child Care Center/Nursery School (not in home)	P
Child Caring Institution	S
Health Care/Dental Clinics/Opticians	P
Hospitals/Sanitariums	S
Institutions of Philanthropic & Charitable Nature	P
Rehabilitation Institutions	S
Residential Human Care Shelter (not in a private residence)	S
<i>Manufacturing, Mining & Waste Management</i>	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.10	S*
Waste Hauler	S
<i>Miscellaneous</i>	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Planned Unit Developments - §7.16	S*

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	HSC
<i>Public Facilities</i>	
Correctional Facilities	S
<i>Residential Uses</i>	
Dwelling Units in Conjunction with a Commercial Establishment	S
<i>Transportation, Shipping & Storage</i>	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	S
Distribution Centers/Truck & Rail Freight Terminals/Trucking Facilities/Shipping Facilities	S
Self-Storage Facilities/Mini-Storage	P
Transit Facilities (ground)	P
Truck Repair	P
Truck Washes	P
Warehousing & Storage	S
<i>Utilities & Energy</i>	
Propane Distributor/Propane Supply Facilities/Other Fuel Sales & Storage	S
Public Utility Facilities (with or without storage yards)	P
Wind Turbines (On-Site) - §7.12	P*

C. Highway Service Commercial (HSC) District Development Standards.

1. Lot & Structure Standards

a. Lot Area (min.)	(1) One (1) acre (2) 10,000 sq ft if lot is served by a public or common water supply system and public wastewater sewerage and treatment system
b. Lot Width (min.)	150 ft at the setback line for (1) above 80 ft at the setback line for (2) above
c. Building Height (max.)	35 ft
d. Lot Coverage (max.)	75%

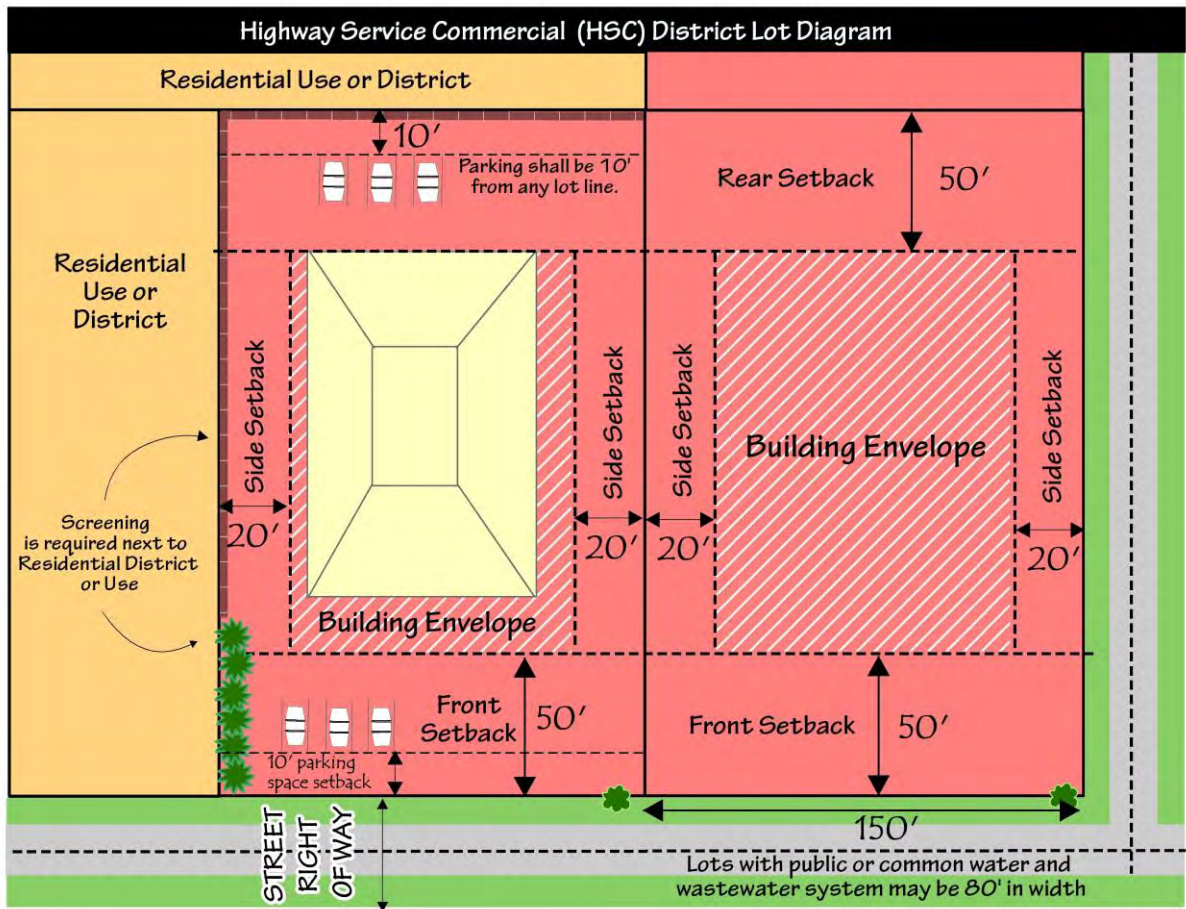
2. Setbacks (Figure 4.09)

a. Front (min.)	50 ft from the road right-of-way line, including the area for the frontage access road.
b. Side (min.)	20 ft for each side yard
c. Rear (min.)	50 ft

3. Additional Development Standards

a. Access	See §3.16
b. Accessory Buildings	See §3.18
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
d. Fences	See §3.32
e. Signs	See §3.43
f. Outdoor Storage	The outdoor storage of goods, materials, trash, or garbage is not permitted, except provided in Section 3.34 Solid Waste Receptacle Areas
g. Parking	See §3.37
h. Barriers	All developments shall be physically separated from public streets by a curb and planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress except by approved access ways

Figure 4.09



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.10 I - Industrial District

I

A. Purpose.

It is the intent of this district to provide for the development of sites for industrial plants for the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance, or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation, or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

B. Uses Allowed.

Permitted and Special Uses shall be limited to those listed in the tables below (also in [Section 4.11: Full Table of Permitted and Special Uses](#)) and shall be subject to all applicable provisions of [Article 5: Site Plans and Plot Plans](#), [Article 6: Special Use Approval](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i>	I
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Accommodation & Food/Event Services	
Food Trucks - §7.20	P*
Hotels & Motels	P
Microbreweries, Distilleries, Wineries, & Cider Mills (serving directly to the public)	P
Restaurants/Bars (without drive-through/drive-in)	P
Restaurants (with drive-through/drive-in)	P
Rooming Houses/Boarding Houses/Short Term Rental Homes	S
Agriculture, Animal Services & Forest Products	
Agricultural Product Processing & Storage Facilities	P
Animal Sales Yards/Auctions for Livestock	S
Firewood Sales & Processing (Large Scale) - does not include small bundles of firewood	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	P
Grain & Livestock Truck & Cartage Facilities	S
Grain Elevators	S
Herbicide, Insecticide & Fertilizer Sales & Application	S

TABLE OF PERMITTED USES & SPECIAL USES	
<i>P = Permitted by right</i>	I
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
Agriculture, Animal Services & Forest Products (continued)	
Landscaping Establishments	P
Slaughter Houses	S
Arts, Entertainment & Recreation	
Athletic Clubs; Recreation Centers	P
Equipment Rental, Motorized	P
Museums & Historic Park	S
Temporary or Transient Amusement Enterprises - §7.08	P*
Commercial, Services & Retail	
Auto Repair; Auto Body/Paint/Interior & Glass	P
Automobile Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services	P
Car Washes	P
Commercial Equipment Repair & Maintenance	P
Crematoriums	S

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Use Approval	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Beaver Creek Township Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I
Commercial, Services & Retail	
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Farm Machinery Sales, Service, Rental & Repair	P
Film Production Facilities & Recording Studios (including sound stages & other related activities)	P
General Rental Centers	P
Medical Laboratories	S
Sexually Oriented Businesses - §7.17	S*
Truck & Heavy Equipment Sales & Service	S
Wholesale Businesses	P
Communications	
Television/Radio Broadcasting Stations (with tower)	S
Wireless Communications Support Structures - §7.13	PS*
Construction & Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S
Educational Services & Religion	
Trade & Industrial Schools	P
Manufacturing, Mining & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those industries in which the modes of operation of the industry <u>have no</u> external effects and <u>do not</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those industries in which the modes of operation of the industry <u>do have</u> external effects and <u>may</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	S

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I
Manufacturing, Mining & Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, etc.)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Cold Storage Plants	P
Food Hub Facility/Food Incubator Facility	P
Incinerator Plant (both non-pyrolysis type & gasification)	S
Industrial Parks (planned)	S
Junkyards/salvage yards/scrap yards/motor vehicle impoundment & wrecking yards - §7.05	S*
Laboratories (research & development)	S
Machine Shops	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.10	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Printing, Lithographic & Blueprinting; Publishing	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection/Conversion of Waste Materials	S
Research/Design/Experimental Product Development	P
Sign Painting	P
Smelting Industries	S
Tool & Die Shops	S
Waste Hauler	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*
Residential Uses	
Dwelling Units in Conjunction with a Commercial Establishment	S
Transportation, Shipping & Storage	
Container Hauler	P
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Distribution Centers/Truck & Rail Freight Terminals/Trucking Facilities/Shipping Facilities	P
Self-Storage Facilities/Mini-Storage	P

TABLE OF PERMITTED USES & SPECIAL USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	I
Transportation, Shipping & Storage (continued)	
Truck Repair	P
Truck Washes	P
Warehousing & Storage	P
Utilities & Energy	
Heating & Electric Power Generating Plants	S
Propane Distributor/Propane Supply Facilities/Other Fuel Sales & Storage	S
Public Utility Facilities (with or w/o storage yards)	P
Wind Turbines (On-Site) - §7.12	P*

C. Industrial (I) District Development Standards.

1. Lot & Structure Standards

a. Lot Area (min)	(1) Two (2) acres (2) 40,000 sq ft if lot is served by a public or common water supply system and public wastewater sewerage and treatment system
b. Lot Width (min.)	200 ft at the setback line for (1) above 120 ft at the setback line for (2) above
c. Building Height (max.)	40 ft
d. Lot Coverage (max.)	50%

2. Setbacks

(Figure 4.10)

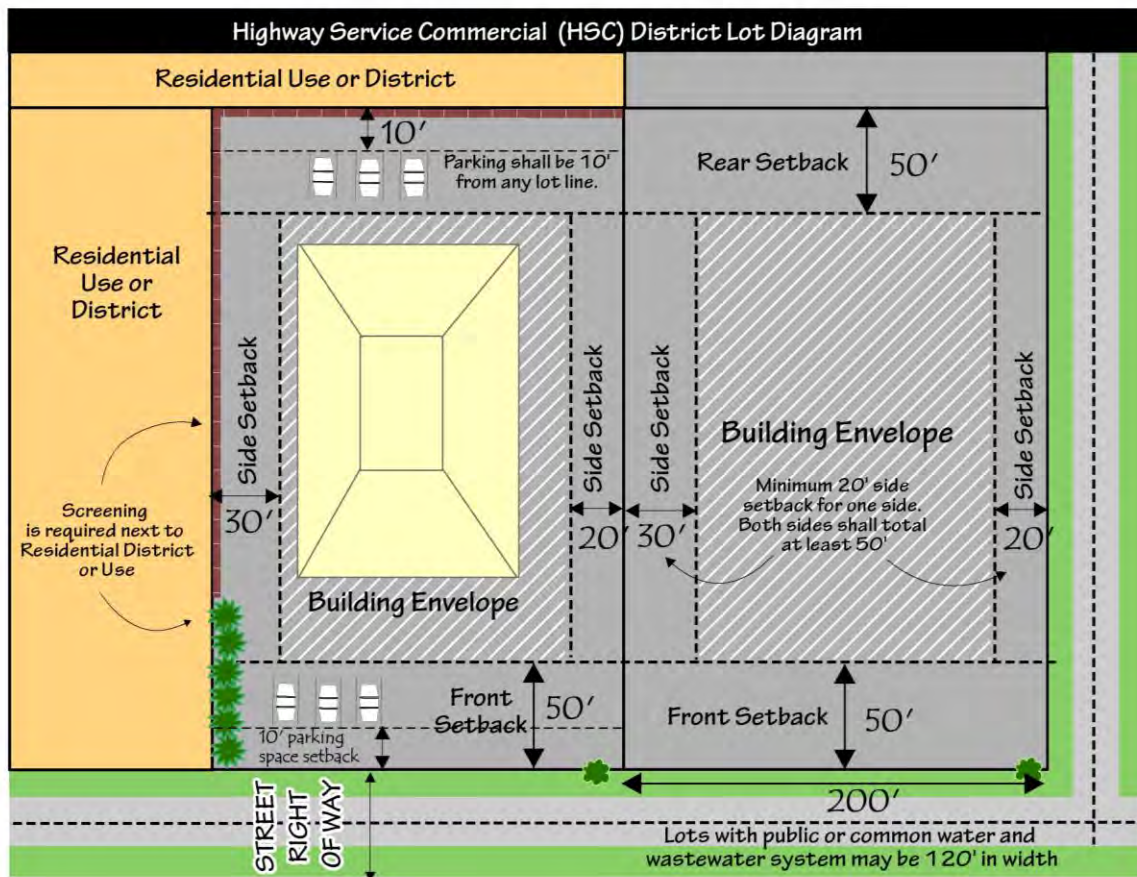
a. Front (min.)	50 ft from the road right-of-way line
b. Side (min.)	20 ft for 1 side yard, but a total of 50 ft for both side yards
c. Rear (min.)	50 ft

3. Additional Development Standards

a. Access	See §3.16
b. Accessory Buildings	See §3.18
c. Screening	When a non-residential use abuts a residential use or district, screening is required per §3.33
d. Fences	See §3.32
e. Signs	See §3.43
f. Outdoor Storage	The outdoor storage of goods, materials, trash or garbage is not permitted, except provided in Section 3.34 Solid Waste Receptacle Areas
g. Parking	See §3.37
h. Toxic Waste Disposal	All toxic wastes shall be disposed of in accordance with all State or Federal laws, rules, and regulations governing the disposal of specific toxic substances.
i. Accessory Uses	The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the

	principal use is located:
	(1) Banking
	(2) Caretakers' quarters
	(3) Customary home occupations in existing single-family homes
	(4) Education, library, and training facilities
	(5) Medical and health care facilities
	(6) Normal accessory uses to all Permitted Principal Uses
	(7) Office facilities
	(8) Recreation and physical fitness facilities
	(9) Research and experimentation facilities
	(10) Restaurants
	(11) Sales display facilities and areas
	(12) Truck and equipment service, maintenance, repair, and storage facilities
	(13) Warehouse and storage facilities
	(14) Work clothing sales and service facilities

Figure 4.10



Section 4.11 Full Table of Permitted & Special Uses

Uses permitted in Beaver Creek Township are listed in the following table. Uses denoted with a “P” are permitted by right with the appropriate zoning permit. Uses denoted with an “S” are Special Uses. If a use’s cell within the table is empty in a particular column, then the use is not permitted in that particular district. Uses denoted with an asterisk “*” have supplemental regulations found in [Article 7](#). The district columns use the same colors found on the zoning map for ease of reference (shown in the diagram below).

Beaver Creek Township Zoning Districts	
RD	Resource Development District
AR	Agricultural Residential District
LDR	Low Density Residential District
MDR	Medium Density Residential District
CSC	Community Service Commercial District
HSC	Highway Service Commercial District
I	Industrial District

Land Use Categories	Pg
Accommodation & Food/Event Services	4-35
Agriculture, Animal Services & Forest Products	4-36
Arts, Entertainment & Recreation	4-37
Commercial, Services & Retail	4-38
Communications	4-40
Construction & Contractors	4-40
Educational Services & Religion	4-40
Human Care & Social Assistance	4-40
Manufacturing, Mining & Waste Management	4-41
Miscellaneous	4-42
Public Facilities	4-42
Residential Uses	4-42
Transportation, Shipping & Storage	4-43
Utilities & Energy	4-43

Full Table of Permitted Uses & Special Uses

P = Permitted by right S = Permitted with a Special Use Permit
**supplemental development regulations*

	RD	AR	LDR	MDR	CSC	HSC	I
Accommodation & Food/Event Services							
Bakeries & Confectioneries					P		
Bed & Breakfasts & Tourist Homes - §7.04	S*	S*	S*	S*	P*	P*	
Cabin Courts or Cabin Complex					S	S	
Caterers/Food Service Contractors	S	S	S	S	P	P	
Coffee Shops	S	S	S	S	P	P	
Commercial Event Facilities - §7.23		S*	S*		S*	S*	
Food Trucks - §7.20					P*	P*	P*
Hotels & Motels					P	P	P
Inns					P	P	
Microbreweries, Distilleries, Wineries, & Cider Mills (serving directly to the public)		S			P	P	P
Resorts		S					
Restaurants/Bars (without drive-through/drive-in)					P	P	P
Restaurants (with drive-through/drive-in)					P	P	P
Rooming Houses/Boarding Houses/Short Term Rental Homes	S	S	S	S	S	S	S

Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Agriculture, Animal Services & Forest Products							
Agricultural Businesses - §7.25	P*	P*					
Agricultural Product Processing & Storage Facilities		S					P
Agricultural Tourism Businesses (on Farms)	S	S					
Animal Sales Yards/Auctions for Livestock							S
Animal Shelter/Rescue Shelter					S	S	
Biofuel Production Facilities on Farms - §7.18	PS*	PS*					
Boarding Stables; Riding Arenas	P	P					
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers		S					
Farming, Commercial	P	P					
Farming, Domestic	P	P					
Farms, Existing			P	P			
Farm Market/Roadside stand - sale of product grown on premises - §7.21	P*	P*					
Farm Product Sales (Fruit/Vegetable Market) - not grown on premises	S	S			P	P	
Farm & Feed Stores					P	P	
Firewood Sales & Processing (Large Scale) - does not include small bundles of firewood					P	P	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)					P	P	P
Forestry Businesses - §7.25	P*	P*					
Forestry (only portable sawmills allowed to cut and dry logs obtained from the property)- §7.24	P*	P*					
Game Preserves/Hunting Preserves	S	S					
Grain & Livestock Truck & Cartage Facilities							S
Grain Elevators							S
Greenhouses; Plant Nurseries with Retail Sales		P			P		
Herbicide, Insecticide & Fertilizer Sales & Application							S
Kennels, Dog (Outdoor) - §7.22	S*	S*					
Kennels, Dog (Indoor)					P		
Landscaping Establishments		S			P		P
Slaughter Houses							S
Veterinary Clinic/Animal Hospital		S			P		

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Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Arts, Entertainment & Recreation							
Amusement Arcades & Similar Indoor Recreation; Billiards Hall; Bowling Alley					P		
Archery Ranges (& as accessory use), Outdoor		S					
Archery Ranges (& as accessory use), Indoor		S			P	P	
Art Galleries & Art Studios		S	S	S	P	P	
Athletic Clubs: Recreation Centers					P	P	P
Bike Shops					P	P	
Campgrounds	S	S					
Clubs, Private; Lodges; Fraternal Organizations					P	P	
Clubs for Swimming & Court Games	S	S			P	P	
Conservation Areas, Public & Private (to assure the preservation of water, soil, forest, wildlife, minerals & open space) - 20 acre minimum in RD	P	P					
Country Clubs		P	S	S	P		
Equipment Rental, Motorized					S	S	P
Equipment Rental, Non-Motorized (Outfitter)	S	S			P	P	
Golf Courses	S	P	S	S			
Golf Driving Ranges		S			P	P	
Golf, Miniature		S			P	P	
Museums & Historic Park	S	S	S	S	S	S	S
Nature Parks/Nature Areas	S	S	S	S			
Outdoor Performance Facilities - §7.23	S*	S*			S*		
Outdoor Recreational Facilities (related to the natural environment)	S	S					
Parks & Playgrounds	S	P	S	S			
RV Parks					S		
Shooting (Firearms) Ranges/Sportsmen's Association	S	S					
Skating Rinks, ice or non-ice (indoor)					P	P	
Temporary or Transient Amusement Enterprises - §7.08	P*	P*			P*	P*	P*
Theaters/Performing Arts Facilities					P		
Tours (commercial operations)					P		
Water-Related Activity Site	S						
Wildlife Preserves	S	P					
Zoos & Animal Tours	S	S					

Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Commercial, Services & Retail							
Auto Repair: Auto Body/Paint/Interior & Glass					P	P	P
Automotive Oil Change					P	P	
Automotive Tire Sales & Installation					P	P	
Automobile Towing Businesses						P	P
Banks/Financial Institutions					P	P	
Boat/RV/Recreational Equipment Repair & Storage					P	P	P
Business Incubator (Food Incubator listed under Manufacturing)						P	P
Business Services						P	P
Car Washes						P	P
Cash Advance Stores						P	
Cleaning Services						P	
Commercial Equipment Repair & Maintenance						P	P
Crematoriums							S
Electronic & Precision Equipment Repair & Maintenance						P	P
Equipment Rental & Sales						P	P
Extermination & Pest Control Services						P	P
Farm Machinery Sales, Service, Rental & Repair		S				P	P
Film Production Facilities & Recording Studios (including sound stages & other related activities)						P	P
Flea Market	S	S				P	
Funeral Homes & Mortuaries	S	S			P		
Furniture Refinishing (Upholsterers) & Repair	S	S				P	
Gas Stations - §7.09					P*	P*	
General Rental Centers						P	P
Health Spa (Humans)					S	S	
Interior Designers/Showrooms						P	
Laundromats & Dry Cleaning & Services						P	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales						P	
Manufactured Home Dealers						P	
Medical Laboratories							S
Movie Rental Stores						P	
Office Developments						P	
Offices, Professional					P	P	
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment & Similar Products						P	

Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Commercial, Services & Retail							
Pawn Shops						S	
Personal Services (Barber/Beauty Shops, Tailoring, Shoe Repair)					P	P	
Pet Health & Grooming	S	S	S		P	P	
Photofinishing/Photographers					P	P	
Printing/Binding/Publishing of Print Material						P	
Retail Sales (when conducted within a completely enclosed building)					P	P	
Home Improvement Centers (lumber stored in enclosed structure)						P	
Shopping Centers, Planned (for group or 2 or more permitted uses)						P	
Seasonal Sales/Transient Sales						P	
Service & Repair Shops: Small Engine Repair					P	P	
Sexually Oriented Businesses - §7.17							S*
Small-Scale Craft Making	S	S			P	P	
Studios for Dance, Physical Exercise & Music		S	S		P	P	
Taxidermy Shops	S	S			P	P	
Truck & Heavy Equipment Sales & Service							S
Wholesale Businesses						P	P

Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Communications							
Television/Radio Broadcasting Stations (with tower)							S
Wireless Communications Support Structures - §7.13	PS*	PS*	PS*	PS*	PS*	PS*	PS*
Construction & Contractors							
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P	P	P		P	P	P
Special Trade Contractors Offices & Showrooms - with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	S	S	S		S	S	S
Educational Services & Religion							
Business Schools/Institutions of Specialized Learning						P	
Colleges/Universities						P	
Religious Institutions & Customary Accessory Uses		S	S	S	P		
Schools & other Educational Buildings		S	S	S	P	P	
Trade & Industrial Schools						P	P
Human Care & Social Assistance							
Adult Day Care Facility (6 or less adults) (includes in-home facilities)		S	S	S	P	P	
Adult Day Care Facility (greater than 6 adults)					P	P	
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P			
Adult Foster Care Small Group Home (7-12 adults)	S	S	S		S	S	
Adult Foster Care Large Group Home (13-20 adults)	S	S	S		S	S	
Adult Foster Care Congregate Facilities (over 20 adults)	S	S	S		S	S	
Assisted Living Home/Nursing Home/Convalescent Home (excluding halfway houses)	S	S	S		S	S	
Child Care Home, Family (6 or less)	P	P	P	P			
Child Care Home, Group (7 -12)	S	S	S	S			
Child Care Center/Nursery School (not in home)			S	S	P	P	
Child Caring Institution						S	
Health Care/Dental Clinics/Opticians					P	P	
Hospitals/Sanitariums						S	
Institutions of Philanthropic & Charitable Nature						P	
Rehabilitation Institutions	S	S			S	S	
Residential Human Care Shelter (not in a private residence)	S	S			S	S	
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P			

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<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Manufacturing, Mining & Waste Management							
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those industries in which the modes of operation of the industry <u>have no</u> external effects and <u>do not</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.							P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those industries in which the modes of operation of the industry <u>do have</u> external effects and <u>may</u> directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.							S
Accessory Uses incidental to Manufacturing (offices, foods services, etc.)							P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill							S
Cold Storage Plants							P
Food Hub Facility/Food Incubator Facility							P
Incinerator Plant (both non-pyrolysis type & gasification)							S
Industrial Parks (planned)							S
Junkyards/salvage yards/scrap yards/motor vehicle impoundment & wrecking yards - §7.05							S*
Laboratories (research & development)							S
Machine Shops							P
Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing							P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction) - §7.10	S*	S*	S*	S*	S*	S*	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution							S
Printing, Lithographic & Blueprinting; Publishing							P
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection/Conversion of Waste Materials							S
Research/Design/Experimental Product Development							P
Sign Painting							P
Smelting Industries							S
Tool & Die Shops							S
Waste Hauler						S	S

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Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Miscellaneous							
Accessory Buildings & Uses Incidental to Permitted Uses - §3.18	P*	P*	P*	P*	P*	P*	P*
Cemeteries including Columbaria & Mausoleums	S	S					
Planned Unit Developments - §7.16	S*	S*	S*	S*	S*	S*	
Platted Subdivisions	S	S	S	S			
Site Condominium/Condominium Subdivisions - §7.15	S*	S*	S*	S*			
Public Facilities							
Community Buildings			P	P	P		
Correctional Facilities						S	
Government Offices (including service buildings & structures)			P	P	P		
Libraries			P	P	P		
Other Publicly-Owned & Civic Buildings			P	P	P		
Police/Fire Stations			P	P	P		
Post Office			P	P	P		
Residential Uses							
Accessory Dwelling Units - Guest Houses (not rented/leased out) - §7.03	P*	P*	P*	P*			
Accessory Dwelling Units (rented/leased out) - §7.03	S*	S*	S*	S*			
Dwelling Units in Conjunction with a Commercial Establishment	Special use where specific commercial is allowed.						
Home Occupations (note – in CSC for existing homes only) - §7.02	P*	P*	P*	P*	P*		
Cottage Industries - §7.02	S*	S*	S*	S*	S*		
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) - §7.07		S*					
Multiple-Family Dwelling Units (Apartments); Multi-Plex; Senior Housing				S			
Single-Family Detached Dwelling	P	P	P	P			
Single-Family Attached Dwelling (Townhouses)	S	S	S	S			
Two-Family Dwelling (Duplex)	S	S	S	S			

Full Table of Permitted Uses & Special Uses

<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	RD	AR	LDR	MDR	CSC	HSC	I
Transportation, Shipping & Storage							
Aviation Landing Fields including platforms, hangers, masts & other facilities, Aviation Support Services, Heliports	S	S					
Container Hauler							P
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments						S	P
Drone (Unmanned Aerial) Centers							P
Distribution Centers/Truck & Rail Freight Terminals/Trucking Facilities/Shipping Facilities						S	P
Self-Storage Facilities/Mini-Storage						P	P
Transit Facilities (ground)						P	
Truck Repair						P	P
Truck Washes						P	P
Warehousing & Storage					P	S	P
Utilities & Energy							
Heating & Electric Power Generating Plants							S
Propane Distributor/Propane Supply Facilities/Other Fuel Sales & Storage						S	S
Public Utility Facilities (with or without storage yards)						P	P
Solar Energy Facility (Utility-Scale) - §7.11	S*	S*					
Wind Turbines (On-Site) - §7.12	P*	P*	P*	P*	P*	P*	P*

Section 4.12 Schedule of Regulations

The following serves as a quick reference for district regulations. Please see the individual district sections for full set of regulations pertaining to each district.

	RD	AR	LDR	MDR	CSC	HSC	I
Lot Area	20 acres	20 acres	1 acre a	20,000 ft ² a	1 acre a	1 acre a	2 acres a
	2 acres for single-family	2 acres for single-family					
Lot Width Minimum	200'	Residential: 200'	150' a	100' a	150' a	150' a	200' a
		Nonresidential: 600'					
Front Setback	50'	50'	35' b	35'	50'	50'	50'
Side Setback (interior)	25'	20'	20'	20'	10' for 1 yard Total of 25' for both	20'	20' for one 50' total for both
Side Setback (street)	50'	50'	35'	35'			
Rear Setback	50'	50'	50' b	50'	50'	50'	50'
Minimum Dwelling Size	720 ft ² (first floor of single-family) Single-family dwellings shall have a minimum width across any front, side, or rear elevation of 20 ft				N/A	N/A	N/A
Building Height Maximum	35' (25' for buildings accessory to dwellings)				25' c	35'	40'
Building Coverage Maximum	20%	20%	30%	30%	50%	75%	50%

Footnotes for Schedule of Regulations:

a – For lots served by a public or common water supply system and public wastewater sewerage and treatment system, the following shall apply:

District	Minimum Lot Area	Minimum Lot Width
LDR	20,000 ft ²	100'
MDR	10,000 ft ²	80'
CSC	10,000 ft ²	80'
HSC	10,000 ft ²	80'
I	40,000 ft ²	120'

b - Waterfront Lots in the LDR District: Waterfront Setback: 50 feet; Roadside Setback: 35 feet;

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Side Yard Setback: 20 feet interior side; 35 feet where the side yard abuts a road right-of-way.

c – The Planning Commission may allow non-residential buildings to exceed maximum height.

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Article 5

Site Plans & Plot Plans

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5.01	Purpose & Approval Summary Table	5-1	5.06	Site Plan Data Required	5-6
5.02	Plot Plans	5-2	5.07	Site Plan Review Criteria	5-8
5.03	Site Plan Approval Required	5-3	5.08	Amendment to an Approved Site Plan	5-10
5.04	Pre-Application Conference	5-3	5.09	Expiration of a Site Plan	5-12
5.05	Site Plan Approval Procedure	5-4			

Section 5.01 Purpose & Approval Summary Table

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development and so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

Table 5.01 Approval Summary Table

Type of Use (If a use isn't listed, the PC shall determine the approval process)	Plan Required	Approving Body
1. Single-Family Detached Dwellings, Two-Family Dwellings, & Farm Buildings	Plot Plan	ZA
2. Dwelling Units in Conjunction with Commercial	Site Plan	PC
3. Family Child Care Homes	No Permit Required	
4. Adult Day Care Facilities (stand-alone)	Site Plan	PC
5. Adult Day Care Facilities (in-home)	Plot Plan	PC
6. Multiple-Family Dwelling Units	Site Plan	PC
7. Group Child Care; Cottage Industry	Plot Plan	PC
8. Special Uses	Site Plan	PC
9. Parking Lots (when not part of original building site plan)	Site Plan	PC
10. Change of Use - between or within use categories	No Permit Required	
11. Accessory Structures	Plot Plan	ZA
12. Accessory Structures for Non-Residential Buildings	Site Plan	ZA
13. Fences	Plot Plan	ZA
14. Signs	Plot Plan	ZA
15. New Commercial, Industrial, & Institutional Structures/Uses	Site Plan	PC
16. Expansion of an existing use (other than single-family and two-family dwellings) which increases the existing floor area	Site Plan	PC
17. Planned Unit Developments, Site Condominiums, and Subdivisions	Site Plan	PC
18. Food Trucks (if on a lot with a Special Use, then PC approves)	Plot Plan	ZA
19. Adult Foster Care (6 or less adults)	No Permit Required	
20. General or Specialized Forestry or Farming	No Permit Required	
21. Wind Turbines (on-site)	Plot Plan	PC
22. Seasonal/Transient Sales	Plot Plan	ZA
23. Temporary or Transient Amusement Enterprises	Plot Plan	ZA
PC = Planning Commission ZA = Zoning Administrator		

Section 5.02 Plot Plans

A. Circumstances Requiring a Plot Plan.

Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure, a plot plan shall be submitted with all applications for Zoning Permits for the uses listed in **Table 5.01**. The plot plan requirement shall not apply to alterations inside a building or structure if no change is made in foundation or in outside perimeter.

B. Plot Plan Submittal Requirements.

The Plot Plan, drawn to approximate scale in a blueprint or pen and ink drawing, shall contain the following items and shall be submitted with an application form provided by the Township. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or their agent from preparing their own plans and specifications, provided the same are clear and legible and that the information listed in **Table 5.02** is provided.

Table 5.02 Plot Plan Requirements

1. Location	Address or legal/tax description of the property where the proposed use will occur.
2. Contact information	Name, address, telephone number, and email (if available) of the property owner(s) and developer(s). Signature of all property owners.
3. Setbacks	Location of required setbacks of the zoning district.
4. Property Lines	The shape, location, and dimensions of the parcel. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. The scale, north arrow, and date.
5. Access; Parking and Loading	The location and configuration of the lot access and driveway. The location of proposed off-street parking and loading space, if applicable.
6. Structures & Materials	The location, shape, dimensions, type, and height of all existing and proposed improvements including structures or impervious surfaces to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
7. Type of Use	The existing and intended use of the lot and of all such structures upon it including the number of dwelling unit, sleeping rooms, occupants, employees, customers, and other uses.
8. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over ten (10%) percent, drainage, and other similar features, if determined by the Zoning Administrator to be applicable.

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9. Rights-of-Way and Easements	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
10. Landscaping	All landscaping that will appear on the property (not required for single- and two-family dwellings).
11. Survey	Boundary Survey <u>may</u> be required by the Zoning Administrator.
12. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

C. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to [Table 5.01](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a Zoning Permit pursuant to [Section 9.03](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Section 5.03 Site Plan Approval Required

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval (as listed in [Table 5.01](#)) until a site plan is approved and is in effect.

Section 5.04 Pre-Application Conference

The Zoning Administrator and/or Planning Commission Chair shall have the authority to conduct a pre-application conference with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission. The pre-application conference must be requested by the applicant.

An applicant may request a meeting with the full Township Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

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Section 5.05 Site Plan Approval Procedure

A. Application and Number of Copies.

The applicant shall submit seven (7) copies of a site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form to the Zoning Administrator.

B. Information Required for Review.

Every site plan submitted for review under this Article shall contain information contained in [Section 5.06](#).

C. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the complete site plan was submitted at least thirty (30) days prior to the meeting. If the site plan was submitted less than thirty (30) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting. If the project is a Special Use, the approval procedures in [Article 6](#) shall apply.

D. Coordination with Other Agencies.

The Zoning Administrator may distribute the site plan to the following agencies or any other agency deemed appropriate for comment and recommendation prior to consideration for approval.

1. [The Crawford County Department of Building and Safety](#)
2. [The Crawford County Soil Erosion and Sedimentation Control Officer](#)
3. [The Crawford County Drain Commissioner](#)
4. The [Crawford County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#)
5. [District Health Department # 10](#)
6. [Michigan Department of Natural Resources](#)
7. Local fire and emergency service providers

E. Site Plans Requiring ZBA Action.

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Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted.

F. Representation at Meeting.

The applicant or his/her representative shall be present at each scheduled review.

G. Planning Commission Action.

1. **Planning Commission Decision.** The Planning Commission shall approve, approve with conditions, or deny said site plan within thirty days (30) following the meeting at which the Planning Commission first considers the site plan. This time limit may be extended upon a written request by the applicant and approved by the Commission or by mutual written agreement between the Commission and the applicant. The Commission may suggest and/or require changes in the plan as needed to comply with the Zoning Ordinance. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision based on [Section 5.07 \(Site Plan Review Criteria\)](#) and other standards contained within this Ordinance.
2. **Signed Copies of Site Plan.** Upon the Planning Commission approval of the final site plan, the applicant and the Zoning Administrator (or a designated alternate) shall sign three (3) copies of the approved plan. The Zoning Administrator shall transmit one (1) signed copy of the approved site plan each to the Township Clerk and the applicant and shall file one (1) signed copy in the zoning records.
3. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to [Section 9.10](#) of this Ordinance.

H. Effect of Approval.

1. **Zoning Permit.** Approval of a site plan authorizes issuance of a Zoning Permit. See [Section 5.09](#) for expiration of a site plan.
2. **Violation.** The approved site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved site plan, shall be deemed a violation of this Ordinance and shall be subject to the penalties of this Ordinance.

I. Re-Submission of Denied Site Plan.

If a site plan is disapproved by the Planning Commission, the applicant is required to wait one (1) year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same lot or parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance to the Zoning Board of Appeals.

J. Phasing of Development.

The applicant may, at his/her/its discretion, divide the proposed development into two (2) or more phases. In such case, the site plan shall clearly indicate the location, size, and character of each phase. A site plan for each phase shall be submitted for approval.

K. Use of Performance Guarantees to Temporarily Delay Construction.

If, in the judgment of the Planning Commission during the course of site plan review procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Commission may grant such a delay to a specific future date, provided that the applicant/owner submits a satisfactory performance guarantee to the Township pursuant to [Section 9.06](#). The financial guarantee shall remain in effect prior to or coincident with the issuance of the Zoning Permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

Section 5.06 Site Plan Data Required

Each site plan submitted shall contain the information in [Table 5.06](#). The Zoning Administrator or the Planning Commission can waive any of the site plan requirements below when it is found that those requirements are not applicable to the proposed development.

Table 5.06: Site Plan Requirements	
A. General Information	
1.	Name and address of property owner and developer (including contact information).
2.	Name and address of firm preparing the site plan (including contact information).
3.	Certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property including all dimensions and legal description.
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
5.	Gross acreage of development and total usable floor area.
6.	Proposed use.
7.	Anticipated hours of operation for proposed use.
8.	Other Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.
B. Map Information	
1.	Date and north arrow.
2.	Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres. Site plan shall be legible.

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C. Development Features

1. Proposed Features. All proposed uses or structures on the site including proposed drives, walkways, signs, and exterior lighting. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
2. Existing Features on the Site. The site plan shall show existing features such as structures, towers, excavations, bridges, culverts, drains, parking, and circulation.
3. Existing Features near the Site. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200') foot radius of the site, including road names.
4. Rights-of-Way and Utilities. The location and width of all abutting rights-of-way, easements, and utility lines within or bordering the subject property.
5. Drainage. The location, size, and slope of all surface and subsurface drainage facilities.
6. Vehicular and Pedestrian Circulation. Proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
7. Parking. The site plan shall show the location, size, and number of parking spaces in the off-street parking area and the identification of service lanes and service parking.
8. Loading and Unloading Areas. The site plan shall show the proposed location and size of all loading and unloading areas.
9. Landscaping/Fences/Walls. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. Common Areas. Common use areas and recreational areas and facilities.
11. Waste. The site plan shall show storage and disposal facilities for solid waste generated, including location of dumpsters.
12. Storage. Outdoor storage areas and snow storage areas.
13. Hazardous Materials. The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with all State and Federal regulations.
14. Summary tables, cross-sections, and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.

D. Natural Features and Soils

1. The location of existing environmental features such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas, or any other unusual environmental features.
2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10%) percent or greater, contours shall be shown at height intervals of two (2') feet or less.
3. Generalized soil analysis data which may include data prepared by the Crawford County Soil Conservation District regarding the soils and their adaptability to the use. More detailed

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information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.

4. All site plans shall comply with the terms of the Crawford County Soil Erosion Sedimentation and Stormwater Runoff Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this County Ordinance.
5. Contact the Zoning Administrator for assistance in determining the location of floodplains.

E. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development

F. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

1. A complete description of the proposed development including: area of the site, the number of lots or units, and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information, as applicable.
2. Expected demands on community services and how these services are to be provided to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets, and other factors that may apply to the particular development.
3. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise, and the scale of development in terms of the surrounding environment.

Section 5.07 Site Plan Review Criteria

In reviewing a site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that said plan conforms to the following criteria:

A. Preservation of Natural Environment.

Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

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B. Relationship of Proposed Land, Building, and Structural Uses to Surrounding Property.

Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. The achievement of such relationship may include:

1. Enclosure of space in conjunction with existing or proposed uses and structures.
2. Creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features, or other structures.

C. Drives, Parking, and Circulation.

With regard to vehicular and pedestrian circulation, including walkways, interior drives, and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe, convenient, and, insofar as practicable, do not adversely affect the design of proposed land, building and structures, or adjacent and surrounding development areas.

D. Emergency Vehicle Access.

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

E. Surface Water Drainage.

1. Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system.
2. If necessary, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create impounded water on the paved areas.
3. The property owner or developer may be required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception may be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm).

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4. The use of swales, rain gardens, and vegetated buffer strips is encouraged in cases where the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. Such systems shall be permitted within required setbacks.
5. Rainwater collection systems on roofs may be utilized to fulfill some stormwater management requirements.

F. Utility Service.

Electric power distribution lines and telephone lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the current Standard Rules and Regulations of the [Michigan Public Service Commission](#).

G. Signs.

The size, location, and lighting of all permanent signs shall be consistent with the requirements of [Section 3.43](#).

H. Special Features.

1. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.
2. Adequate snow removal measures shall be planned for and proper snow storage areas shall be provided so as to not obstruct vehicular and pedestrian visibility.

I. Additional Requirements.

All other standards and requirements of this Ordinance shall be met by site plans presented for review.

Section 5.08 Amendment to an Approved Site Plan

Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the

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basic design and character of the site plan nor any specified conditions imposed as part of the original approval. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance. Minor changes shall include the following:

1. Reduction of the size of any building.
 2. Movement of buildings by no more the ten (10') feet.
 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5%) percent of the gross floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Improvements to site access or circulation such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 7. Alterations to vertical elevations of up to twenty-five (25%) percent.
 8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 9. Changes that will preserve the natural features of the site without changing the basic site layout.
 10. Changes to the type and design of outdoor lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 11. Changes related to item 1 through 10 above, required or requested by the Township, County, or other State or Federal regulatory agencies in order to conform with other laws or regulations, provided the extent of such changes does not alter the basic design and character of the site plan nor any specified conditions imposed as part of the original approval.
 12. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments. The Planning Commission must be informed of all amended site plans.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under [subsection A](#) above shall be processed in the same manner as the original site plan application.

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Section 5.09 Expiration of a Site Plan

Any approved site plan shall become invalid if construction has not commenced within one (1) year after the Zoning Permit is issued. Thirty (30) days prior to expiration of a site plan, an applicant may make application to the Zoning Administrator for a one (1) year extension of the site plan. The Zoning Administrator shall grant the requested extension for an additional one (1) year if he/she finds good cause for the extension and that the zoning regulations governing the district have not changed since the approval. Any additional requests for extension beyond the initial one (1) year extension may be granted by the Planning Commission. Application for an additional extension shall be made thirty (30) days prior to the expiration of the previous extension. A fee, as determined by the adopted fee schedule, may be charged for each extension.

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Article 6 Special Use Approval

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Section 6.01 Purpose

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in certain districts but which, because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location, lot or parcel size, setbacks, yards, and other requirements for the protection of the permitted uses in a district. Such uses, on account of their locational need or the nature of the service offered, may be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use, providing that the particular use is designated as a Special Use in the zoning classification.

Section 6.02 Authority to Grant Special Use Permits

The Township Planning Commission shall have the authority to grant Special Use Permits subject to such conditions of design and operations, safeguards, and time limitations as it may determine for all Special Uses conditionally allowed in the various district provisions of this Ordinance.

Section 6.03 Special Use Approval Procedure

A. Application and Fees.

Application for any Special Use permit allowed under the provisions of this Ordinance shall be made to the Township Zoning Administrator by filing of the official Special Use permit application form, submitting required data, exhibits, and information, and depositing the necessary fee in accordance with the schedule of fees with the Zoning Administrator. An application for a Special Use permit shall contain:

1. The applicant's name and address in full.

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2. A notarized statement that the application is signed by all of the fee and other owners involved and the signature of the one(s) acting on the behalf of all of the owners.
3. The address of the property involved.
4. Site Plan or Plot Plan, as designated in **Table 5.01**, if applicable.
5. A statement and supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.
6. Description of the proposed use.
7. A statement appraising the effect of the proposed Special Use on the neighborhood.
8. Fee established by the Township Board. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

B. Timing of Submittal.

Special Use Applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered.

C. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the complete application was submitted at least forty-five (45) days prior to the meeting. If the application was submitted less than forty-five (45) days prior to the Planning Commission meeting, the application shall be placed on the agenda of the next available regular meeting.

D. Coordination with Other Agencies.

The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment and recommendation prior to consideration for approval.

1. **The Crawford County Department of Building and Safety**
2. **The Crawford County Soil Erosion and Sedimentation Control Officer**
3. **The Crawford County Drain Commissioner**
4. The **Crawford County Road Commission** and, if appropriate, the **Michigan Department of Transportation**

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- 5. **District Health Department #10**
- 6. **Michigan Department of Natural Resources**
- 7. Local fire and emergency service providers

E. Public Hearing.

The Township Planning Commission shall hold a public hearing or hearings upon any application for a Special Use Permit, notice of which shall be given pursuant to [Section 9.08](#).

F. Representation at Meeting.

The applicant or his/her representative shall be present at each scheduled review.

G. Special Uses which Require Site Plan Review.

If a Special Use requires site plan review, the Special Use will be reviewed pursuant to the standards in [Section 6.04](#) prior to the site plan being reviewed pursuant to the process and standards in [Article 5](#). Special Use and site plan review may occur at the same meeting or may occur at separate meetings at the choice of the applicant.

H. Planning Commission Action.

- 1. The Planning Commission shall approve, or approve with conditions, an application for a Special Use only upon a finding that the proposed Special Use complies with all applicable provisions of this Ordinance and the standards listed in [Section 6.04](#).
- 2. The Planning Commission’s decision shall be in writing and shall include findings of fact based on evidence presented on each standard.
- 3. Approval, by the Planning Commission, of a Special Use authorizes issuance of a Zoning Permit.
- 4. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.

I. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to [Section 9.10](#) of this Ordinance.

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Section 6.04 Special Use Approval Standards

The Planning Commission shall review the particular circumstances and facts of each proposed Special Use in terms of the following standards and shall find and record adequate data, information, and evidence showing the Special Use:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.
- E. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed Special Use shall be able to provide adequately any such service.
- F. Shall minimize the negative impact on the transportation system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
- G. Will not create excessive additional requirements at public cost for public facilities, utilities, and services.
- H. Meets all requirements contained in this Zoning Ordinance for the Special Use in the particular zoning classification.

Section 6.05 Amendment of Approved Special Use Permits

Minor amendments to a previously-approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.08](#). Amendments which do not fall under [Section 5.08](#) shall be processed in the same manner as a new Special Use.

Section 6.06 Inspection

The Zoning Administrator shall have the right to inspect any Special Use to ensure continued compliance with the conditions of the Special Use permit.

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Section 6.07 Expiration, Suspension or Revocation of a Special Use

A. Expiration of Special Use Permit.

Any approved Special Use shall become invalid if the approved Special Use is not commenced within one (1) year after the Zoning Permit is issued. Thirty (30) days prior to expiration of an approved Special Use permit, an applicant may make application to the Zoning Administrator for a one (1) year extension of the Special Use permit. The Zoning Administrator shall grant the requested extension for an additional one (1) year if he/she finds good cause for the extension and that the zoning regulations governing the Special Use have not changed since the approval. Any additional requests for extension beyond the initial one (1) year extension may be granted by the Planning Commission. Application for an additional extension shall be made thirty (30) days prior to the expiration of the previous extension. A fee, as determined by the adopted fee schedule, may be charged for each extension.

B. Special Use that has been Replaced or Superseded.

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit or if the applicant requests the rescinding of the Special Use Permit.

C. Abandonment of Special Use.

The Special Use permit shall expire if the Special Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Use.

D. Special Use and Transfer or Sale of Property.

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).

E. Special Use Suspension or Revocation.

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The Zoning Administrator may suspend or revoke a Special Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his/her agent and/or is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

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Article 7

Supplemental Regulations

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Section 7.01 Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

Section 7.02 Home Occupations & Cottage Industries

The permission for Home Occupations and Cottage Industries as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to

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be changed by the occurrence of Home Occupations and Cottage Industries.

A. Uses Allowed.

1. Home Occupations shall be permitted in all single-family and two-family residential dwellings and include, but are not limited to, such customary Home Occupations as hairdressing, hobbies and crafts, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales, professional office and other similar occupations, and other home occupations. A Home Occupation does not require a Zoning Permit.
2. Existing Home Occupations which include incidental retail sales not to exceed twenty-five (25%) percent of the gross sales of the business which are legally operating in detached single-family homes at the time of adoption of this Zoning Ordinance shall be permitted to continue in accordance with the standards within this Section.
3. Cottage Industries shall be a Special Use in all single-family and two-family residential dwellings. Cottage Industries are approved by the Planning Commission in accordance with [Article 6](#).
4. The Home Occupation or Cottage Industry shall be only incidental to the principal residential use.

B. Percent Use of the Dwelling or Accessory Building.

The Home Occupation or Cottage Industry use shall utilize a portion of a principal building equal to no more than twenty-five (25%) percent of the ground floor area of the principal building. One hundred (100%) percent of the floor area of an accessory building may be used for the Home Occupation or Cottage Industry. When reviewing Cottage Industries in accessory buildings, the Planning Commission may reduce this percentage to less than one hundred (100%) percent on a case by case basis.

C. Equipment.

Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the Home Occupation or Cottage Industry. No equipment or process shall be used in such Home Occupation or Cottage Industry which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot.

D. Employees.

1. **Home Occupations.** The Home Occupation may allow one (1) full time equivalent employee other than members of the immediate family living in the dwelling located on the lot or parcel where the home occupation is conducted. Only one (1) employee, who lives off-premises, at a time is allowed during operational hours.

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2. **Cottage Industries.** The number of full time equivalent employees allowed that work on the premises of a Cottage Industry that do not physically reside on the property shall be determined at the time of the Special Use review.

E. External Effects.

1. A Home Occupation or Cottage Industry use shall not create a nuisance or 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, fire hazards, or the like, involved in or resulting from such Home Occupation or Cottage Industry.
2. No alterations, additions, or changes to a principal building, which will change the residential character of the dwelling structure, shall be permitted in order to accommodate or facilitate a Home Occupation or Cottage Industry.
3. **Home Occupations.** All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
4. **Cottage Industries.**
 - a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. The type and location of the screening shall be approved by the Planning Commission and shall comply with [Section 3.33](#).
 - b. **Finished Goods.** The Planning Commission may permit the display of finished goods as part of the approval process.

F. Traffic.

No traffic shall be generated by such Home Occupation or Cottage Industry in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such Home Occupation or Cottage Industry shall be provided by an off-street area.

G. Hours of Operation.

Hours of operation for Cottage Industries will be set during the approval process.

H. Compliance, Inspections, and Violations.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.

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2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Use and the operator shall be responsible for public hearing fees.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to a new review and approval.

Section 7.03 Accessory Dwelling Units

The purpose of this Section is to allow a minor amount of space on a lot and/or within an accessory building to be used, rented, or leased as separate living quarters for extended family or non-family members. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods.

A. Uses Allowed.

1. **Permitted Uses.** An accessory dwelling unit used solely as the temporary dwelling of guests of the occupants of the premises shall be a permitted use subject to the conditions of this Section. No funds shall be charged for occupancy.
2. **Special Use.** An accessory dwelling unit which is rented or leased as separate living quarters on a long-term basis shall be a Special Use. The Special Use permit does not include transient rentals for periods of less than one (1) month.

B. Standards.

1. **Lot Area.** Parcels which contain Accessory Dwelling Units shall require two (2) times the minimum area required by the Zoning District.

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2. One (1) Accessory Dwelling Unit shall be allowed per lot.
3. The Accessory Dwelling Unit shall be a self-contained unit and shall be:
 - a. located above an attached or detached garage, or
 - b. a freestanding, detached unit, or
 - c. attached to the principal dwelling, or
 - d. totally within a principal dwelling.
4. If the Accessory Dwelling Unit is a freestanding, detached unit, it shall meet the required principal dwelling unit setbacks and shall be on a foundation with appropriate skirting. All wheels and towing mechanisms shall be removed. Accessory Dwelling Units in a detached accessory building shall meet the required principal dwelling unit setbacks.
5. Accessory Dwelling Units shall, in total floor area, not be less than four hundred eighty (480 ft²) square feet nor exceed fifty (50%) percent of the gross floor area of the principal residential structure.
6. The Accessory Dwelling Unit shall be provided electricity, plumbing, and heat.
7. The residents of the principal dwelling unit shall maintain the accessory dwelling unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
8. The accessory unit shall have a separate exterior entrance.
9. The Accessory Dwelling Unit shall conform to current building code standards.
10. One (1) additional parking space shall be provided on-site for the Accessory Dwelling Unit.

Section 7.04 Bed & Breakfasts/Tourist Homes

Bed and Breakfasts/Tourist Homes for temporary transient, tourist, or vacation visitors shall be subject to the following regulations:

- A. The minimum size of the dwelling unit for guests shall be computed on the basis of the number of rooms which can be used as extra bedrooms after those required for the owner/operators have been subtracted, and at the rate of one (1) or two (2) guest(s) per extra bedroom. The ratio of two (2) bedrooms to one (1) bathroom shall be required within the dwelling.
- B. Adequate dining facilities shall be computed at the rate of one and one-half (1 ½) guests per room at one (1) sitting for the total number of guest rooms available. Living room facilities shall be capable of seating one and one-half (1 ½) guests per guest room at one (1) sitting.

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- C. Off-street parking shall be at least gravel surfaced and shall be computed at two (2) parking spaces for the owner/operator, one (1) for each employee, and one (1) for each guestroom.
- D. **Screening.**

If adjacent to single-family residential structures, a six (6') foot high screening buffer area shall be constructed and maintained between the bed and breakfast/tourist home and neighboring property. The screen may consist of vegetation, a decorative fence, or a wall in accordance with [Section 3.33](#). If a vegetative buffer is used, the buffer strip shall consist of fifty (50%) percent evergreens and fifty (50%) percent deciduous shrubs and trees or a berm with trees, shrubs and ground covers on it. The vegetative buffer shall be at least six (6') feet in height and ten (10') feet in width.

Section 7.05 Junk Yards & Inoperable Vehicles

- A. Junk yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan and shall be located only on sites which are completely screened from adjacent properties and public view in accordance with [Section 3.33](#). The Planning Commission may require a higher screen height than listed in [Section 3.33](#). Junk and materials shall not be piled higher than the screen so as to be visible to adjacent properties and public view.
- B. Inoperative vehicles are permitted only in enclosed structures or in outside areas that are completely screened from adjacent properties and public view.
- C. Glare from any process such as arc welding or any process which emits harmful ultraviolet rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 7.06 Earth Homes & Other Earth Structures

Single-family earth homes are permitted in the RD, AR, LDR, and MDR Districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

Section 7.07 Manufactured Housing Communities

All manufactured housing communities shall comply with the requirements of [1987 PA 96, The Mobile Home Commission Act](#), as amended, the [State of Michigan Administrative Code for Manufactured Housing](#), and the following additional regulations:

- A. Minimum site size for a manufactured housing community shall be twenty (20) acres.
- B. **Fences.**

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If fences are constructed on each manufactured home site, they shall be uniform in design and character for all manufactured home lots. Fences shall comply with the standards to [Section 3.32](#).

C. Landscaping.

1. All manufactured housing community boundary line areas shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each manufactured home lot, except for those portions of the lot covered by the manufactured home, structural additions, sheds, walks, concrete pads, or planting beds.
2. The retention of existing desirable trees on a site is encouraged.

D. Outdoor Storage.

No outdoor storage shall be permitted except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well-maintained structure, located at the rear of the manufactured home lot. Such structures shall comply with [Section 3.18 \(Accessory Building Provisions\)](#). The Planning Commission may grant a deviation from required setbacks in [Section 3.18](#).

E. Trash Disposal.

Adequate facilities for the storage and disposal of trash, garbage and other waste materials shall be provided at conveniently located points within two hundred (200') feet of any given manufactured home lot. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with [Section 3.34 \(Solid Waste Receptacle Areas\)](#).

F. Roadway and Yard Lights.

Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting unnecessary illumination from the dwelling portions of each manufactured home lot.

G. Central Building.

Central buildings for uses other than administrative or laundry facility usage are permitted. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings should be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.

H. Permit Requirement.

It shall be unlawful for any person or corporation to construct, alter, or extend any manufactured

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housing community unless they first obtain valid licenses and permits from the [State of Michigan](#), [Crawford County](#), and the Township, in the name of said person or corporation. Site plan and Special Use review is required pursuant to [Article 5](#) and [Article 6](#).

I. License and Certificate Requirements.

It shall be unlawful for any person or corporation to conduct or operate a manufactured housing community in the Township without a current, valid license issued by the [State of Michigan](#).

J. Periodic Inspection.

The Zoning Administrator and/or an authorized officers or agents are hereby granted the power and authority to enter upon the premises of a manufactured housing community at any time for the purpose of determining and/or enforcing any provision of this or any other Township Ordinance applicable to the construction and operation of a manufactured housing community.

Section 7.08 Temporary Transient Amusement Enterprises

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All Temporary Transient Amusement uses, meaning a use of property for sales or entertainment purposes not exceeding thirty (30) days in duration, shall be located on sites large enough so as not to occupy or cover more than fifty (50%) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least one hundred (100') feet from any front road or property line.
- C. Side and rear yards shall be at least one hundred (100') feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any "LDR" or "MDR" Residential District.
- F. The Zoning Administrator may bring any Temporary Transient Amusement Enterprise to the Planning Commission which may lessen the requirements contained in A – E above.

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Section 7.9 Gas Stations

All gas stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located:

A. Frontage and Area.

Every gas station shall have a minimum frontage of two hundred (200') feet and a minimum area of thirty thousand (30,000 ft²) square feet.

B. Setbacks.

Every structure, including gasoline pumps and other equipment, erected or installed for use as a gas station, shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located and a minimum setback from all side and rear property lines of fifty (50') feet.

C. Construction Standards.

All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk, if applicable, and vehicular parking or moving area with the use of appropriate bumper, wheel guards, or traffic islands.
2. The entire area used for vehicles service shall be paved with a hard surface except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely with a building.
4. Minimum angle or driveway intersection with the roadway from the curb line or roadway entrance to lot line shall be no less than sixty (60°) degrees.
5. The minimum distance of any driveway from any side property line shall be at least twenty (20') feet.
6. The minimum distance between roadway curb cuts shall be no less than forty (40') feet.

D. Lighting.

All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines. Gas station light fixtures shall be recessed.

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Section 7.10 Extraction of Natural Resources

A. Special Use.

Extraction of natural resources shall be allowed as a Special Use in all districts in conformance with [Part 632 of the Natural Resources and Environmental Protection Act, 1994 PA 451](#), as amended.

B. Conformance to the Michigan Zoning Enabling Act.

The Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.

1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
3. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the [Natural Resources And Environmental Protection Act, 1994 PA 451](#), MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

C. General Requirements.

Natural resource extraction operations shall be carried out under the conditions of a Zoning Permit for mining which is issued and maintained under the following requirements:

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1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission. This plan and any necessary subsequent revisions shall be approved by the Planning Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan and any approved necessary subsequent revisions shall be filed with the Zoning Administrator by the Planning Commission.

2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, and the area being mined, the area used for structures and storage piles, and worked out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.

3. Upon commencement of mining operations, the following perimeter controls shall be established for the mining area within thirty (30) days of the start of operations:
 - a. The mining area shall be enclosed within at least a five (5') foot high continuous berm, solid wall, or solid fence or by a sight barrier or screen planting of similar capability, natural topography, and/or vegetation which accomplishes the same.

 - b. The property shall be posted against trespass with conventional signs placed not more than one hundred (100') feet apart.

4. Sight barriers or screening shall be provided along all boundaries adjacent to public roads which lack natural vegetative or terrain conditions, which provide effective screening of mining operations from adjacent properties and public view. Sight barriers or screening shall consist of one (1) or more of the following:
 - a. Continuous solid earth berms, which shall be constructed to a height of at least five (5') feet above the mean elevation of the center line of the public road or highway adjacent to the mining property, or at least five (5') feet above the general elevation of terrain along property lines. These berms shall have slopes not in excess of one (1') foot vertical to four (4') feet horizontal, and shall be planted with grass, trees, and shrubs.

 - b. Continuous screen plantings shall be of evergreen or other suitable species which are at least five (5') feet in height and in rows parallel to the boundary of the property with the spacing of rows and the spacing of trees within rows sufficient to provide effective screening.

 - c. Continuous solid masonry walls or solid fences shall be constructed to a height of at least five (5') feet.

 - d. Any combination of a, b, or c above.

5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity by locating them as far away and as far below ground as possible.
6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions, which are injurious, or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, continually treated, or continually watered, insofar as is practicable, to minimize dust conditions.

D. Reclamation of Mined Areas.

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one (1) phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed roads or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any Zoning Permit is issued by the Zoning Administrator.
3. Rehabilitation and reclamation of natural resource extraction areas shall be in accordance with the following standards:
 - a. All excavation shall have either an average water depth of not less than ten (10') feet below the average summer level of water in the excavation or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids in accordance with the approved reclamation plan in order to ensure:
 - (1) That the excavated area shall not collect and retain stagnant water, or

- (2) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the topography of the adjoining land area.
 - b. The finished grade of all slopes resulting from excavations shall not be steeper than one (1') foot vertical to three (3') feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other improvements are planned. Topsoil shall be applied to a depth of at least four (4") inches.
 - d. Vegetation shall be restored on all excavated areas by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of five thousand (\$5,000) dollars for each of the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of five thousand (\$5,000) dollars per each additional operational acre, which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash to be held in an escrow account by Beaver Creek Township, (2) certified check payable to Beaver Creek Township to be held in an escrow account, (3) irrevocable bank letter of credit acceptable to and in favor of Beaver Creek Township, or (4) surety bond acceptable to Beaver Creek Township. Upon rehabilitation of mined acreage and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

E. Administration.

- 1. The following procedures shall be followed before establishing a mining operation:
 - a. The operating company shall file an operational plan in accordance with the requirements of [Section 7.10.C](#) of this Ordinance. This plan may be in the form of a written statement and maps and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.

- b. The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of **Section 7.10.D** and shall provide a financial guarantee in accordance with the requirements of **Section 7.10.D.4** of this Ordinance.
 - c. The Planning Commission shall review and approve the operations and reclamation plans.
 - d. Upon approval of the plan by the Planning Commission, the Township Board shall receive the financial guarantee of reclamation in accordance with **Section 7.10.D.4** of this Ordinance.
2. Before commencement of mining operations, a Zoning Permit for mining shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Township Fee Schedule. This fee shall defray any administrative and enforcement expenses rising out of the mining operation.
3. **Inspections and Conformance.**
- a. Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator, in order to ensure conformance with the requirements of the approved Special Use Permits and other Zoning Ordinance requirements.
 - b. Any violations shall be reported in writing to the Zoning Administrator for appropriate action as a violation of the Zoning Ordinance. The reports of violations shall be forwarded, with a request for compliance, to the operating company by the Zoning Administrator.
 - c. Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of both the Special Use and Zoning Permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of the Ordinance and the removal of the Special Use Permit approved for the natural resource extraction operation.

Section 7.11 Solar Energy

A. Solar Energy Facilities (Utility-Scale).

- 1. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.

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2. **Impervious Surface/Stormwater.** If more than eight thousand (8,000 ft²) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
3. **Screening.** Solar devices shall be screened from view from any residential district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
4. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines.
5. **Abandonment.** Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

B. Solar Energy Panels (Accessory).

1. Solar panels, as freestanding or attached accessory structures, are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.
2. **Height.** Freestanding and building-mounted accessory solar energy panels shall not exceed the maximum building height allowed in the district.
3. **Setbacks.** Freestanding solar energy panels shall adhere to yard location/setbacks for accessory buildings pursuant to [Section 3.18](#).
4. Freestanding solar energy panels do not count toward the number of accessory buildings on a lot but do count toward the maximum lot coverage percentage in the district.

Section 7.12 Wind Turbines

On-site wind turbines, which provide energy to the property on which they are located, are permitted in all districts. Utility-scale/commercial wind turbines that provide power off-site are not permitted in the Township.

On-site wind turbines shall comply with the following standards:

A. Permit Required.

A Zoning Permit, approved by the Planning Commission, is required for a wind turbine. An application for the installation of an on-site wind turbines shall include a plot plan including the following information:

1. Location of the proposed wind turbine.
2. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
3. Distance from other wind turbines on adjacent lots, if applicable.

B. Design & Installation.

All wind turbines (ground-mounted and roof-mounted) shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer’s specifications.

C. Height/Setback.

On-site wind turbines shall be setback from all property lines equal to the total height of the turbine, at a minimum. The turbine shall be able to be contained on the property owner’s parcel in the event that it should fall. The maximum height of wind turbine shall be one hundred (100’) feet. The height shall be the distance between the ground and the highest point of the wind turbine generator, plus the length of the rotor blades, in the full upright position. Height is measured from grade.

D. Number of Turbines (Horizontal or Vertical).

The number of wind turbines shall be determined by the spacing requirement of the manufacturer and the setback required. If more than one (1) turbine is proposed for one parcel, the applicant must get approval from the Planning Commission.

E. Rotor Clearance.

A minimum fifteen (15’) foot clearance from the ground shall be maintained for the vertical blade tip

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of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.

F. Guy Wires.

The use of guy wires shall be prohibited.

G. Noise.

Wind turbines shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

H. Vibration.

Wind turbines shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

I. Spacing.

Minimum spacing between wind turbines shall be per the manufacturer’s specifications.

J. Reception Interference.

Wind turbines shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.

K. Shadow Flicker.

The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

L. Potential Ice Throw.

Any potential ice throw or ice shedding from the wind turbine shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

M. Visual Impact.

All visible components of a wind turbine shall be colored a non-reflective, non-obtrusive, neutral color and maintained in good repair in accordance with industry standards.

N. Safety.

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A wind turbine shall have an automatic braking system to prevent uncontrolled rotation.

O. Other Regulations.

Wind turbines shall comply with all applicable State construction and electrical codes, **Federal Aviation Administration** requirements, **Michigan Aeronautics Commission** requirements, **1959 PA 259**, as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.), and the **Michigan Public Service Commission** and **Federal Energy Regulatory Commission** standards.

P. Roof-Mounted Wind Turbines.

Roof-mounted wind turbines require a Zoning Permit and do not count toward the maximum building height allowed by this Ordinance.

Section 7.13 Wireless Communications Facilities

A. Purpose.

The general purpose of this Section is to regulate the placement, construction, and modification of wireless communications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Beaver Creek Township, Michigan.

Specifically, the purposes of this Section are:

1. To regulate the location of wireless communications facilities in the Township;
2. To protect residential areas and land uses from potential adverse impact of wireless communications facilities;
3. To minimize adverse visual impacts of wireless communications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-location of wireless communications support structures as the primary option rather than construction of additional single-use transmission towers;
5. To avoid potential damage to property caused by wireless communications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound; and
6. To ensure that wireless communications facilities are compatible with surrounding land uses.

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Nothing in this Section shall apply to amateur radio antennas, or facilities, used exclusively for the personal transmission of television or radio signals.

B. Permitted and Special Uses.

1. Antenna co-location on an existing support structure shall be a permitted use of property pursuant to Section 3514 of **2006 PA 110**, as amended, if the following requirements are met:
 - a. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the Planning Commission.
 - c. The proposed co-location will not do any of the following:
 - (1) Increase the overall height of the wireless communications support structure by more than twenty (20') feet or ten (10%) percent of its original height, whichever is greater.
 - (2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (3) Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500 ft²) square feet.
 - d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
2. Wireless communications equipment that meets the requirements of **subsection B.1.a** and **B.1.b** but does not meet the requirements of **subsection B.1.c** or **B.1.d** is an allowable use of property if it receives Special Use approval under **subsection C**.
3. No antenna or similar sending/receiving devices appended to the tower/support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower/support structure thereby jeopardizing the tower's/support structure's structural integrity.
4. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
5. **New Support Structures/Transmission Tower.** New wireless communications support structures/transmission towers (hereafter known as transmission towers) may be authorized as a Special Use by the Planning Commission using the procedures listed in **subsection C** below.

6. **Small Cell Wireless Facilities.** Small Cell Wireless Facilities are regulated by **Section I** below.

C. Special Use Approval Procedure.

1. An application for Special Use approval of wireless communications transmission towers shall include all information required by **subsection D.2** below and **Section 5.06 (Site Plan Data Required)** and all applicable fees for a Special Use.
2. After an application for a Special Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the 14-day period under **subsection C.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under **subsection C.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made the determination required for approval.

D. Application Requirements.

1. **Co-Location of Antennas.** An applicant for the co-location of antennas on existing transmission towers or on existing buildings, light poles, utility poles, or water towers shall submit the following information. Additional application material is required, as specified in **subsection D.3** below, for applications requiring a Special Use permit.
 - a. A description of the proposed antenna’s location, design, and height.
 - b. Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the **Federal Communications Commission (FCC)** particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures within five hundred (500’) feet of the tower property.
 - c. Documentation from an engineer that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.

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- d. Documentation from an engineer that the ancillary facilities will not produce sound levels in excess of those standards specified in [subsection E.6](#) or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
 - e. Plans showing the connection to utilities, right-of-way cuts required, ownership of utilities, and easements required.
 - f. Documents demonstrating that necessary easements have been obtained.
 - g. Documents demonstrating that the [Federal Aviation Administration \(FAA\)](#) has reviewed and approved the proposal. Alternatively, when a Special Use permit process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA. The Special Use permit process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes involving increased height or additional lighting other than as initially approved, then that initial Special Use permit approval shall be void. A new application will need to be submitted, reviewed and approved through an additional Special Use permit process. No building permit application shall be submitted without documents demonstrating FAA review and approval.
 - h. The names, addresses, and telephone numbers of all owners of the other transmission towers or usable antenna support structures within a one-half (½) mile radius of the proposed transmission tower site.
 - i. Each application to allow co-location of antennas shall include a written statement from an engineer that the construction and placement and proposed use of the antennas will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent residential and non-residential properties.
2. **Installation, Construction, or Increasing the Height of Transmission Tower.** An applicant seeking to construct, install, or increase the height of a transmission tower shall submit the following information. Additional application material is required, as specified in [subsection D.3](#) below, for applications requiring a Special Use permit.
- a. A description of the proposed transmission tower location, design, and height.
 - b. The capacity of the transmission tower in terms of the number and type of antennas it is designed to accommodate.
 - c. Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NIEER) emission standards as set forth by the [Federal Communications Commission \(FCC\)](#).

- d. A signed agreement stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the transmission tower.
- e. Documentation from an engineer that the ancillary facilities will not produce sound levels in excess of those standards specified in [subsection E.6](#) below or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
- f. Plans showing the connection to utilities, right-of-way cuts required, ownership of utilities, and easements required.
- g. Documents demonstrating that necessary easements have been obtained.
- h. Site plan shall show access and turn-around conforming to [subsection E.12](#) below.
- i. Documents demonstrating that the [Federal Aviation Administration \(FAA\)](#) has reviewed and approved the proposal. Alternatively, when a Special Use permit process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA. The Special Use permit process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes involving increased height or additional lighting other than as initially approved, then that initial Special Use permit approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional Special Use permit process. No building permit application shall be submitted without documents demonstrating FAA review and approval.
- j. The names, addresses, and telephone numbers of all owners of other transmission towers or usable antenna support structures within a one-half (½) mile radius of the proposed new transmission tower site, including public-owned property.
- k. A notarized affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on public-owned facilities or usable antenna support structures located within a one-half (½) mile radius of the proposed transmission tower site.
- l. Written, technical evidence from an engineer (including propagation studies) that the proposed transmission tower or telecommunications facilities cannot be installed or co-located on another person's transmission tower or usable antenna support structure located within a one-half (½) mile radius of the proposed transmission tower site because of the coverage requirements of the applicant's communications system.
- m. Each application to allow construction of a transmission tower shall include a written statement from an engineer that the construction and placement of the transmission tower will not interfere with public safety communications and the usual and customary

transmission or reception of radio television, or other communications service enjoyed by adjacent residential and non-residential properties.

3. **Additional Information.** In addition to the application requirements specified in [subsections D.1](#) and [D.2](#) above, applications for Special Use permits also shall include the following information:
 - a. A current overall system plan for the Township showing facilities presently constructed or approved and future expansion plans.
 - b. A statement providing the reasons for the location, design, and height of the proposed transmission tower or antennas.

E. Standards for Transmission Towers and Antennas.

Installation, construction, or modification of all transmission towers and antennas shall comply with the following standards, unless a waiver is obtained pursuant to the provisions of [subsection F](#) below.

1. **Separation Between Transmission Towers.** No transmission tower may be constructed within one-half (½) mile of any existing transmission tower. Tower separations shall be measured by following a straight line from the portion of the base of the proposed transmission tower which is closest to the base of any pre-existing transmission tower. For purposes of this subsection E.1, an existing tower shall include any transmission towers existing at the time of adoption of this Ordinance or transmission towers for which the Township has issued a Zoning Permit, or for which an application has been filed and not denied.
2. **Height Limitation.** The maximum height of a transmission tower, including antennas, is two hundred fifty (250') feet, unless a waiver is granted pursuant to the provisions of [subsection F](#) below. Transmission towers shall comply with the Crawford County Airport Zoning Ordinance.
3. **Co-Location.** New transmission towers shall be designed to accommodate co-location of additional providers:
 - a. New transmission towers of a height of at least one hundred fifty (150') feet and no more than two hundred fifty (250') feet shall be designed to accommodate co-location of a minimum of two (2) additional providers either outright or through future modification to the transmission tower.
 - b. New transmission towers of a height of more than two hundred fifty (250') feet shall be designed to accommodate co-location of a minimum of four (4) additional providers either outright or through future modification to the transmission tower.
4. **Setback.** Unless a waiver is granted pursuant to [subsection F](#), in all zoning districts, the transmission tower shall be setback at least a minimum distance equal to the height of the tower from all property and right-of-way lines.

5. **Buffering.** In all zoning districts, existing vegetation shall be preserved to the maximum extent possible. In all zoning districts, landscaping may be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility.
6. **Noise Reduction.** In the LDR, MDR, CSC, and HSC Districts, and in all other zoning districts when the adjacent property is zoned residentially or occupied by a dwelling, medical facility, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to forty-five (45) decibels. In all other locations, noise shall be regulated by applicable Township/County ordinances.
7. **Vibration.** Transmission towers shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
8. **Lighting.** Transmission towers shall not be artificially lighted except as required by the **Federal Aviation Administration (FAA)**. In cases where there are residential uses located within a distance which is three (3) times the height of the transmission tower from the transmission tower, and when required by Federal law, dual mode lighting shall be requested from the FAA.
9. **Color.** The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral matte/non-reflective colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the Planning Commission.
10. **Display.** No signs, striping, graphics, or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage (with emergency contact information) with a surface area of no more than three (3 ft²) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
11. **Fences.** An open-air fence, eight (8') feet in height, shall be constructed around the base of the tower and/or guy wires, unless specifically waived by the Planning Commission.
12. **Access.** Access to the site shall require driveway access which has fifteen (15') feet horizontal and twelve (12') feet vertical clearance of all obstacles and vegetation, except ground covers, a cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (this Section does not cover or require snow removal). A vehicle turnaround area shall be provided within one hundred (100') feet of the support structure capable of handling thirty (30') foot vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. The Township cannot be held responsible for non-maintenance of access.

F. **Waiver.**

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1. Any waiver to the requirements of this Section shall be granted only pursuant to the following provisions. The criteria for granting a waiver shall be limited to this Section.
2. The Planning Commission may grant a waiver from the provisions of **subsection E** providing the applicant demonstrates that:
 - a. It is technologically impossible (including propagation studies) to locate the proposed transmission tower on available sites more than one-half (½) mile from an existing transmission tower and still provide the approximate coverage the transmission tower is intended to provide;
 - b. Any existing transmission towers that are within one-half (½) mile of the proposed transmission tower cannot be modified to accommodate another provider; and
 - c. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the transmission tower is intended to provide.
3. The Planning Commission may grant a waiver to the setback of **subsection E.4** upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.
4. The Planning Commission may grant a waiver to the two hundred fifty (250') foot height limitation if the applicant shows, through written documentation provided by an engineer, that the proposed height is the minimum height needed to meet service needs and to accommodate future co-locations per **subsection E.3** above.
5. If the proposed transmission tower or ancillary facility requires a Special Use permit, a request for waiver shall be considered as part of the Special Use permit process. If the proposed transmission tower or ancillary facility is a permitted use, the request for a waiver shall be decided by the Planning Commission and shall be based on the criteria in this subsection.

G. Removal of Facilities.

1. All transmission towers, antennas, transmission tower substructures, and ancillary facilities shall be removed within six (6) months of the time that the facilities have ceased being used to transmit, receive, or relay voice and data signals to or from wireless communication devices. The responsibility to remove shall be borne by the owner and operator of the tower, antenna, substructure, or facility and by the real property owner upon which the tower, antenna, substructure, or facility is located. The site must be restored to the extent possible with appropriate landscaping to its pre-transmission transmission tower appearance. The Planning Commission may grant one (1), six (6) month extension where a written request has been filed within the initial six (6) month period to reuse the transmission tower or antennas.

2. The Planning Commission may require the posting of a performance guarantee pursuant to [Section 9.06](#) before Zoning Permit issuance to ensure removal of the transmission tower, substructure, or antennas after the facility no longer is being used.

H. Fees.

Notwithstanding any other provision of this Ordinance, the Planning Commission may require, as part of application fees for wireless communications facilities, an amount sufficient to recover all of the Township’s costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication expertise.

I. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right-of-way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the [Small Wireless Communications Deployment, 2018 PA 365](#), as amended. In such case, a utility pole in the ROW may not exceed forty (40’) feet above ground level without Special Use approval and a small cell wireless facility in the ROW shall not extend more than five (5’) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Special Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with [2018 PA 365](#), as amended, shall be subject to review and approval by the Planning Commission as a Special Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (30) day period.
 - (2) The running of the time period tolled under [subsection I.2.a.1](#) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the Special Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.

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- b. The Planning Commission shall base their review of the request on the standards contained in [Sections 5.07](#) and [Section 6.04](#); provided, however that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in [subsection 1.2.b](#), in the Planning Commission’s review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.14 Large Buildings

Notwithstanding any other provision in this Zoning Ordinance, any building or group of buildings with a combined gross floor area greater than twenty-five thousand (25,000 ft²) square feet and located on one (1) lot or on adjoining lots under one (1) ownership shall require a Special Use Permit in accordance with this Article, regardless of the use or uses or the zoning district in which the building or buildings are located.

Section 7.15 Condominium Subdivisions (including Site Condominiums)

It is recognized that Michigan statutes provide for the implementation of developments consisting of single-family detached residential dwelling units and sites through procedures other than those enabled by the [Land Division Act, 1967 PA 288](#), as amended. The intent of this Section is to provide procedures and standards for the review and approval or denial of single-family residential subdivisions implemented under the provisions of the [Condominium Act, 1978 PA 59](#), as amended, and to ensure that such developments are consistent and compatible with conventional single-family platted subdivisions and promote the orderly development of adjacent areas. It is not intended to allow commercial or industrial condominium projects.

A. Condominium Subdivision/Site Condominium.

A condominium subdivision/site condominium shall include any residential development within an agricultural or residential classification, complying with the provisions of the [Condominium Act \(Act 59 of 1978, as amended\)](#) consisting of one (1) or more detached single-family residential structures on a single parcel, with the exception that these provisions limiting condominium subdivisions to single-family detached structures shall not apply to condominium developments which are viewed and approved through [Section 7.16 Planned Unit Developments \(PUD\)](#).

B. Condominium Lots.

A condominium subdivision or site condominium plan shall be prepared to indicate specific parcel dimensions with front, rear, and side lot lines allocated to each condominium dwelling unit, referred to as “condominium lots”. The description, size, location, and arrangement of condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for exclusive use of the owners of the condominium subdivision units.

C. Standards.

Each condominium dwelling unit shall be located within a condominium lot. The minimum size of each lot, maximum size of the building(s), minimum yard setbacks, minimum building size, and maximum lot coverage shall comply with the regulations of the zoning district where it is located. Setbacks shall be as required in the particular zoning district. Condominium units must front on a public or private road meeting the construction and maintenance requirements of the [Crawford County Road](#)

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Commission; if adjoining a primary county road, landscaping must be provided to minimize noise and to protect outdoor living areas.

D. Fences and Landscaping.

All condominium developments shall comply with the fencing requirements of **Section 3.32**. Landscaping shall be provided in accordance with the approved plans, as set forth below.

E. Review and Approval.

All applicants for condominium developments, including so-called site condominiums, shall prepare and submit a site plan and are required to obtain site plan and Special Use approval as required by **Article 5** and **Article 6**.

1. Application.

- a. An application shall be filed for review as per the requirements of **Article 5** and **Article 6** of this Ordinance. All procedures and standards of **Article 5** and **Article 6** shall apply to site condominium projects.
- b. All condominium site plans shall include the information required in Section 66 of the **Condominium Act, 1978 PA 59**, as amended.
- c. The application shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the **County Register of Deeds** for review and approval by the Planning Commission.
- d. In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements, and building envelopes shall be shown on the site plan.

2. Deed Restrictions, Master Deed, By-Laws.

- a. The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township including, but not limited to, preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.
- b. Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

3. Performance Guarantees. As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 9.06**, to ensure completion of improvements shown upon the site plan.

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Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage, and sewers, and subject to easements to be dedicated to the Township.
5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:
 - a. A copy of the as-built site condominium plans.
 - b. A copy of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
 - c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 7.16 Planned Unit Developments (PUD)

A. Purpose.

The PUD is intended to permit flexibility in the regulation of land development, encourage innovation in land use, and allow a variety of design, layout, and type of structures. It is anticipated that the PUD will allow economy in the use of land, natural resources, energy, public services, and utilities. It should encourage the permanent establishment of open space and provide better housing, employment, and shopping opportunities for the residents and others. The PUD shall be designed to protect natural resources, health, safety, and welfare of the residents and users, those immediately adjacent thereto, and the community as a whole. It shall amount to a valid exercise of the police power, meet the intent and purposes of this Zoning Ordinance, be related to the land use or activity under consideration, and be designed to insure compliance with these standards.

B. Permitted and Accessory Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the design of the PUD.

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3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

C. General Provisions.

1. **Continuing Applicability of Information on Approved Site Plans.** The location of all buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning Ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD District or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in **Section 6.05**. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.
2. **Construction.** No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no building or Zoning Permit shall be issued for a PUD classification until the requirements of this Section have been met.
3. **Performance Guarantees.** Performance Guarantees shall be required for all public and common site improvements in developments and of all phased developments on a per phase basis.

D. Pre-Application Conference.

1. An applicant for a PUD shall attend a pre-application conference with the Planning Commission prior to filing an application for developing a PUD. The request shall be made to the Commission Chairman who shall set a date for the conference and shall inform the other Commission members of the conference and invite their attendance. The Commission Chairman shall also invite other Township officials who might have an interest in the proposed development or who might assist the Commission in the review process.
2. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.
3. Statements made in the conference shall not be legally binding commitments.

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E. Site Plan Requirements.

1. **Site Plan.** A site plan shall be submitted for approval for the overall development of the site and for each phase of development. Site plans shall be submitted and reviewed in accordance with and shall meet all provisions of [Article 5](#) and [Article 6](#).
2. **Other Information.** The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD. To that end, an impact assessment may be required to be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. If required, this document shall be prepared in narrative form, with such accompanying charts, graphs, maps, and/or tables as may prove necessary. Topics to be addressed shall include community impacts (e.g. additional traffic likely to be generated per twenty-four (24) hour period, directional distribution of trips generated by the proposed development, and additional police and fire service needs to be anticipated) and environmental impacts (e.g. soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

F. Site Plan: Administrative Review Procedure.

1. PUD site plans are reviewed according to the procedures in [Article 6: Special Use Approval](#). Applicants have the option of requesting a two-step approval procedure consisting of a preliminary site plan and a final site plan. Each step requires the approval procedure in [Article 6](#).
2. An application for a PUD shall be made by all of the owner(s) of record of the subject parcel. The applicant shall provide evidence of full or partial ownership of the land in a PUD or execution of a binding or conditional sales agreement, prior to receiving approval of the application and site plan by the Township Planning Commission.

G. Supplementary Development Standards and Regulations.

The following requirements expand upon and/or are in addition to the requirements detailed in [Section 5.07](#) and [Section 6.04](#).

1. **Flexibility of District Standards.** Minimum development standards set forth by the district in which the proposed PUD is located shall act as general guideline. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Planning Commission may permit specific departures from the requirements of the Zoning Ordinance.
2. **Minimum Parcel Size.**
 - a. All PUDs in the RD, AR, LDR and MDR Residential Districts shall be located on parcels of at least twenty (20) acres.

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- b. All PUDs in the CSC and HSC Commercial Districts and I Industrial District shall be located on parcels of at least ten (10) acres.
- c. The Planning Commission may approve a PUD on less acreage than stated in [subsections 2.a](#) and [2.b](#) above if it fits the purpose of this Section.

3. External and Internal Circulation and Access.

- a. As property is developed as a PUD (Planned Unit Development), a pathway system linking all principal residential, commercial, and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4') feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use. The Planning Commission may waive this requirement.
- b. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Any modifications of proposed public roads shall first be approved by the [County Road Commission](#).
- c. Public and private roads shall be designed and constructed according to established standards for public roads as established by the [County Road Commission](#). If private roads are to be dedicated to a public agency in the future, the applicants shall first agree to bear the full expense of making the roads suitable for public acceptance.

4. Open Space Regulations.

- a. A land, water, or land/water area constituting not less than twenty-five (25%) percent of the total (a) land area, or (b) land area plus no more than three hundred (300') feet into or no more than one-half (½) the width or distance across, a natural surface water area of the waterfront parcel shall be designed as permanent open space.
- b. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants, and users of the PUD and such open space shall be considered as an integral component of the overall Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential, commercial, or industrial) within the Planned Unit Development.

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- c. Buildings, parking lots, drives, and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
- d. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
- e. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
- f. The Planning Commission may require that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

5. Landscaping and Parking.

- a. The parking and loading requirements set forth in [Section 3.37](#) and [Section 3.38](#) shall apply except that the number of spaces required may be reduced if approved by the Commission as part of the site plan. Such reduction shall be based upon specific findings.
- b. [Section 3.33 \(Protective Screening\)](#) shall apply when a freestanding physical structure containing a commercial, office, or industrial use is located adjacent to a residential use.
- c. Any fenced storm water retention areas that are visible from an adjacent property or road shall be landscaped to screen them from view, unless it is an attractive and landscaped year-round pond that must be well maintained.

6. Facilities.

- a. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the [District Health Department](#).
- b. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted. Retention ponds for storm water runoff control in excess of that which is normal and natural prior to construction or development shall be required in accordance with the [County Drain Commissioner](#) or [Road Commission](#).
- c. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the site plan and shall be screened from view.
- d. Standard sidewalks and/or a system of streetlights may be required. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

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7. Site Design and Layout.

- a. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
- b. All principal buildings and all accessory buildings or structures shall be located at least one hundred (100') feet from any exterior public road right-of-way line, exterior private road, and/or exterior area to be platted.
- b. The outdoor storage of goods and materials shall be permitted in a PUD (Planned Unit Development) in accordance with the requirements of this Ordinance.

8. Legal Mechanisms to Ensure Facility and Open Space Maintenance.

- a. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Commission approves a final site plan or final plat.
- b. Where a Home Owners Association (HOA), an Association of Commercial Establishments (ACE), or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE, or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
 - (1) The HOA, ACE, or AIE shall be established before any building or structure in the PUD are sold or occupied.
 - (2) Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyers and for any successive buyers and shall be so specified in the covenants.
 - (3) Restrictions shall be permanent.
 - (4) The HOA, ACE, or AIE shall be made responsible for liability.
 - (5) Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

9. Project Phasing.

- a. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Commission when the site plan is submitted.

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- b. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

H. Standards of Review.

The Commission shall determine and shall provide evidence in its official record to the effect that the application, site plan, and supplementary informational materials submitted by the applicant meet the following standards (in addition to the standards in [Section 5.07](#) and [Section 6.04](#)):

1. The proposed development shall conform to the Township Master Plan or any part thereof, or represent land use policy, which, in the Commission’s opinion, is a logical and acceptable change in the Land Use Plan or land use policy.
2. The proposed development shall be adequately served by public facilities and services such as highways, roads, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
3. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system with open space and all other elements in appropriate locations and suitably related to each other, the site, and surrounding lands.
4. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities and that proper maintenance of such improvements is ensured.
5. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the surrounding area.
6. The mix of housing unit types and densities and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
7. The Commission shall determine, where applicable, that noise, odor, light, or other external effects, which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
8. The proposed development shall create a minimum disturbance to natural features and landforms.

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- 9. Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
- 10. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD where applicable.

I. Amendments to Site Plans.

The approved final site plan shall be maintained as a part of the permanent Township zoning records. The site plan may be amended in accordance with the process detailed in [Section 6.05](#).

J. Subdivision Plats.

The Commission shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion, such plat will result in premature development of the area involved or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools. All approved plats shall be recorded and maintained as a part of the permanent Township zoning records.

K. Extension of Time Limits.

Time limits set forth in [Section 6.07](#) may be extended upon showing a good cause and by written agreement between the applicant and the Commission.

L. Performance Guarantees.

Performance guarantees shall be provided in accordance with [Section 9.06](#).

M. Violations.

Violations shall be dealt with in the manner detailed in [Section 9.07](#).

Section 7.17 Sexually-Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of

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Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, State, or Federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be greater than five thousand (5,000 ft²) square feet.
- B. No sexually oriented business shall be established on a parcel within five hundred (500') feet of any residence, public or private school, church, public park, State-licensed child care facility, or residential zoning district.
- C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000') feet of any principal or accessory structure of another sexually-oriented business.
- D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsections B** and **C** above.
- E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- G. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
- H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type or include animated or flashing illumination.
- I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business and using lettering no less than two (2") inches in height that: 1) "persons under the age of 18 are not

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permitted to enter the premises,” and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”

- J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the [Americans With Disabilities Act](#);
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Shall have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Shall be illuminated such that a person of normal visual acuity looking into the booth, room, or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Shall have no holes or openings in any interior or exterior walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

Section 7.18 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act](#), the following regulations shall apply to biofuel production facilities:
 - 1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100’) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.

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- c. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires Special Use approval under **subsections A.3 to A.5**:
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **subsections A.1.a and A.1.b** but that does not meet the requirements of **subsection A.1.c**.
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b**.
 3. An application for Special Use approval for a biofuel production facility described in **subsection 2** shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969, 42 USC 4321 to 4347**, and the **Federal Water Pollution Control Act, 33 USC 1251 to 1387**.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2 and A.5**.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
 4. The Township shall hold a hearing on an application for Special Use approval not more than sixty (60) days after the application is filed.

5. Special Use approval of a biofuel production facility described in [subsection A.2](#) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, State, and Federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the [State of Michigan](#) and other Federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.
- B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.19 Medical Marihuana Primary Caregiver Facilities

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marihuana as authorized by the enactment of the [Michigan Medical Marihuana Act \(hereinafter referred to as the "MMMA"\), Initiated Law 1 of 2008](#), MCL 333.26423, et seq., and its administrative rules, R 333.101, et seq.

B. Regulations for Primary Caregivers.

The provision of medical marihuana primary caregiver services by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

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1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the **Michigan Department of Licensing and Regulatory Affairs** or any successor agency under the provisions of the **MMMA**.
2. Except when being transported as provided in **subsection 8** below, all marihuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marihuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.
3. If a room with windows within the primary caregiver facility is utilized to grow marihuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marihuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marihuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marihuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marihuana.

9. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
 - b. A notice that no dispensing or consumption of marihuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
12. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
 - a. Any church or place of worship and its accessory structures.
 - b. Any public or private school having a curriculum including kindergarten through twelfth grade and its accessory structures.
 - c. Any preschool, child care, or day care facility and its accessory structures.
 - d. Any public facility such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
13. The portion of the primary caregiver facility, including any room or area utilized to grow marihuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Township.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from Federal law.

Section 7.20 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream truck).
- B. A Zoning Permit is required for food truck. The property owner shall submit a plot plan pursuant to **Section 5.02**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) Zoning Permit is required for all of the food trucks on the property if the application for all proposed food trucks on the property is submitted at the same time. However, if additional food trucks are proposed after the initial approval, a new application shall be required.
- C. Food trucks may be placed as units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- D. Grease and liquid waste may not be disposed of in storm drains or on public roads.
- E. All areas within twenty (20') feet of the food truck shall be kept clean and free of debris.
- F. Food trucks shall be located at least one hundred (100') feet from the front door of any brick and mortar restaurant or outdoor dining area which is located on a different property unless the Planning Commission waives this requirement.

Section 7.21 Farm Markets/Roadside Stands

In the RD and AR District, each forest or farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced from that forest or farm in the course of its permitted forestry or agricultural activity. The stand shall be located and constructed to meet the following requirements:

- A. The structure shall not be more than one (1) story or twelve (12') feet in height.
- B. The floor area shall not be more than four hundred (400 ft²) square feet.
- C. The stand shall be located no closer than ten (10') feet from the nearest road right-of-way. In no case shall the stand occupy any part of the right-of-way.

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Section 7.22 Outdoor Kennels for Dogs

All dog kennels shall be operated in conformance with all applicable County, State, and Federal regulations.

- A. For dog kennels, the minimum lot size shall be twenty (20) acres for the first six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
- B. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than two hundred fifty (250') feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear, or side yard setback area.
- C. Such facilities shall be under the jurisdiction of the Planning Commission and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, and/or a five (5') foot high solid fence or berm for soundproofing and sanitary requirements.

Section 7.23 Commercial Event Facilities & Outdoor Performance Facilities

Commercial Event Facilities and Outdoor Performance Facilities shall comply with the following:

- 1. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.
- 2. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site" and at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may that may exist for a golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
- 3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located a minimum of five hundred (500') feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by **subsection 2** above. The Planning Commission has the authority to increase this minimum setback.
- 4. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based

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upon the specifics of the application. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.

5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, and shall be terminated by 10:00 PM. Enclosed buildings, tents, pavilions and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.
6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless such overnight occupancy is submitted as part of the site plan. Any Commercial Event Facility or Outdoor Performance Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
7. **Capacity.** No more than five hundred (500) persons are allowed at a Commercial Event Facility or Outdoor Performance Facility.
8. **Sanitary Facilities.** Adequate sanitary restroom facilities shall be provided on site, and the type and location of such facilities shall be subject to the approval of the Planning Commission.
9. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
10. **Ingress/Egress.** The site of the Commercial Event Facility or Outdoor Performance Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission in consultation with emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
11. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility or Outdoor Performance Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.
12. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.
13. **Submittal Requirements.**
 - a. In addition to the requirements in [Section 5.06](#), the site plan must show the area of event, parking, temporary structures, and sanitation facilities.
 - b. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for security, traffic and parking management, hours of operation, noise abatement, toilet facilities, and

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maximum number of guests. The plan shall also include a list of contacts for emergency situations.

- (1) Hours of operation must include setup and takedown times.
- (2) The event plan must provide expected maximum number of persons intended to use the property at one time and collectively including organizers, employees, vendors, exhibitors, and spectators/participants.
- (3) The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.
- (4) The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

Section 7.24 Forestry

Existing types of forestry and related forestry uses may continue and the same types of forestry may be established in new locations within the RD District on at least twenty (20) acres of contiguous land. However, only portable sawmills shall be allowed or used on the property to cut and dry logs obtained from the property; no permanent saw mills or saw mills cutting and drying logs received from other properties shall be allowed.

Section 7.25 Agricultural Businesses or Forestry Businesses

A forestry or agricultural business shall be buildings which provide services, goods, storage, transportation, or other activities directly related to the production of forest or agricultural commodities and are permitted in the AG and RD District with the following conditions:

- A. Minimum lot or parcel area shall be ten (10) acres and minimum road frontage shall be six hundred (600') feet, except as otherwise required for specific uses listed.
- B. Buildings and activities shall be located at least two hundred fifty (250') feet from all residential structures located on adjacent properties.
- C. Businesses shall meet the requirements of the State and County Health Departments for water supply, liquid, and solid waste disposal and other applicable health and sanitation requirements.

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Section 7.26 Dwelling Standards

All single-family dwellings shall comply with the following standards regardless of construction type:

- A. Single-family dwellings shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. Single-family dwellings shall have a minimum width across any front, side, or rear elevation of twenty (20') feet and comply in all respects with the [Michigan State Construction Code](#), including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the [Michigan State Construction Code](#), then and in that event, such Federal or State standard or regulation shall apply.
- C. Single-family dwellings shall be permanently attached to a permanent foundation constructed on the site in accordance with the [Michigan State Construction Code](#) and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the [Michigan Mobile Home Commission](#) and shall have a perimeter wall as required above.
- D. In the event that the dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall leave any exposed towing mechanism, undercarriage, or chassis.
- E. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the [District Health Department](#).
- F. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to at least ten (10%) percent of the square footage of the dwelling or one hundred (100 ft²) square feet, whichever shall be less.
- G. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this definition "single-family dwelling", as well as the character, design, and appearance of one (1) or more residential dwellings located outside of manufactured housing communities throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

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- H. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. The dwelling shall comply 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 **“Manufactured Home Construction and Safety Standards”** as promulgated by **the United States Department of Housing and Urban Development, being 24 CFR 3280**, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow loads and strength requirements.
- J. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable **State Construction Code** provisions and requirements.

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Article 8

Zoning Board of Appeals

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Section 8.01 Authority

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

Section 8.02 Membership

A. Regular Members.

The Board shall consist of three (3) members to be appointed by the Supervisor with the approval of the Township Board.

1. One (1) member is to be from the Planning Commission.
2. One (1) member may be a member of the Township Board.
3. One (1) member shall be appointed from the electors of the Township. If no Township Board member is on the ZBA as per subsection A.2, then two (2) members shall be appointed from the electors of the Township. Members appointed from the electors of the Township shall represent various interest present in the Township.
4. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

B. Alternates.

The Township Board may appoint no more than two (2) alternate members to the Zoning Board of Appeals who may sit as regular members when the regular member:

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1. is absent or unable to attend two (2) or more consecutive meetings; or
2. abstains from voting because of a conflict of interest; or
3. if the regular member has already voted on the case as a member of the Planning Commission.

The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

C. Officers.

The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. A member of the Township Board shall not serve as chairman.

D. Terms of Office.

The terms of office shall be three (3) years. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. Members serving because of their membership on the Planning Commission or Township Board terms shall be limited to the time they are members of the Planning Commission or Township Board.

E. Removal of ZBA Member.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.03 Operations

A. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.

B. Meeting Scheduling and Notice.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as the Board in its bylaws may specify. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in [Section 9.08](#).

C. Quorum.

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The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

D. Minutes.

Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, the record of the vote of each member, by name, of the Board, and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Board.

E. Majority Vote.

The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or official, or to decide in favor of the applicant upon any matter on which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to practical difficulties.

F. Rules of Procedure.

The Zoning Board of Appeals shall fix rules and regulations governing its procedures sitting as the Zoning Board of Appeals, including setting a time limit for appeals from administrative or other decisions. Said rules and regulations shall be made available to the public and shall be in conformance with the terms of this Zoning Ordinance and the [Michigan Zoning Enabling Act, 2006 PA 110](#).

Section 8.04 Procedures for Appealing to the Zoning Board of Appeals

A. Appeals, How Taken.

Appeals from the ruling of the Township Zoning Administrator or Planning Commission may be made, within thirty (30) days of said ruling, to the Zoning Board of Appeals in the following manner:

1. Not less than forty-five (45) days prior to the date of the requested hearing, the applicant shall submit the following:
 - A. Four (4) copies of a completed application describing the appeal and the reason(s) for the appeal.
 - B. Required fee.

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- C. Surveys, plans, and data or other information deemed reasonably necessary for making any informed decision on his or her appeal.
- 2. After determining the application is complete, the Zoning Administrator shall submit the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.

B. Who May Appeal.

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the Township, County, State, Federal or other legally constituted form of government. In addition, when acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54 leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.

C. Effect of Appeal (Stay).

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed, that by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

D. Hearing by the Zoning Board of Appeals.

When a request for appeal has been filed in proper form with the Zoning Board of Appeals, the Chairperson shall immediately place the said request for appeal upon the calendar for hearing and cause notice, stating the time, place, and object of the hearing, to be published/distributed pursuant to [Section 9.08](#).

E. Representation at Hearing.

During a hearing, any party or parties may appear in person, by agent or by attorney. The Zoning Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.

F. Decisions of Zoning Board of Appeals.

- 1. **Final Decision.** The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or

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determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

2. **Conditions.** In hearing and deciding an appeal, the Zoning Board of Appeals may impose and attach such conditions, restrictions, and requirements as it shall determine are necessary and/or appropriate. Such conditions, restrictions, and requirements may impose greater or more restrictive conditions, restrictions, and requirements than are included in the Ordinance. Violations of such conditions, restrictions, or requirements may include the provision of financial security to guarantee performance. No appeal shall be available from a Special Use or Planned Unit Development decision of the Township Planning Commission. An appeal of such latter decision shall be made directly to the Crawford County Circuit Court.

Section 8.05 Jurisdiction & Powers

- A. The Zoning Board of Appeals shall have all powers and jurisdiction granted by the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance and the following specific powers and jurisdiction:
 1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination as in its opinion ought to be done, and to that end it 1) shall have all the powers of the Zoning Administrator or Planning Commission; and 2) may issue or direct the issuance of a permit.
 2. The Zoning Board of Appeals may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or Planning Commission.
 3. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the terms and provisions of the Ordinance and Zoning Map.
 4. The jurisdiction and power to authorize, upon appeal, a non-use variance, such as a dimensional variance, of this Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done as provided for in [Section 8.06](#).
- B. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Uses and Planned Unit Developments.

Section 8.06 Variances

The ZBA may grant non-use variances when the applicant demonstrates, in the official record of the hearing, that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship.
- B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 8.07 Voiding of & Reapplication for Variances

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance.
- B. No application for a variance which has been denied, wholly or in part, by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

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Article 9 Administration & Enforcement

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Section 9.01 Administration

A. Purposes.

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of this Ordinance, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators, and enforcement of the provisions of this Ordinance and any amendments to it.

B. Administration.

The provisions of this Ordinance shall be administered by the Planning Commission and such personnel as designated by the Township Board of Trustees in accordance with **2006 PA 110, Michigan Zoning Enabling Act**, as amended, and this Zoning Ordinance. The Planning Commission shall schedule at least four (4) regularly scheduled meetings each year, to be published once in a newspaper of general circulation within the Township within fifteen (15) days of determination, in addition to the notice requirements for public hearings. Meetings shall comply with the **Open Meetings Act, 1976 PA 267**.

Section 9.02 Zoning Administrator

The Township Board of Trustees shall employ a Zoning Administrator who shall act as the officer to carry out the administration and enforcement of this Ordinance. The person selected, the terms of employment, and the rate of compensation shall be established by the Township Board of Trustees. Duties of the Zoning Administrator include the following:

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- A. The Zoning Administrator shall receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and approve issuance of the permit if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission, and the Zoning Board of Appeals in the processing and administering of all zoning appeals, variances, Special Use permits, site plan reviews, Planned Unit Developments, and amendments to the Zoning Ordinance.
- C. The Township Clerk, with the assistance of the Zoning Administrator, shall be responsible to update the official Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Planning Commission a written record of all Zoning Permits issued during each month. The record shall state the owner's name location of property, intended use, and estimated cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.

Section 9.03 Zoning Permits

A. Zoning Permit Requirements.

A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator by the owner or designated agent subject to the following conditions:

- 1. Prior to the issuance of any building permit in the Township, it shall be necessary for any applicant for a building permit to first apply for and obtain a Zoning Permit from the Zoning Administrator in accordance with the provisions of this Zoning Ordinance. The County Building Department shall notify the Township Zoning Administrator before issuing a temporary electric service permit.
- 2. In addition to matters requiring Zoning Permits under the terms of this Ordinance, the construction, enlargement, alteration or moving of any dwelling, building, or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public, or semi-public purposes shall require a Zoning Permit. All accessory buildings and permanently affixed signs shall require a Zoning Permit.
- 3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, or area of a building shall not require a Zoning Permit.

B. Application for a Zoning Permit.

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator which shall include the information listed in [Section 5.02](#) for Plot Plans and [Section 5.06](#)

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for site plans. Appropriate fees shall be paid pursuant to [Section 9.05](#).

C. Voiding of Permit.

Any Zoning Permit granted under this Article shall be null and void unless a building permit is obtained and construction shall have commenced within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one (1) year period before violation or termination of the Zoning Permit is actually declared. Prior to the expiration of a Zoning Permit, an applicant may make application to the Zoning Administrator for a one (1) year extension of the Zoning Permit. The Zoning Administrator shall grant the requested extension for an additional one (1) year if he/she finds good cause for the extension and that the zoning regulations governing the district have not changed since the approval.

The Zoning Administrator may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his/her/its agent or in violation of any of the ordinances or regulations of the Township.

D. Permit to be Issued.

Whenever the buildings, structures, and uses set forth in any application are in conformance with the provisions of the Ordinance, are approved by the Planning Commission, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. In any case where a permit is refused, the reasons shall be stated in writing to the applicant. The Zoning Administrator shall not refuse to issue a permit when the procedures, standards, and/or conditions imposed by this Ordinance are complied with by the applicant, despite violations of contracts, covenants, deed restrictions, or other private agreements which may occur upon the granting of said permits.

E. Failure to Obtain a Zoning Permit.

1. Any person who fails to obtain any necessary Zoning Permit shall be subject to [Section 9.07 \(Violations\)](#) unless a Permit After-the-Fact is obtained pursuant to [subsection 2](#) below.
2. **Permit After-the-Fact.** Any building erected, relocated, or altered which requires a Zoning Permit from the Township which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit is the same as a standard permit, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to Zoning Permits, site plans, variances, rezoning, and Special Use permits. Additional engineering may be requested by the Township and will be paid in full by the applicant. The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating this Ordinance may also be issued for any project which does not abide by this Ordinance.

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Section 9.04 Inspection

- A. The construction or usage affected by any Zoning Permit shall be subject to the following inspections:
 - 1. At time of staking out of building foundation or location of structure.
 - 2. Upon completion of the construction authorized by the permit.
- B. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance.
- C. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed or is in violation of any provision of this Ordinance or any other applicable law, the Zoning Administrator shall so notify, in writing, the holder of the permit or their agent. Further construction shall be stayed until correction of the defects set forth have been accomplished, and upon notice and request for re-inspection by the applicant, those inspections have been completed and compliance certified by the Zoning Administrator.
- D. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the permit holder of notice of cancellation thereof, and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.
- E. All sub-grade improvements such as utilities and sub-base and base installations for drives, parking lots, and similar improvements, shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Commission, in writing, when a development for which a final site plan was approved does not pass inspection with respect to the approved final site plan and shall advise the Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Commission of progress towards compliance with the approved final site plan and when compliance is achieved. The fee schedule established by the Township Board of Trustees shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the inspections of such projects as required under the provisions of this Ordinance.

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Section 9.05 Fees

- A. The Township Board of Trustees shall establish, by resolution, a schedule of fees, charges, and expenses for Zoning Permits, appeals, and other matters pertaining to this Ordinance and shall establish a collection procedure for said fees. The schedule of fees shall be available in the Zoning Administrator's Office and may be altered or amended only by Township Board of Trustees resolution. No permit, certificate, Special Use approval, or variance shall be issued until such costs, charges, fees, or expenses required by this Ordinance and the Township Board schedule have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals until preliminary charges and fees have been paid in full.

- B. Fees for issuance of permits or certificates required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application or issuance of any permit. The amount of such fees shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include all costs associated with conducting a public hearing or inspection, including newspaper notice(s), postage, photocopying, mileage, and any costs associated with reviews by qualified professional planners, engineers, or attorneys along with time spent by staff, Planning Commission, Board of Trustees, and/or Zoning Board of Appeals. Such fees may be collected in escrow with any remaining balance returned to the applicant according to the procedure described below.

- C. For any application for approval of a site plan, Special Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator, the Planning Commission, or the Zoning Board of Appeals may require the deposit of fees be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, more than ten thousand (10,000 ft²) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator, Planning Commission, or the Zoning Board of Appeals, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties, and because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made.

- D. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Zoning Administrator, Planning Commission, the Zoning Board of Appeals, or Township Board of Trustees request to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety, or the general welfare. Mitigation measures or alterations to a proposed design may be required where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.

- E. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Zoning Administrator in the amount of the cost of the services to be rendered by the professionals contracted by the Zoning Administrator. The applicant is

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entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

- F. If actual and reasonable professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.

Section 9.06 Performance Guarantee

- A. In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and utility systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, returning the site to a safe and healthy condition, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the completed development or each phase of a multi-phase development in the following manner:
 - 1. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
 - 2. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
 - 3. The balance at the completion of the public and site improvements.
- B. Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

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Section 9.07 Violations

Any building or structure which is erected, constructed, reconstructed, altered, converted, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

A. Enforcement.

1. The Township Board, upon recommendation of the Zoning Administrator, may institute injunction, mandamus, abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove any unlawful erection, construction, maintenance, or use of land, buildings, or structures. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
2. Any person who violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether an owner (by deed or land contract), lessee, licensee, agency, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

B. Enforcement Procedure.

1. Any violation of this Ordinance is a municipal civil infraction as defined by Michigan statutes and shall be punishable by a civil fine determined in accordance with the following schedule:

First offense	\$75.00
Second offense	\$150.00
Third offense	\$325.00
Fourth or add'l offenses	\$500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which Beaver Creek Township has incurred in connection with the municipal civil infraction.

2. Any violation of this Ordinance shall immediately constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and to enforce the provisions thereof, as an alternative to or in addition to the above municipal civil infraction procedure.

Section 9.08 Public Notification

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, MCL 125.3101 et. seq. and the other provisions of this Section with regard to public notification.

A. Published Notice.

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, and mailed or delivered as provided in this Section.

B. Content.

All mail, personal and newspaper notices for public hearings shall:

1. **Describe the Nature of the Request.** Identify whether the request is for a rezoning, text amendment, Special Use, Planned Unit Development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to 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, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** 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. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled Access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in **Section 9.08.C.2** and **Section 9.08.C.3** below, notices for all public hearings shall be given as follows:

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- a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) 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.
2. Newspaper publication as required in [Section 9.08.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
 3. For ordinance interpretations and issues that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [Section 9.08.C.1](#) above
 4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare and retain a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
 5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Township to receive written notice of all public hearings. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.

- b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.09 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 9.10 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those 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. Any conditions imposed, however, shall meet all of the following requirements:

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

Section 9.11 Rehearing Process

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

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2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The Township attorney by written opinion states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

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Section 9.12 Action Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

Type of Action	Parties who may initiate action	Body making decision	Public hearing required	Published notice – number of days prior to hearing	Mailed notice to all property owners within 300 feet - days prior to hearing	Body to which applicant may appeal a denial	
Single-family detached and two-family dwellings; accessory structures; fences; signs; food trucks; transient uses(see §5.01)	Applicant	ZA	No	n/a	n/a	ZBA	
Site Plan Approval	Applicant	PC	No	n/a	n/a	ZBA	
Special Use Permit/PUD	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Appeal from a decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court	
Map Amendment (Rezoning) or Text Amendment	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision	
		Step 2: Crawford County Planning Commission reviews amendment & provides comment (30 days)					
		Step 3: TB	No	n/a	n/a	n/a	
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect on the 8th day after publication.					
Zoning Ordinance Enforcement	ZA	n/a	n/a	n/a	n/a	ZBA	

ZA = Zoning Administrator PC = Planning Commission
TB = Township Board ZBA = Zoning Board of Appeals

Article 10

Adoption & Amendments

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Section 10.01 Authority to Amend the Zoning Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Beaver Creek Township Zoning Map maybe amended, supplemented, or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 10.02 Amendment Procedures

The procedure for making amendments to this Ordinance shall be in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

- A. **Filing an Application.**
 - 1. A signed application for amendment and fee shall be submitted to the Zoning Administrator. No part of any fee shall be returnable to an applicant if the public hearing is held. Such application shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the public hearing will be held.
 - 2. **Information Required.** The applicant shall submit a detailed description of the requested amendment to the Zoning Administrator. When the petition involves a change in the Zoning Map, the applicant shall submit the following information:
 - a. A legal description of the property.

- b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The name and address of the petitioner.
 - d. The petitioner's interest in the property and, if the applicant is not the property owner, the name, address, and signature of the property owner.
 - e. Date of filing with the Township Clerk.
 - f. Signature(s) of applicant and all property owner(s) certifying the accuracy of the required information.
 - g. The desired change and reasons for such change.
3. The Zoning Administrator transmits application to the Planning Commission, which sets a public hearing date and publishes and gives notices of the public hearing pursuant to [Section 9.08](#).

B. Planning Commission Action.

- 1. The Planning Commission holds the public hearing.
- 2. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
- 3. **Findings of Fact Required.** In reviewing any petition for a zoning amendment, the Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its recommendations for disposition of the application and a summary of the comments received at the Public Hearing, to the Township Board of Trustees. The facts to be considered by the Commission shall include, but not be limited to, the following:
 - a. Is the requested amendment in compliance with the Township Master Plan?
 - b. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
 - c. The precedents and the possible effects of such precedents which might likely result from approval or denial of the petition.
 - d. The capability of the Township or other government agencies that must provide any services, facilities, and/or programs that might be required if the petition were approved.

- e. Effect of approval of the petition on adopted development policies of the Township and other government units.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board of Trustees. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort, and convenience of the citizens of the Township, or of other civil divisions where applicable.

- 4. **Rezoning Standards.** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - a. Is the proposed rezoning consistent with the Township Master Plan?
 - b. Is the proposed rezoning reasonably consistent with surrounding uses?
 - c. Will there be an adverse physical impact on surrounding properties?
 - d. Will there be an adverse effect on property values in the adjacent area?
 - e. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
 - g. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - h. Is the site served by adequate public facilities or is the applicant able to provide them?
- 5. **Submission to County Planning Commission.** Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the proposed amendment by the County, it shall be conclusively presumed that the County has waived its right for review.
- 6. **Submission to Township Board.** The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

C. Township Board Action.

- 1. **Additional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which

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circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment or refer back to the Planning Commission for further review as prescribed in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

2. If the Township Board considers changes to the proposed amendment, it shall refer the changes to the Township Planning Commission for a report within the time specified in the referral, before enacting the proposed amendment with or without further changes or denying it.
3. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth (8th) day after publication or at a later date as may be specified by the Township Board at the time of adoption.

D. Resubmittal.

No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Zoning Administrator or Planning Commission to be valid.

Section 10.03 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

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3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in [Section 9.08](#) of this Ordinance and consideration of the factors set forth in [Section 10.02.B.4](#) (except 10.02.B.4.g) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the Crawford County Planning Commission as specified in [Section 10.02.B.5](#) for not more than a thirty (30) day review period, according to the provisions of Section 307 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

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1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the **Crawford County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate, by attachment or reference, any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as

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modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the issuance of a Zoning Permit and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under [subsection H](#) above, then the land shall automatically revert to its former zoning classification with no further action from the Township Board.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to [subsection I](#) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the [County Register of Deeds](#) that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to [subsection H](#) above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

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2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.04 Severability

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 hereof, other than the part so declared to be unconstitutional or invalid.

Section 10.05 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Beaver Creek Township Zoning Ordinance in its entirety.
- B. The repeal of any Beaver Creek Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, liabilities incurred there under, or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 10.06 Enactment & Effective Date

- A. This Ordinance was adopted on February 10, 2021 by the Beaver Creek Township Board of Trustees and will be effective March 4, 2021. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on September 1, 2020 and then the Township Board on February 10, 2021.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions published within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

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I hereby certify that the above Ordinance was adopted by the Beaver Creek Township Board at a regular meeting held on February 10, 2021.

Beaver Creek Township Clerk

Beaver Creek Township Supervisor

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